

Erection of 17 no. dwellings and 57 no. apartments with associated access, roads, car parking, landscaping and infrastructure, including a public car park to serve Whalley village centre

Land south of Accrington Road, Whalley

Planning Statement

Affordable Housing Statement

Statement of Community Involvement

Oakmere Homes (NW) Ltd

January 2023

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Appendices

1. Environment Agency consultation response for planning application 3/2021/1277
dated 6th May 2022

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1 Introduction

- 1.1 This Planning and Affordable Housing Statement has been prepared by Smith & Love Planning Consultants Ltd on behalf of Oakmere Homes (NW) Ltd in support of its planning application for the erection of 17 no. dwellings and 57 no. apartments with associated access, estate roads, car parking, landscaping and infrastructure, including a public car park to serve Whalley village centre on land to the south of Accrington Road, Whalley.
- 1.2 The Statement sets out the background and context of the application; provides a description of the site and surroundings; explains the proposed development scheme; and, summarises the relevant policies of the statutory development plan and other policy documents. It then assesses the merit of the planning application against the identified policies, national policy in the National Planning Policy Framework and all other material considerations.
- 1.3 It demonstrates that the proposed development is in accordance with the relevant spatial development, housing and general technical and development management policies of the adopted Ribble Valley Local Plan viewed as a whole, and Government policy aimed at boosting the supply and delivery of new housing and widening housing choice.
- 1.4 Consequently, having regard to the development plan and all relevant material considerations, there is a clear and compelling case for planning permission to be granted without delay in accordance with the presumption in favour of sustainable development at Paragraph 11c of the National Planning Policy Framework.

Supporting information

- 1.5 This Planning and Affordable Housing Statement should be read together with the following list of plans and supporting documents submitted with the application;

a) Application drawings:

General:

• Site Location Plan	015-LOC-01
• Topographical Survey Sheet 1	A0 15J270/001
• Topographical Survey Sheet 2	A0 15J270/001
• Site Layout Plan	015/R-OAK/01 Rev H
• Materials Layout	015/R-OAK/02 Rev E
• Boundary Treatment Layout	015/R-OAK/03 Rev E
• Surface Treatment Layout	015/R-OAK/06 Rev E
• Proposed Street Scenes and Section	015/P-STREET_1 Rev E
• Tree Survey Plan	c-812-20 Rev A
• Bin Store	SD/BS/01

- | | |
|--------------------------|------------------|
| • Proposed Tenure Layout | 015/OAK/08 Rev A |
| • Landscaping Sheet 1 | c-812-31- Rev A |
| • Landscaping Sheet 2 | c-812-32 Rev A |
| • Landscaping Sheet 3 | c-812-33 Rev A |
| • Proposed CMS | 015/CMS/01 |

House type and apartment details:

- | | |
|--|-----------------------|
| • Bowfell | 015/BOW/P03 Rev A |
| • Brathay | 015/BRAY/P03 |
| • Grasmere | 015/GRA/P03 Rev A |
| • Kirkstone (AG) | 015/KIRK-AG/P03 Rev A |
| • Wasdale | 015/WAS/P03 Rev A |
| • Accrington Rd. Apartments– Floor Plans | 015/AR-APT/P01 Rev A |
| • Accrington Rd. Apartments - Elevations | 015/AR-APT/P02 Rev C |
| • HOUSE TYPES Apartments 59-66 | 015/APTS/P03 Rev A |

General drainage details:

- | | |
|---------------------------------------|-------------------------------|
| • Cut and Fill Areas Plan | 21315-GAD-00-ZZ-DR-C-1411-P02 |
| • Phase 1 Drainage Layout | 21315-GAD-01-ZZ-DR-C-1001-P04 |
| • Drainage Longsections Sheet 1 | 21315-GAD-01-ZZ-DR-C-1021-P01 |
| • Drainage Longsections Sheet 2 | 21315-GAD-01-ZZ-DR-C-1022-P01 |
| • Drainage Longsections Sheet 3 | 21315-GAD-01-ZZ-DR-C-1023-P01 |
| • Finished Levels and Retaining Walls | 21315-GAD-01-ZZ-DR-C-1406-P02 |
| • Exceedance Route | 21315-GAD-01-ZZ-DR-C-1005-P03 |
| • Foul Water Manhole Schedules | 21315-GAD-01-ZZ-DR-C-1012-P01 |
| • Impermeable Areas Plan | 21315-GAD-01-ZZ-DR-C-1040-P01 |
| • Section 104 SUDS Details | 21115-GAD-01-ZZ-DR-C-1070-P01 |
| • Surface Water Manhole Schedules | 21315-GAD-01-ZZ-DR-C-1011-P01 |

Highway drawings:

