


Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	KH	Date:	18/12/25	Manager:	LH	Date:	22/12/25
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Application Ref:	3/2025/0673	 Ribble Valley Borough Council www.ribblevalley.gov.uk	
Date Inspected:	n/a		
Officer:	KH		
DELEGATED ITEM FILE REPORT:		Decision	APPROVE

Development Description:	Proposed modification of s106 Agreement dated 20 December 2021 relating to planning permission 3/2019/1104 to modify the over 55's occupancy restriction.
Site Address/Location:	Land off Hawthorne Farm, Hawthorn Place, Clitheroe BB7 2HU

CONSULTATIONS:	Parish/Town Council
N/A	

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

CONSULTATIONS:	Additional Representations.
There was no public consultation given the nature of the application.	

RELEVANT POLICIES AND SITE PLANNING HISTORY:
<p>Ribble Valley Core Strategy:</p> <p>Key Statement DS1 – Development Strategy Key Statement DS2 – Sustainable Development Key Statement H1 – Housing Provision Key Statement H2 – Housing Balance Key Statement DMI1 – Planning Obligations</p> <p>National Planning Policy Framework (NPPF)</p> <p>Relevant Planning History:</p> <p>3/2022/1013 – Amendment to s.106 Agreement of 3/2019/11104. Modification to the definition of the over 55 accommodation - Approved</p> <p>3/2022/0087 – (Non-material) Amendment to planning permission 3/2019/1104 to allow changes to housetypes to add variety and interest and to include the removal of one approved dwelling from the application (now 57 dwellings) – Approved.</p> <p>3/2019/1104 – Erection of 58 dwellings (including 30% affordable) with open space, infrastructure and associated works – Approved subject to legal agreement.</p>

ASSESSMENT OF PROPOSED DEVELOPMENT:**Site Description and Surrounding Area:**

The site has permission for 58 residential properties (amended to 57 units) located to the north-east of Hawthorne Place, Clitheroe. Work has commenced on the site and the majority of units have now been completed.

Proposed Development for which consent is sought:

The application seeks to vary the section 106 agreement relating to Hawthorn Farm, Hawthorne Place, Clitheroe. The submitted details propose to vary the wording of the occupancy restriction of the over 55's accommodation to remove the "step out" clause after completion of Market Over 55 accommodation so that the risk to future owners of being unable to re-sell the property without monetary loss can be avoided.

In this respect section 106A (Modification and discharge of planning obligations) of the Town and Country planning Act (1990) states the following:

106A (6) Where an application is made to an authority under subsection (3), the authority may determine

- a) that the planning obligation shall continue to have effect without modification;*
- b) if the obligation no longer serves a useful purpose, that it shall be discharged; or*
- c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications*

Consent for the housing site was granted in 2021 (3/2019/1104) with an associated section 106 agreement that secured the provision of affordable housing, older person housing, education and off-site recreation contributions.

The proposed variation to the original section 106 agreement would not change the provision of the approved older person open market accommodation, but seeks to modify the clause in respect of future ownership in the event that marketing of the units after practical completion is not successful in fulfilling the terms of the occupancy restriction for over 55's for the market housing element only. There is therefore no material change to the obligations previously secured and the proposal does not result in any conflict with policy H2 of the Core Strategy, which aims to ensure that there is a suitable mix of housing to meet the housing needs and demands for the borough and ensure that properties are available to accommodate the changing needs of occupants.

Observations/Consideration of Matters Raised/Conclusion:

Taking account of the above and taking account of the provisions of section 106A (6) (C) of the Town and Country Planning Act (1990), it is considered that the variation to the existing agreement is acceptable and should be approved.

RECOMMENDATION:

That the variation to the S106 Agreement be granted.