


Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	SK	Date:	02.06.25	Manager:	LH	Date:	03.6.25
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Application Ref:	2024/0571			 Ribble Valley Borough Council <small>www.ribblevalley.gov.uk</small>
Date Inspected:	N/A	Site Notice:	N/A	
Officer:	Stephen Kilmartin			
DELEGATED ITEM FILE REPORT:				Variation S.106 APPROVAL

Development Description:	Proposed modification of S106 Agreement dated 15 October 2013 relating to planning permission 3/2013/0137 to remove the need to reserve land for a school site.
Site Address/Location:	Land to the east of Clitheroe Road (Lawsonsteads) Whalley

CONSULTATIONS:	Parish/Town Council
<p>Whalley parish Council have objected to the proposal offering the following observations:</p> <p><i>Whalley Parish Council formally object to the proposed modification of the S106 agreement dated 15 October 2013, concerning planning permission 3/2013/0137, which seeks to remove the requirement to reserve land for a school site.</i></p> <p><i>Firstly, we wish to express our dissatisfaction regarding the manner in which the original S106 agreement was drawn up and handled. The provision of land for a school was a critical component of the planning permission, reflecting the community's needs and future growth projections. The Parish Council is deeply concerned that this provision is now being reconsidered without adequate justification.</i></p> <p><i>It is important to address why the site has not yet been delivered and enforced as an educational facility. The community was assured that this land would be set aside specifically to accommodate a new school, essential for addressing the current shortage of school places in the area. The delay in delivering this site raises significant concerns about the commitment to fulfilling the educational needs of our growing population.</i></p> <p><i>The Parish Council strongly believes that the land should remain available for the development of a school and believes there is a clear need for additional school places in our community, and removing this reserved land from the agreement would only exacerbate the existing insufficiencies in our educational infrastructure. The original S106 agreement recognised this need, and it is crucial that this land continues to be preserved for its intended purpose.</i></p> <p><i>We urge the Planning Department to reconsider the proposed modification and to retain the requirement for reserving land for a school site. Ensuring that this land remains available for educational use is vital for the future of our community and the well-being of our children.</i></p> <p><i>We would appreciate a response detailing the reasons behind the proposed modification and the steps being taken to address the shortfall in school places that this change would cause. We also request that our objections be taken into full consideration during the review process.</i></p>	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
N/A:	
N/A:	

CONSULTATIONS:	Additional Representations.
No representations received in respect of the proposal.	
RELEVANT POLICIES AND SITE PLANNING HISTORY:	
<p>Ribble Valley Core Strategy:</p> <p>Ribble Valley Core Strategy:</p> <p>Key Statement DS1: Development Strategy Key Statement DS2: Sustainable Development Key Statement DMI1: Planning Obligations Key Statement DMI2: Transport Considerations</p> <p>Policy DMG2: Strategic Considerations</p> <p>National Planning Policy Framework (NPPF)</p>	
<p>Relevant Planning History:</p> <p>3/2013/0137: A residential mixed-use development comprising up to 260 dwellings (C3), a primary school (D1), a new vehicular link between Clitheroe Road and the A671 including creation of a new junction both onto the A671 and Clitheroe Road, car parking, open space and associated landscaping. (Outline permission – approved)</p>	
ASSESSMENT OF PROPOSED DEVELOPMENT:	
<p>Proposed Development for which consent is sought:</p> <p>The application seeks consent to vary the s106 agreement related to outline planning permission 3/2013/0317 with the application seeking to release the applicant from the obligation to provide and reserve ‘Primary School Land’ as required by Paragraph 3 of the Fourth Schedule of the agreement.</p>	
<p>Assessment of Proposed Development:</p> <p>The application seeks to vary the s106 agreement related to outline planning permission 3/2013/0317 with the application seeking to release the applicant from the obligation to provide and reserve ‘Primary School Land’ as required by Paragraph 3 of the Fourth Schedule of the agreement.</p> <p>In respect of the proposed variation, the Local Educational Authority have confirmed that there is no longer the need to reserve a primary school site to provide additional educational provision to mitigate the impact(s) of the development. However, educational contributions required by the agreement remain applicable at this stage.</p>	
<p>Observations/Consideration of Matters Raised/Conclusion:</p> <p>As such, for the above reasons and having regard to all material considerations and matters raised that the application to vary the Section 106 agreement pursuant to outline planning permission 3/2013/0137 be approved.</p>	
RECOMMENDATION:	

That the variation to the S.106 agreement be approved.