- | | |
|---|-------------------------------|
| • Highways Details | 21315-GAD-ZZ-01-DR-C-1530-P01 |
| • Phase 1 Highways Kerbing Layout | 21315-GAD-01-ZZ-DR-C-1556-P02 |
| • Phase 1 Highways Longsections(1) | 21315-GAD-01-ZZ-DR-C-1511-P01 |
| • Phase 1 Highways Longsections (2) | 21315-GAD-01-ZZ-DR-C-1512-P01 |
| • Phase 1 Highway Setting out | 21315-GAD-00-ZZ-DR-C-1501-P02 |
| • Phase 1 Highways Finished Surfaces Layout | 21315-GAD-01-ZZ-DR-C-1551-P02 |
| • S278 Highways Details Sheet 1 | 21315-GAD-ZZ-00-SK-C-1631-P01 |
| • S278 Highways Layout | 21315-GAD-00-ZZ-DR-C-1600-P01 |
| • S278 Highways Details Sheet 2 | 21315-GAD-ZZ-00-SK-C-1632-P01 |

b) Application documents:

- Design and Access Statement
- Materials Schedule
- Framework Travel Plan
- Construction Method Statement
- Tree Survey Report
- Biodiversity Net Gain Report
- Ecological Survey and Appraisal
- Energy Statement
- SAP Specifications
- Drainage Strategy
- Flood Risk Assessment
- Transport Statement
- Preliminary Risk Assessment
- Site Investigation and Ground Assessment
- Ground Gas Risk Assessment
- Financial Viability Appraisal (three parts)

2 Site and surroundings

- 2.1 The 2.84 ha application site is located south of Accrington Road on the south-eastern side of Whalley. It comprises a broadly square, level field, divided by a central hedge, which was last used for grazing. It is bordered by the River Calder to the south and the built up area of Whalley to the north and west. The land rises in the northeast corner where the east boundary is marked by a tree-lined bank and a stream with higher land beyond, and the north boundary is formed by Accrington Road which lies on an embankment rising from west to east. A public footpath (no. 3-45-FP27) follows the eastern boundary and southern boundary alongside the River Calder.
- 2.2 The site lies very close (circa 130 metres) to Whalley town centre and is easily accessed by walking and/or cycling along Accrington Road which is provided with footpaths and is fully lit. Whalley is a Principal Settlement (highest tier) in the Ribble Valley hierarchy and is highly sustainable. The centre contains a wide range of shops, convenience stores, services, food and drink outlets, a medical centre, library, community facilities, places of worship and a bus station. Beyond town centre is a primary school, secondary school and Whalley railway station.



Figure 1: Site Location Aerial View

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- 2.3 There are bus stops located adjacent to the site on Accrington Road which are served by a range of services operating between Clitheroe, Colne, Burnley, Padiham and Blackburn. Whalley railway station is approximately 0.9 km from the site and accessible by walking and cycling, and there are regular daily services to Clitheroe, Blackburn, Preston, Manchester and the national rail network.

Relevant planning history

- 2.4 The application site benefits from an extant outline planning permission (3/2012/0179) and reserved matters approval (3/2016/0344) for residential development for the elderly (people aged over 55) comprising 37 no. bungalows and 40 no. retirement apartments in three linked two storey buildings. The extant reserved matters scheme is shown in Figure 2 below.



Figure 2: Approved and extant reserved matters scheme 3/2016/0344

- 2.5 The outline planning permission is extant whereby it can be completed (in whole or part) at any time without needing further planning approval. This is because, following the approval of reserved matters and the discharge of all conditions precedent, condition nos. 15 and 19 imposed on outline planning permission 3/2012/0179 were varied to allow the site access to be constructed prior to commencement of the flood storage compensation scheme and wildlife pond. The site access was then partially constructed in September 2018 and confirmation obtained, in the form of a Certificate of Lawfulness for Existing Development (3/2018/1100), that this constituted a lawful commencement of development in accordance with section 56(4) of the Town and Country Planning Act 1990.
- 2.6 Part of the Accrington Road vehicular access works is visible in Photograph 1 on the following page, showing the western kerb radius, and the full planning history is summarised in the table below the photograph.



Photograph 1: Showing part of the site access works from Accrington Road constructed in September 2018 and constituting lawful implementation of outline planning permission 3/2012/0179

Application	Development	Decision	Date
Outline planning application 3/2012/0179	Residential development for the elderly, comprising of 37 no. bungalows and 40 no. retirement apartments	Approved	25 th June 2013
Application for approval of reserved matters 3/2016/0344	Reserved matters application for layout, scale, appearance and landscaping and the additional reserved matters required by Conditions 2 and 8 following outline planning permission 3/2012/0179 for residential development for the elderly, comprising of 37 bungalows and 40 retirement apartments	Approved	10 th March 2017
Application to discharge conditions 3/2017/0447	Discharge of condition nos. 6, 10, 11, 12, 19 and 26 of outline planning permission 3/2012/0179	Approved	19 th July 2017

Application to discharge conditions 3/2017/0551	Discharge of condition nos. 4, 7, 13, 17, 22, 23, 24 and 25 of outline planning permission 3/2012/0179	Approved	8 th December 2017
Application to discharge conditions 3/2017/0566	Discharge of condition nos. 2, 8, 13 and 16 imposed of reserved matters approval 3/2016/0344	Approved	14 th February 2018
Application to discharge conditions 3/2018/0135	Discharge of condition nos. 9, 20 and 27 of outline planning permission 3/2012/0179	Approved	6 th March 2018
Application to discharge conditions 3/2018/0120	Discharge of condition nos. 3, 5, 7, 10, 14 and 15 of reserved matters approval 3/2016/0344	Approved	11 th May 2018
Non material amendment 3/2018/0423	Non-material amendment to outline planning permission 3/2012/0179 to vary condition nos. 15 and 19 to allow the site access to be constructed prior to commencement of the flood compensation scheme and wildlife pond	Approved	23 rd August 2018
Certificate of lawfulness for existing development 3/2018/1100	Certificate to confirm that construction of part of the vehicular access to the site from Accrington Road constituted a lawful commencement of development in accordance with section 56(4) of the Town and Country Planning Act 1990	Issued	17 th December 2018
Full planning application 3/2021/1277	Phased development of 23 no. houses and 81 no. apartments, including 49 no. retirement apartments for people aged over 55, with associated roads, car parking, landscaping and infrastructure, and access from Accrington Road	Refused	12 th May 2022

