

# Ribble Valley Borough Council



## Application for the Modification or Discharge of Planning Obligations

Town and Country Planning Act 1990 (Section 106A)  
Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

### FOR OFFICE USE ONLY

APPLICATION NO:	<b>PLEASE READ ACCOMPANYING GUIDANCE NOTES FIRST AND COMPLETE IN BLOCK LETTERS</b>
DATE RECEIVED:	
FEE PAID (AMOUNT): (DATE):	
RECEIPT NO:	
<b>PLANNING APPLICATION FORMS ARE PUBLIC DOCUMENTS AND ALL INFORMATION CONTAINED ON THEM WILL BE PLACED ON DEPOSIT FOR PUBLIC INSPECTION, BOTH IN THE COUNCIL OFFICES, AND ON A WEBSITE</b>	
1a Name and Address of Applicant	1b Name and Address of Agent (if any)
Abbie Regan	
Persimmon Homes, Persimmon House, Lancaster	
Business Park, Caton Road, Lancaster, LA1 3RQ	
contact	Name for
Tel No: [REDACTED]	Tel No:
2. Address of the Site*	
Land off Hawthorne Farm, Hawthorne Place,	
Clitheroe	
3. Description of Planning Obligation** - please give sufficient information to enable the identification of the Planning Obligation you wish to modify or Discharge	
S106 dated 20th December 2021 associated with full planning permission 3/2019/1104	


**4. Please state why you are applying for the modification or discharge of the planning obligation identified above.**

Modification to the S106 for Hawthorne farm is needed as there has been a discrepancy regarding the over 55's accommodation. The S106 has mistakenly stated on 2.2.2 of Schedule 2 "5 (five) of the Over 55 Accommodation Units (which shall be a Market Dwelling) shall comprise 3 bedroom Bungalows to be constructed on plots 29, 30, 31, 47 and 48 as shown on Plan 2." However, the layout that was approved alongside this S106 did not have bungalows shown on these plots, it had the Danbury house type and the house type plans were submitted to clearly show a 2 story house on plots 29, 30, 31, 47 and 48. This discrepancy should be corrected so that it clearly states that "5 (five) of the Over 55 Accommodation Units (which shall be Market Dwellings) shall comprise 3 bedroom Dwellings to be constructed on plots 29, 30, 31, 47 and 48 as shown on Plan 2", this will now correlate with the approved layout. The provision and position of bungalows on the site was explicit in the application and committee report. This is merely a drafting error within the s106 agreement.

To comply with the layout, section 2.3 needs amended to remove the previously stated 'over 55 units shall each provide a principle bedroom and bathroom at ground floor, in addition to and without compromising kitch/dining and living room provision'. As these house types are two story the primary bedroom and bathroom are on the first floor. The Danbury House Type is designed to be compliant with, and will be built to meet the requirements of Part M4(2) of the building regulations.

**5. Please provide any additional information that you consider relevant to the determination of this application.**

1.1 The definition of "Over 55 Accommodation" shall be deleted and replaced with the following:

"Over 55 Accommodation" means a Dwelling that shall not be Occupied by a person under the age of 55 years (except that in circumstances of a married couple or civil partnership at least one person in the married couple or civil partnership is not less than 55 years of age) and the unit of accommodation shall be designed to meet Nationally Described Space Standards and the internal arrangements of the unit of accommodation/dwelling shall accord with the specifications and requirements of category 2 housing as defined in M4(2) of Approved Document M (volume 1 2015) of the Building Regulations 2010 (or any subsequent revisions)."

1.2 Paragraph 2.2.2 of Part 2 of Schedule 2 shall be deleted and replaced with the following:

"5 (five) of the Over 55 Accommodation Units (which shall be Market Dwellings) shall comprise 3 bedroom Dwellings to be constructed on plots 29, 30, 31, 47 and 48 as shown on Plan 2." See above for more clarification


1.3 Paragraph 2.3 of Part 2 of Schedule 2 shall be deleted and replaced with the following:"The Over 55 Accommodation Units shall be designed to meet Nationally Described Space Standards and the internal and external arrangements of the unit of accommodation shall accord with the specifications and requirements of category 2 housing as defined in M4(2) of Approved Document M (volume 1 2015) of The Building Regulations 2010 (or any subsequent provisions)." See above for more clarification on this point

**6. Please state the nature of the applicant's interest in the land.**

**7. Declaration TO BE COMPLETED BY ALL APPLICANTS**

I / We hereby apply for the modification or discharge of a planning obligation under Section 106A of the Town and Country Act 1990 in accordance with the details above, and the submitted plan(s) and documents.

I / We have completed an ownership certificate (either certificate A, B C or D as appropriate) and attached it to this application.

Signed  .....

On behalf   
(insert applicant's name if signed by agent)

Date 27/10/22

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## Check List

Please check that you have enclosed the following:

- 1 copy of the completed application form, each signed and dated.
- 1 copy of the location plan of the land. Scale 1:2500 ordnance survey extract.
- ONE copy of the completed certificate concerning notice to persons affected by the obligation.
- Copy of planning obligation.
- Requisite planning fee £460 (from 1<sup>st</sup> April 2022). Please note there will be a separate charge from our Legal Services Department. To discuss the legal fee, please telephone 01200 425111 and ask for the Legal Services Department.

