



**RIBBLE VALLEY BOROUGH COUNCIL**

**AND**

**SKIPTON PROPERTIES LTD**

**FORMER VICTORIA MILL SITE, WATT STREET, SABDEN**

**PLANNING PORTAL REFERENCE: PP-06779728**

**DRAFT HEADS OF TERMS FOR A SECTION 106 AGREEMENT**

## **1. INTRODUCTION**

- 1.1 These draft heads of terms have been prepared by Addison Planning Consultants Limited on behalf of Skipton Properties Ltd ("**Applicant**") to accompany a planning application made to Ribble Valley Borough Council ("**RVBC**") for:

"FULL APPLICATION FOR THE DEMOLITION OF EXISTING STRUCTURES AND REMOVAL OF CULVERT TO SABDEN BROOK; DEVELOPMENT OF 30 DWELLINGS INCLUDING RE-CONSTRUCTION OF FORMER MARBIL OFFICE BUILDING AS NEW DWELLINGS; RECONSTRUCTION OF BASE OF MILL CHIMNEY AS AN ECOLOGY TOWER; AND ASSOCIATED ACCESS AND LANDSCAPING."

- 1.2 The Obligations proposed are to address the requirements of Planning Policy in relation to off-site recreation contributions.

## **2. PARTIES**

- 2.1 The parties to the agreement will be:
- a) Ribble Valley Borough Council
  - b) The Applicant

## **3. MATTERS NOT REQUIRING AN OBLIGATION VIA A SECTION 106 AGREEMENT**

- 3.1 KEY STATEMENT DMI1 of the Core Strategy 2014 states that the Council will use Planning Obligations as a mechanism to deliver development that contributes to the needs of local communities and sustainable development:

*"Contributions can either be in kind or in the form of financial contribution with a clear audit trail of how any monies will be spent and in what time frame. Obligations will be*

*negotiated on a site-by-site basis. The council has resolved to seek contributions in the following order of priority:*

*Affordable Housing (also taking into consideration the detailed Affordable Housing Key Statement)*

*Improvements required for highway safety that cannot be covered by planning condition or S278 Agreement*

*Open Space*

*Education*

*Where there is a question of viability the council will require an open book approach to be taken when agreeing development costs, and developers will be required to meet the Council's costs for independent evaluation. The Council will develop, as appropriate, a Community Infrastructure Levy approach to infrastructure delivery."*

- 3.2 Regarding Affordable Housing, no affordable housing is required for this proposal on the basis that Vacant Building Credit obviates that requirement in the interests of viability and deliverability for stalled regeneration sites. This matter is set out in full in Document S5c: Affordable Housing Statement 23-04-2018 with the Application submissions.
- 3.3 Regarding improvements for highway safety, Lancaster County Council (as Highway Authority) has requested some off-site highway works as part of a pre-application enquiry. This is set out at Appendix C to the SCI – Document 14 with the Application submissions. A Section 278 Agreement is required to facilitate the new kerbing works to both the entrance to the development from Watt Street and Whalley Road. As part of that Agreement a Traffic Regulation Order is proposed to restrict parking within the site lines of the junction of Watt Street and Whalley Road. In addition, three new lighting columns are proposed on Watt Street near the access to the development. These matters can be dealt with by the Section 278 Agreement and a Planning Condition if required and do not need to be set out in a Section 106 Agreement.
- 3.4 Regarding Education, the applicants undertook pre-application dialogue with Lancaster County Council as Education Authority. The Education Authority confirmed in December 2017 that there was sufficient capacity within primary schools up to 2 miles and secondary schools up to 3 miles from the development. On that basis, no Education Contribution is required for this proposal.
- 3.5 Regarding Open Space, Policy DMB4 of the Core Strategy states:
- "On all residential sites of over 1 hectare, the layout will be expected to provide adequate and usable public open space. On a site-by-site basis, the council will also negotiate for provision on smaller sites or seek to secure an off-site contribution towards provision for sport and recreational facilities or public open space within the area where the overall level of supply is inadequate."*
- 3.6 In this regard, the proposed development site is marginally more than 1ha in size. On site public open spaces are also proposed as set out in the submitted landscape plans. The

Policy requirement for an off-site contribution is therefore dependent on an assessment by the Council of the 'adequacy' of the overall supply of open space in the area. This assessment will be carried out as part of the formal planning application process. At the pre-application stage, the Council indicated that there would be a requirement for a commuted sum to towards leisure/play facilities within Sabden. See Appendix B of Document S14 which states:

*"The contribution sought will be based on the following occupancy ratios at a rate of £216.90 cost per person:*

- 1 bed unit - 1.3 people
- 2 bed unit - 1.8 people
- 3 bed unit - 2.5 people
- 4 bed unit - 3.1 people
- 5 + bed unit - 3.5 people

*A commitment to meet such requirements should be contained within any Heads of Terms submitted with the application."*

3.7 Based on the proposed housing mix and applying this methodology, the potential contribution would in the order of £17,915 subject to meeting the statutory tests for Obligations.

3.8 The Applicant will therefore covenant with RVBC on the following basis with effect from the date the Agreement comes into effect:

#### **4. S106 OBLIGATIONS – PUBLIC OPEN SPACE CONTRIBUTION**

4.1 The Applicant covenant to pay a Public Open Space 'POS' Contribution to RVBC if the Council demonstrate that the requested POS Contribution meets the statutory tests for Obligations as set out in the Community Infrastructure Levy Regulations 2010.

#### **5. OTHER MATTERS - ACCOMMODATION FOR OLDER PEOPLE**

5.1 Based on Key Statement H3 of the Core Strategy the Council's Pre-application response (App A to the SCI) stated that:

*"...there is a requirement a requirement to provide 7.5% of the open market dwellings for occupation by older people (aged 55 and over) if the proposal is to be considered to be in accordance with the Adopted Development Plan."*

5.2 Accordingly, the Application proposal incorporates two dwellings which have been specifically designed as market dwellings for occupation by persons over the age of 55. Plots 12 and 15 (as set out in the Application drawings) are designed with internal arrangements that 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 201 (or any subsequent revisions). As the proposed units are for market housing, there is

no need to for the occupancy of proposed units to be controlled by a Section 106 Agreement.

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