- 2.7 The last planning application 3/2021/1277 was refused on seven grounds comprising 1) the absence of affordable housing, 2) and 3) flood risk, 4), 5) and 6) design, 7) relationship with the Whalley conservation area and 8) car parking provision. All of these reasons for refusal are addressed and successfully overcome in this amended and reduced scale (resubmission) scheme.

3 Proposed development

Introduction

- 3.1 The proposed development comprises 74 no. dwellings consisting of 17 no. houses and 57 no. apartments with associated access, estate roads, car parking, landscaping and infrastructure, including a public car park to serve Whalley village centre. Full details of the development are provided in the application plans, drawings and supporting documents.
- 3.2 Whereas the previous planning application ref. 3/2021/1277 proposed development of the whole site in two phases, with the delivery of phase two predicated on the prior installation of flood defences along the River Calder, this application is limited to the development comprising phase one only. This results from the extensive pre-application discussions which took place with the Environment Agency and local planning authority during and following the determination of planning application 3/2021/1277, and which resulted in the Environment Agency confirming that it has no objection to the phase one (or equivalent) location and extent of development in isolation. This is confirmed in writing in the Environment Agency consultation response dated 6th May 2022 which is reproduced at Appendix 1 of this Statement.

Use and amount of development

- 3.3 As previously agreed and tested (modelled) with the Environment Agency, the net developable area is defined by the area of the site within the Zone 1 flood risk area and the maximum area within the Zone 2 and 3 flood risk area which can be mitigated by flood compensation storage capacity on the balance of the site outside the developable area, and which the Environment Agency is willing to support.
- 3.4 This is based on the results of hydraulic modelling summarised in the Flood Risk Assessment and the final pre-application correspondence with the Environment Agency (in relation to application 3/2021/1277) of 30th July 2021, albeit this has been extended slightly beyond the proposed Phase 1 development in the 3/2021/1277 scheme by the addition of plots 1 to 4 and 71 to 74 and mitigated by a revised configuration of flood compensation storage area with a greater capacity. The re-profiling to achieve development on the northern part of the site and the flood compensation storage area on the southern part is shown on the proposed cut and fill areas plan ref. 21315-GAD-00-ZZ-DR-1411-P02.
- 3.5 The layout of the proposed development is shown on the site plan (Figure 3 on the following page) and followed a summary of the content of the development shown in the schedule of accommodation and tenure mix at Tables 1 and 2 on the following page. These show the proposed total housing mix in terms of the type, size and tenure of dwellings and the quantities of each, and as proportions of the total of 74 no. dwellings.



Figure 3: Proposed site layout

Dwelling type	Size (bedrooms)	Quantity
Apartment	1	26
Apartment	2	31
Brathay 2 story house	3	4
Bowfell 2 story house	4	2
Grasmere 2 story house	4	4
Kirkstone 2 story house	4	4
Wasdale 2 story house	4	3
Total		74

Table 1: Proposed schedule of accommodation

Size and type of dwelling	Tenure	Quantity
One bedroom apartment	Market sale	19 (24%)
Two bedroom apartment	Market sale	31 (42%)
Three bedroom detached house	Market sale	4 (5%)
Four bedroom detached house	Market sale	13 (18%)
One bedroom apartment	Affordable ownership	8 (11%)
Total		74 (100%)

Table 2: Proposed tenure mix

Layout, scale and massing

- 3.6 The proposed development maintains the overall design approach and principles adopted in the extant reserved matters scheme 3/2016/0344 (see Figure 2 on page 5) in terms of layout and massing.
- 3.7 The proposed large apartment building is in the same location as the apartments in the extant reserved matters scheme. In this location, in the northeast corner of the site, the building can be set down to take advantage of the screening provided by Accrington Road to the north at a higher level, and the rising tree-enclosed land to the east. The large apartment building is three storey in scale, to providing 49 apartments, and arranged as an L-shape configuration to make best use of the site. Car parking is provided immediately to the front and side of the building for residents and visitors at an appropriate standard.
- 3.8 The proposed smaller apartment building, providing 8 no. (11%) one bedroom affordable ownership homes, is in the same location as the approved two storey houses in the extant reserved matters scheme in the northwest part of the site. This apartment block is a lower two storey than the larger building, and is of a similar scale to the approved two storey houses. Car parking is provided to the rear for residents and visitors at an appropriate standard.
- 3.9 The balance of the development, comprising 17 no. two storey market houses, follows the same arrangement of plots and access road as the extant reserved matters scheme, with houses proposed at right angles between those parallel to the off-site houses to the west on Woodfield View and those parallel to Accrington Road arranged in two rows separated by rear gardens. The southern plots (nos. 1 to 4, 73 and 74) are also angled slightly to take advantage of the aspect facing the River Calder.
- 3.10 A public car park which provides 23 no. spaces has also been re-introduced to this application in common with the extant reserved matters scheme. This occupies the same location as previously in the northwest corner of the site. It is accessed separately to the proposed housing development from an entrance on Accrington Road and is provided to reduce visitor and shopper car parking pressure and traffic congestion in Whalley village centre.
- 3.11 The balance of the site outside the developable area accommodates the flood compensation storage area and a surface water attenuation basin. This area and the undeveloped land will be maintained and managed as private improved grassland.
- 3.12 The scale, massing and layout of the houses and apartments is shown in the street scene and finished level and section drawings provided with the application and shown in Figures 4, 5 and 6 on the following page, and which should be read with the proposed cut and fill drawing.