## Notes

- The applications may be made only by a person against whom the planning obligation is enforceable.
- A period of 5 years must have expired beginning with the date upon which the planning obligation was entered into.
- A proposed modification of a planning obligation may not impose an obligation on any other person against whom the obligation is enforceable.
- You must give notice of this application to any person against whom, on the day 21 days before the date of the application, the planning obligation is enforceable and whose name and address is known to the applicant.
- If you do not have this information you must take reasonable steps to ascertain the name and address of every such person. If you are unable to ascertain this information you must, during the 21 day period immediately preceding the application, publish notice (in a prescribed form obtainable from the Local Planning Authority) in a local newspaper circulating in the locality of the land to which the application relates.

## Notes to Assist Completing the Application Form

- \* **Address of the Site:** Describe precisely the location of the land to which this application relates and attached 4 copies of an Ordnance Survey based plan showing the boundary of the land in red.
- \*\* **Description of Planning Obligation:** Please give sufficient information to enable the planning authority to identify the planning obligation which the applicant wishes to have modified or discharged.

## **Notes to Assist Completing the Certificate and Notice**

An application for the modification or discharge of a planning obligation shall be accompanied by a certificate; either Certificate A, B or C.

**Certificate A** – to be completed where on the day 21 days before the date of the accompanying application the planning obligation to which the application relates was enforceable against nobody other than the applicant.

**Certificate B** – to be completed where the applicant gives **notice** of the application to any person (other than the applicant) against whom, 21 days before the date of the application, the planning obligation to which the application relates was enforceable; ***and whose name and address is known to the applicant.***

**Certificate C** – to be completed where the applicant needs to give notice of the application to any person (other than the applicant) against whom, 21 days before the date of the application, the planning obligation to which the application relates was enforceable; ***but where the names and addresses of all such persons are NOT known to the applicant after he/she has taken reasonable steps to ascertain the information.*** The applicant shall during the 21 day period immediately preceding the application, publish notice of the application in a local newspaper.

**PLEASE SUBMIT ONE COPY OF THIS FORM, PLANS AND ALL ACCOMPANYING DOCUMENTS.**

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CERTIFICATE UNDER REGULATION 4

**CERTIFICATE A**

I certify that:

1. On the day 21 days before the date of the accompanying application the planning obligation to which the application relates was enforceable against nobody other than the applicant.

SIGNED  DATE 28/04/23

\*On behalf of Persimmon Homes Lancashire

**CERTIFICATE B**

I certify that:

1. \*I have / The applicant has given the required notice to everyone else against whom, on the day 21 days before the date of the accompanying application the planning obligation to which the application relates was enforceable, as listed below:

Name of person on Address at which Date on which whom notice served notice was served  
notice was served

SIGNED \_\_\_\_\_ DATE \_\_\_\_\_

On behalf of \_\_\_\_\_

**NOTES**

\* Delete where inappropriate

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CERTIFICATE UNDER REGULATION 4

**CERTIFICATE C**

I certify that:

1. I / The applicant \* cannot complete a Certificate A or B in respect of the accompanying application;
  
2. I have / the applicant has\* given notice to the persons listed below, being persons against who, on the day 21 days before the date of the accompanying application the planning obligation to which the application relates was enforceable.

Name of person on	Address at which	Date on which	whom notice served
			notice was served

1. I have / The applicant has\* taken reasonable steps to ascertain the name and address of every person whom, on the day 21 days before the date of the accompanying application, the planning obligation to which the application relates was enforceable and who has not been given notice of the application: These steps were as follows:
  - (a)

Notice of the application, as attached to this application has been published on the

- (b)

In the (c)	
SIGNED	DATE
_____	_____

On behalf of \_\_\_\_\_

**NOTES**

\* Delete where inappropriate

(a) description of steps taken (b) date of publication (c)

name of newspaper in which the notice was published

s106A – cert C

*SERVE ON INDIVIDUAL(S) BY APPLICANT*

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Notice of an Application to Modify or Discharge a Planning Obligation

I give notice that (a)

.....  
Is applying to RIBBLE VALLEY BOROUGH COUNCIL to modify/discharge \* the planning obligation described below:

PLANNING OBLIGATION

Obligation description: (b)

.....  
.....  
.....

Address of site: (c)

.....  
.....

Obligation date: (d)

.....

Any person against whom the planning obligation is enforceable who wishes to make representations about this application should make them in writing to the Building and Development Control Manager, Ribble Valley Borough Council, Council Offices, Church Walk, CLITHEROE, Lancashire, BB7 2RA by:

(e)

.....

SIGNED DATE

.....

\*On behalf of

.....

**NOTES**

- (a) Insert name of applicant.
- (b) Insert a brief description of the planning obligation which the applicant wishes to modify or discharge.
- (c) Insert address or location of land to which the planning obligation relates.
- (d) Insert date that the obligation was entered into.
- (e) Insert giving a period of 21 days beginning with the date of service of this notice.

\* Delete where inappropriate.

s106A Notice

*TO BE PUBLISHED IN A NEWSPAPER BY APPLICANT*

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**PLANNING OBLIGATION**

Obligation description: (b)

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.....

Address of site: (c)

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Obligation date: (d)

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Any person against whom the planning obligation is enforceable who wishes to make representations about this application should make them in writing to the Building and Development Control Manager, Ribble Valley Borough Council, Council Offices, Church Walk, CLITHEROE, Lancashire, BB7 2RA by:

(e)

-----  
**SIGNED**

**DATE**  
-----

\*On behalf of  
-----

**NOTES**

- (a) Insert name of applicant.
- (b) Insert a brief description of the planning obligation which the applicant wishes to modify or discharge.
- (c) Insert address or location of land to which the planning obligation relates.
- (d) Insert date that the obligation was entered into.
- (e) Insert giving a period of 21 days beginning with the date of service of this notice.

\* Delete where inappropriate.

s106A Notice - press