



S106 – Draft Heads of Terms

Full Planning Application for the Erection of
39.no Dwellings
with Associated Access, Gardens, Parking and
Landscaping
areas.

Land East of Clitheroe Road, Whalley.

August 2026

1. Affordable Housing

The S106 shall secure 12 on-site affordable homes, equivalent to 30% affordable housing provision.

Unit type	No.
1-bed GF maisonettes	3
1-bed FF maisonettes	3
2-bed bungalows	2
2-bed houses	2
3-bed houses	2
Total	12

All affordable homes shall be NDSS compliant, M4(2) accessible and adaptable (apart from the 3no 1-bed FF maisonettes), tenure blind, integrated within the wider development, delivered on site and transferred to an approved Affordable Housing Provider.

2. Affordable Housing Scheme

An Affordable Housing Scheme shall be submitted to and approved by the Council prior to Commencement, unless otherwise agreed. It shall confirm:

- unit numbers, location, size, type and tenure
- floor areas and accessibility standards
- phasing, delivery triggers and transfer arrangements
- rent, affordability, eligible household, local connection and nomination controls

3. Tenure

Final tenure shall be agreed with the Council and Affordable Housing Provider through the Affordable Housing Scheme. The Council's current starting point is understood to be 50% social rent capped at Local Housing Allowance rates and 50% affordable home ownership. For 12 homes, this would equate to 6 social rented homes and 6 affordable home ownership homes.

4. Provider and Transfer

The affordable homes shall be transferred to an Affordable Housing Provider. The Owner shall use reasonable endeavours to complete transfer and the transfer shall secure affordable use, eligible occupation, rent and affordability controls, affordable home ownership controls and local connection / nomination provisions.

A fallback mechanism may be included, if transfer to an Affordable Housing Provider cannot reasonably be achieved.

5. Local Connection and Nomination Rights

Affordable homes shall be occupied by eligible households and subject to an agreed local occupancy cascade, prioritising households with a local connection before widening to the Borough or such wider area as may be agreed with the Council. The Council shall have nomination rights in respect of the affordable rented homes.

6. Delivery Triggers

Delivery triggers shall be agreed with the Council and Affordable Housing Provider and are expected to include:

- approval of the Affordable Housing Scheme prior to Commencement
- construction in accordance with the approved scheme
- transfer to the approved Affordable Housing Provider
- restrictions on occupation of market dwellings until affordable housing milestones are achieved

7. Other Planning Obligations

The applicant is willing to work positively with the LPA and relevant consultees to agree any further obligations that may be required following consultation, including highways, sustainable transport, health, education, open space, biodiversity, public transport, travel planning or other site-specific infrastructure matters. Any additional obligations must be justified by evidence and satisfy the statutory tests: necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind.

8. Monitoring, Legal Costs and Council Covenants

The Owner shall pay the Council's reasonable legal costs and any reasonable monitoring fee. Where financial contributions are secured, the S106 should include Council covenants to hold sums in an interest-bearing account, use them only for the specified purpose, issue receipts on request and repay any unspent sums after an agreed period.