Figure 3: Proposed Accrington Road street scene showing the part-shielded apartment building



Figure 4: Proposed street scene showing the southern edge two storey dwellings from the River Calder

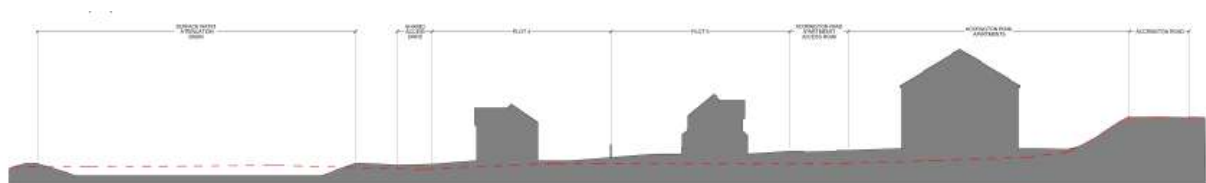


Figure 5: Proposed site section showing north (right) Accrington Road to south (left) River Calder

Appearance

- 3.13 All of the proposed dwellings and apartments will be constructed using combinations of Edenhall 'Darlstone' (reconstructed buff/brown stone) walling and either white or polar white render from K Rend. Fascias and window frames will be anthracite (RAL 7016) uPVC and with half-round gutters and round downpipes in black uPVC. Roofs will be covered with Estillo 3 slate. These are appropriate for the area and similar to the materials approved as part of the extant reserved matters approval scheme 3/2016/0344.

Landscaping proposals

- 3.14 A detailed landscaping scheme and planting plans have been submitted with the application. The planting scheme proposes new and replacement tree and hedgerow planting along the Accrington Road frontage and the site boundary, to mitigate for the sections and trees to be removed, and within the development area including street trees (extra heavy standards). Areas of native bulb planting are also provided in communal areas within the part of the site occupied by the larger apartment building.
- 3.15 The balance of the site outside the development area will be maintained and managed as improved grassland (amenity grass seed mix) consistent with its part use as the proposed flood compensation storage area and part undeveloped land. The north and east banks of the flood compensation storage area and the western edge of the site south of plot 74 will also be planted with species-rich meadow grass (such as Emorsgate Mix EM2) to enhance biodiversity.

- 3.16 The public right of way (footpath no. 3-45-FP27) will be retained on its existing route along the bank of the River Calder.
- 3.17 All boundary treatments on the site frontage and along the access roads and in common areas, will be 600mm or 900mm stone walls, except where hedges are proposed and/or retained, and private boundaries dividing plots and rear gardens will be 1.8 metre timber fences. Hard landscaping will include tarmac roads and footpaths, and block paved private drives, shared surfaces and car parks.

Access arrangements

- 3.18 The proposed entrance road to the development from Accrington Road is unchanged from that approved as part of the outline planning permission 3/2012/0179 (drawing ref. C250-125) and which has been partially constructed (in September 2018) by forming the opening and setting the kerb radii. Likewise the general arrangement of the estate access roads broadly follows the arrangement in the extant reserved matters scheme. Separate access is provided from Accrington Road to the proposed car park serving Whalley village centre which is considered to be acceptable in highway safety terms.
- 3.19 The access onto Accrington Road is designed to be adopted by the local highway authority and will facilitate safe access by cars and all vehicles, and will enable cyclists and pedestrians to walk and cycle easily and safely between the site and facilities in Whalley and the village centre. Other connections along the river bank will provide access to the countryside to the north east and the riverside walk to the west using the public right of way (footpath no. 3-45-FP27) which connects to King Street via Calder Vale.

Proposed planning obligation Heads of Terms (draft)

- 3.20 It is expected that planning obligations will be required in the form of on-site provision and/or financial contributions made in connection with the following matters, and which will be provided by way of a Section 106 agreement with the City Council;
- On-site affordable housing provision (subject to viability appraisal)
 - School place provision (education contribution)
 - Sustainable transport-related contribution (if necessary)
 - Management and maintenance of non-adopted infrastructure (if necessary)
 - Delivery of the car park to serve Whalley village centre
- 3.21 Heads of Terms will be discussed with the Council during the application determination period subject to satisfying the tests of the CIL Regulations 2010 and maintaining financial viability.

