

20th August 2025

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Our ref: EP1842
Your ref:

Dear Sirs

APPLICATION TO MODIFY THE SECTION 106 AGREEMENT ATTACHED TO PLANNING PERMISSION 3/2019/1104 AT LAND OFF HAWTHORNE FARM, HAWTHORNE PLACE, CLITHEROE, BB7 2HU

Edgeplan are instructed by our client, behalf of our client Persimmon Homes, to modify the Agreement made under Section 106 of the Town and Country Planning Act 1990 which is attached to planning permission 3/2019/1104 for the erection of 58 dwellings (including 30% affordable) with open space, infrastructure and associated works on land Hawthorne Farm, Hawthorne Place, Clitheroe.

The application comprises the following information in accordance with the Council's validation Checklist:

- Application form and ownership certificate
- Location plan
- Original Section 106 Agreement dated 20th December 2021
- Proposed draft Deed of Variation

It is requested that the terms of the Over 55 occupancy restriction are modified so that the 'step out' clause which is available to Persimmon Homes after practical completion of Market Over 55 Accommodation is extended and made available to future owners. This will mean that future owners do not face the risk of being unable to re-sell the property without losing money. Several mortgage lenders have also raised the same concern. It is not necessary, or proposed, to remove the Over 55 occupancy restriction however as the interested purchasers meet the qualifying age requirement.

Proposed Modification

The application concerns the provisions of Paragraph 2.7 of Part 2 of Schedule 2 of the Original Section 106 Agreement which relates to the delivery and occupation of the 'Market Over 55 Accommodation Units'.

The following modifications are therefore proposed in this application:

1.1 From the date of this Deed:

- (a) Paragraph 2.7 of Part 2 of Schedule 2 shall be deleted in its entirety and the following clause substituted:

“2.7. In the event that despite the proper marketing of the Market Over 55 Accommodation Units no sale of the Market Over 55 Accommodation Unit has been effected:

(a) in the case of the Owner within 3 (three) months of Practical Completion of the said Unit; and

(b) in the case of a sale by the successors in title to the Owner within 4 (four) months from the date of commencement of marketing the said Unit then paragraph 2.8 of this Schedule 2 (below) shall apply in respect of such Market Over 55 Accommodation Unit.”

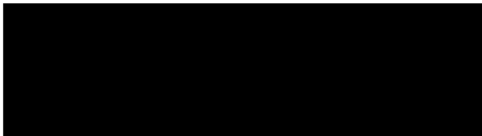
The Original Agreement (as varied) will remain in full force and effect save as varied above.

Notably, there has been an application made by Oakmere Homes, regarding their S106 Agreement for their site at Land North of Chatburn Road, Clitheroe (PP ref: 3/2020/0325). The application to vary the Oakmere Homes S106 (PP ref: 3/2022/0261) relates to their Market Over 55 Accommodation, specifically for Plot 9. It is understood that the Council have no objections to the proposals.

In view of the Council having no objections to the Deed of Variation application for the site at Land North of Chatburn Road Clitheroe, Persimmon Homes consider that there should be no reason for the Council to not agree to modify the Agreement made under Section 106 of the Town and Country Planning Act 1990 attached to planning permission 3/2019/1104.

We hope that you find the details complete and that you are able to validate the submission in due course, should you have any queries or require additional information please do not hesitate to contact me.

Yours faithfully



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