4 Statement of Community Involvement

- 4.1 Oakmere Homes has carried out extensive pre-application engagement with the Environment Agency flood risk and flood protection teams, which included commissioning detailed hydraulic modelling, and the local planning authority in connection with its previous planning application 3/2021/1277.
- 4.2 That previous application was subject to statutory notification, publicity and consultation carried out by the local planning authority which generated a large volume of representations made by local residents, Whalley Parish Council and other stakeholders. Knowledge of the planning application and proposed development was clearly well understood and widespread within the local community.
- 4.3 Following the refusal of the previous planning application on 12th May 2022, Oakmere Homes has engaged in further discussions with the Environment Agency and representatives of the Whalley and Billington Flood Group to confirm its intention to move forward with a smaller planning application for the broad equivalent of what was the phase one development area of the previous application in isolation.
- 4.4 Oakmere Homes is therefore satisfied that, following the rejection of its previous two-phase development proposal and associated offer of a £1.7 million contribution to be made to the Environment Agency towards funding the unmet cost of the Whalley Flood Defence Scheme, and confirmation that the Environment Agency has no objection to a broadly equivalent application corresponding to the location and general extent of the former phase one development area, it was not necessary to carry out further engagement with local stakeholders prior to the submission of this application. The development and flood risk protection parameters for this revised and resubmitted application, and the terms of its acceptability, are already specified and set out by the Environment Agency in its published consultation response to application 3/2021/1277 dated 6th May 2021 (see Appendix 1) which is a public document and available on the planning register, and which the local community and interested stakeholders will be aware of.

5 Planning policy

- 5.1 Relevant policy is provided in the statutory development plan for Ribble Valley and in the national planning policy framework and the planning practice guidance which are important material considerations.

Development Plan

- 5.2 So far as is relevant to the consideration of this planning application, this comprises the following parts of the Ribble Valley Local Plan covering the period 2008 to 2028;

- Core Strategy DPD (adopted December 2014)
- Housing and Economic Development DPD (adopted October 2019)

- 5.3 An extract of the Local Plan Policies Map is shown at Figure 6 below with the application site shaded red for clarity.

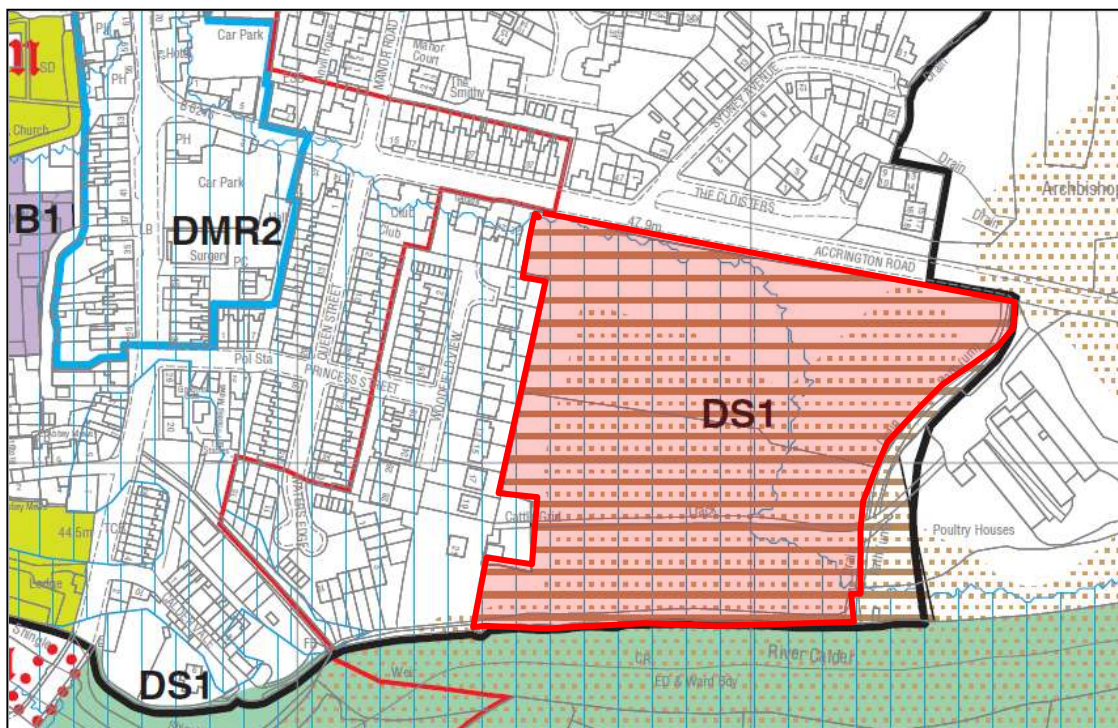


Figure 6: Ribble Valley Local Plan Policies Map extract (application site shaded red)

- 5.4 The Policies Map confirms that the application site lies inside the settlement boundary for Whalley (black line) and is also identified as a housing commitment (brown horizontal hatch) consistent with the extant outline planning permission 3/2012/0179 and reserved matters scheme 3/2016/0344.
- 5.5 The main Local Plan policies in the Core Strategy DPD to be applied to the planning application are summarised below;

- Key Statement DS1 Development Strategy - this defines Whalley as a Principal Settlement (1st of the three settlement tiers) where the majority of new housing development will be concentrated and where the Council will support development in principle;
- Policy DMG2 Strategic Considerations - this requires development to accord with the development strategy and support the spatial vision for Ribble Valley. It confirms that proposed development in the principal settlement of Whalley should 'consolidate', 'expand' or 'round-off' development so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement.

5.6 Other relevant policies are;

- Key Statement DS2 Sustainable Development
- Key Statement EN2 Landscape
- Key Statement EN3 Sustainable Development and Climate Change
- Key Statement EN4 Biodiversity and Geodiversity
- Key Statement EN5 Heritage Assets
- Key Statement H1 Housing Provision
- Key Statement H2 Housing Balance
- Key Statement H3 Affordable Housing
- Key Statement DMI2 Transport Considerations
- Policy DMG1 General Considerations
- Policy DMG3 Transport and Mobility
- Policy DME1 Trees and Woodlands
- Policy DME2 Landscape and Townscape Protection
- Policy DME3 Site and Species Protection and Conservation
- Policy DME4 Heritage Assets
- Policy DME6 Water Management
- Policy DMB5 Footpaths and Bridleways

National Planning Policy Framework 2021

5.7 This sets out the Government's planning policies for England and how they should be applied. Relevant sections of the NPPF include;

Paragraph 7 The purpose of the planning system is to contribute to the achievement of sustainable development;

Paragraph 11 The presumption in favour of sustainable development lies at the heart of the Framework. For decision-taking this means (c) approving development where it accords with an up-to-date development plan, or (d) where there are no

- relevant policies or the policies which are most important for determining an application are out-of-date, granting permission unless i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing development, or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole;
- Paragraph 60 A key objective of the Framework is to significantly boost the supply of homes by ensuring a sufficient amount and variety of land can come forward where it is needed;
- Paragraph 65 Where major development involving the provision of housing is proposed, planning decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups;
- Paragraph 73 In planning for new homes, local planning authorities should; a) consider the opportunities presented by existing or planned investment in infrastructure, an area's economic potential and the scope for net environmental gains;
- Paragraph 74 To maintain the supply and delivery of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old;
- Paragraph 82 This confirms the Government is committed to securing economic growth and that the planning system should positively and proactively encourage sustainable economic growth. This includes; c) housing development which the Government recognises is a key component of economic growth and potential barriers to investment such as inadequate infrastructure;
- Paragraph 92 Planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles;
- Paragraph 104 Transport issues should be considered from the earliest stages of development so the potential impacts of development on transport networks can be addressed and to encourage opportunities to promote walking, cycling and public transport use;
- Paragraph 105 Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes;

- Paragraph 111 Development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe;
- Paragraph 119 Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions;
- Paragraph 124 Development should make efficient use of land taking into account the need for different types of housing and other development and the availability of suitable land; market conditions and viability; availability and capacity of infrastructure; the scope to promote sustainable travel; the desirability to maintain the character and setting of an area or promote regeneration; and the importance of creating well-designed, attractive, healthy and safe places;
- Paragraph 126 Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable;
- Paragraph 130 Planning decisions should ensure that developments: a) function well and add to the quality of areas; b) are visually attractive with good architecture, layout and effective landscaping; c) are sympathetic to local character and history, while not preventing innovation or change; d) establish strong sense of place, using streets, spaces, building types and materials to create attractive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and f) create safe, inclusive and accessible places and which promote health and well-being;
- Paragraph 131 Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- Paragraph 134 Development that is not well designed should be refused and where it fails to reflect local design policies and government guidance. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise design standards more generally so long as they fit in with the form and layout of their surroundings;
- Paragraph 152 Planning decisions should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that minimise vulnerability and improve resilience and support associated infrastructure;

- Paragraph 159 Inappropriate development should avoid areas at highest risk of flooding and should be safe for its lifetime without increasing flood risk elsewhere;
- Paragraph 161 Planning authorities should apply a sequential, risk-based approach to the location of development and manage any residual risk, by; c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding;
- Paragraph 169 Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate;
- Paragraph 180 When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- Paragraph 183 Development sites should be suitable for proposed use/s taking account of ground conditions and any risks arising from instability and contamination.
- Paragraph 199 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- Paragraph 202 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 5.8 In determining planning applications, the 2021 Framework expects local planning authorities to;
- Paragraph 38 Approach decisions in a positive and creative way. They should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.
- Paragraph 55 Consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition, and;
- Paragraph 57 Planning obligations must only be sought where they meet tests of being; a) being necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

6 Planning assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 requires regard to be had to the provisions of the development plan, so far as material to the planning application, and to any other material considerations.
- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the development plan as a whole, and states that 'if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise'. Section 39 of this Act also requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development. These requirements are embodied in the 2021 NPPF which is a principal material consideration and should be given substantial weight.

- 6.3 On this basis, the main issues to be considered in determining this planning application are;

- The principle of development
- Affordable housing provision and housing mix
- Design of the development and its effect on residential amenity
- Environmental and technical considerations
 - Accessibility and transport
 - Trees and hedgerows
 - Biodiversity
 - Flood risk and drainage
 - Ground conditions

- 6.4 These matters are considered below and after which the overall planning balance is drawn.

The principle of development

- 6.5 The proposed development is acceptable and justified as a matter of principle on the grounds of;
- i) compliance with the relevant policies of the Local Plan which support housing at Whalley and at the application site; and,
 - ii) because of the existence of the extant outline planning permission (3/2012/0179) and reserved matters scheme (3/2016/0344) - and as acknowledged by the 'commitment designation' on the Local Plan Policies Map - which has been implemented and can be resumed at any time without requiring further planning approval, and notwithstanding the location of parts of the application site within Zone 2 and Zone 3 flood risk areas.
- 6.6 In policy terms, the application site is located within the defined settlement boundary for Whalley and its development for housing is therefore in accordance Key Statement DS1 and Policy DMG2 of the Core Strategy DPD.

- 6.7 In terms of demonstrating compliance with Policy DMG2, the proposed development is plainly 'at Whalley' and, as Whalley is defined as a Principal Settlement, thereby in accordance with the development strategy (Key Statement DS1) and spatial vision. The application site adjoins built development in Whalley on its west and northern sides and will 'consolidate' and/or 'expand' and/or 'round-off' development so that it is 'closely related to the main built up area.' The proposed development is also entirely appropriate to the scale of Whalley, which was considered previously and found to be acceptable when outline planning permission (3/2012/0179) was granted, and it is in keeping with the character and appearance of the surrounding part of Whalley, and in comparison to the benchmark extant reserved matters scheme as an available fallback position.
- 6.8 The policy support provided by Key Statement DS1 and Policy DMG2 is not expressly qualified by the consideration of flood risk matters as a policy requirement, but this is plainly a material consideration which is controlled by other policies in the Local Plan and which must be considered when viewing the Local Plan as a whole and conducting the planning balance. It does not, of itself, however prevent a finding of support for the application in principle in terms of its compliance with the spatial development strategy and sustainable housing provision policies of the Core Strategy DPD.
- 6.9 Moreover, and notwithstanding the demonstrated spatial policy compliance of the proposed development with the Local Plan as a matter of principle, the principle of the application site being developed for housing use is also pre-determined by the existence of the extant outline planning permission and reserved matters scheme.
- 6.10 For both of the above reasons, and in accordance with all of the relevant policy criteria, the proposed development is therefore in full accordance with the spatial development and housing growth and provision policies of the adopted Ribble Valley Local Plan and the associated objectives of the NPPF which advocate making effective use of land and boosting the supply and delivery of new housing. The planning application is therefore acceptable in principle.

Affordable Housing Statement and housing mix

- 6.11 Oakmere Homes acknowledges that Key Statement H3 of the Core Strategy DPD requires on-site provision to be made for 30% affordable housing wherever this is possible for major development proposals in Whalley. The policy recognises, however, that 30% provision is not always feasible and there will be situations where development requirements and financial circumstances prevent this from being delivered. Viability appraisal evidence is therefore required to provide necessary policy justification and must be submitted with a planning application which does not propose to deliver the full 30% requirement for affordable housing.
- 6.12 In this case, it is proposed that 11% on-site affordable housing provision will be made, and the planning application is therefore submitted with the benefit of a detailed financial viability appraisal prepared by Oakmere Homes. This is submitted in two spreadsheets Section 1 which sets out the anticipated development revenue and per plot build costs, and Sections 2 to 6 which sets out all other allowances and assumptions, together with an Executive Summary.

- 6.13 The provision comprises 8 no. one bedroom apartments which are located in the proposed two storey building on the Accrington Road frontage of the development. The proposed tenure is affordable ownership (shared ownership). The location of the apartment building is shown edged blue on the plan below.

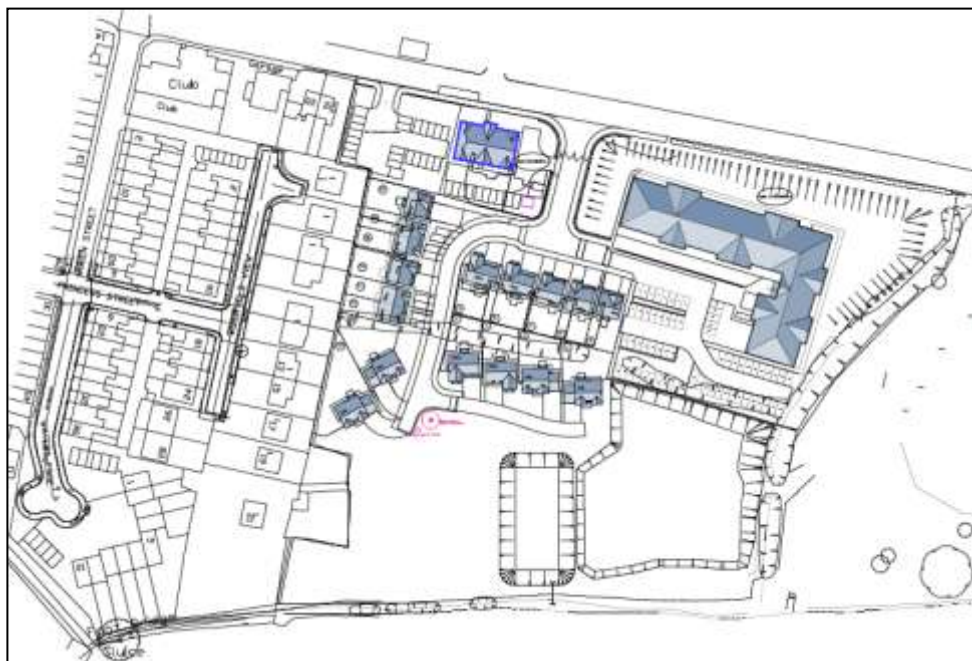


Figure 7: Plan showing the proposed location of the affordable housing (apartment plot edged blue)

- 6.14 The financial viability appraisal submitted with the planning application demonstrates why no more than 11% affordable housing provision (for affordable ownership tenure) can be made in this case. It shows that the high level of abnormal costs (including £749,704 of cut and fill works and £380,000 for abnormal foundations - i.e. piling), together with the cost of the provision of the community car park for visitors and shoppers using Whalley village centre and the expected cost for additional school places (education contribution based on the previous application 3/2021/1277), and allowing for an 18% return which is a reasonable margin in this case, results in a situation whereby the total development costs exceed the gross development value by over £500,000. This scale of negative residual land value clearly demonstrates that the proposed development cannot support a higher level of affordable housing, and/or any other planning obligations, than Oakmere is able to offer.
- 6.15 On the basis of the submitted viability appraisal evidence which justifies a level of affordable housing provision below 30%, the proposed development is in accordance with Key Statement H3 of the Core Strategy. It is also in accordance with Policy H2 and provides the required housing market mix and balance of a range of types and sizes of market homes from one and two bedroom apartments to four bedroom family houses, and the achievable 11% affordable housing for shared ownership tenure, together with 15% provision of Part M4(2) compliant adaptable and accessible homes for older people.

Design of the development and its effect on residential amenity

- 6.16 The proposed development makes efficient and effective use of the application site and, due to the number of apartments, achieves a density of 27 dwellings per hectare (gross).
- 6.17 As explained in Chapter 3, the design of the proposed development has evolved from, but still broadly replicates, the extant reserved matters scheme 3/2016/0344. The proposed larger apartment building is positioned in the same location as the approved apartments in the extant reserved matters scheme, and whilst they have been enlarged in this application by the addition of a third floor and an extended footprint, the building remains acceptable when viewed in the Accrington Road street scene as it will be set down and concealed relative to the level of the road as it rises west to east.
- 6.18 The proposed smaller two storey apartment, accommodating the shared ownership affordable homes, on the western part of the Accrington Road frontage will also appear acceptable and comparable to the corresponding part of the extant reserved matters scheme which comprises two storey houses.
- 6.19 The interior of the proposed development is essentially unchanged from the extant reserved matters scheme other than the substitution of dormer bungalows with two storey houses and not extending as far south towards the River Calder. The line of houses proposed parallel to the western boundary of the site and with back-to-back rear gardens with the neighbouring houses on Woodfield View, is separated by a distance of 20 metres between rear windows which is acceptable for two storey housing development and will not result in overlooking and over shadowing.
- 6.20 Overall, the proposed development is acceptable in terms of its design and effect on the character and appearance of the surrounding area, and its relationship with surrounding properties and effect on residential amenities. It is therefore in accordance with Policy DMG1 of the Local Plan Core Strategy DPD and the relevant policies of the NPPF.

Environmental and technical considerations

- 6.21 In considering the suitability and sustainability of the application site for the proposed housing development, the following environmental and technical matters have been considered;
- Accessibility and transport
 - Trees and hedgerows
 - Biodiversity
 - Flood risk and drainage
 - Ground conditions
- 6.22 Surveys and impact assessments have been commissioned in connection with these matters and are submitted with the application. A summary of the recommendations and conclusions of the reports is outlined below.

a) Accessibility and transport

6.23 The application is supported by a Transport Statement and Framework Travel Plan prepared by DTPC Ltd. These demonstrate that;

- the application site is a highly accessible and sustainable location which can be safely accessed by non-car modes of travel and lies within preferred maximum walking (800 metre) and cycling (2 km) catchment distances of a range of local facilities and public transport networks including shops, convenience stores, food and drink outlets, recreation, schools, nursery and health provision. The majority of these are clustered in Whalley town centre which is just 130 metres to the west of the site along Accrington Road;
- the local highway arrangement and wider network serving the site, is suitable to serve the proposed development and raises no substantive capacity or unacceptable related safety issues;
- the proposed development will be provided with safe and suitable vehicular access arrangements and visibility splays, utilising the site access onto Accrington Road approved as part of the extant outline planning permission 3/2012/0179 and which has already been part constructed; and,
- the proposed development will provide car parking provision in accordance with residential standards and adequate servicing and emergency access arrangement, as well as a car park for users of Whalley Town Centre.

6.24 Overall, it is demonstrated that the proposed development occupies a sustainable location; can be accessed by safe and efficient vehicular access arrangements, and can be safely accommodated on the local highway network with minimal impact. The proposed development is therefore acceptable on accessibility and transport grounds and in accordance with Policies DMI2 and DMG2 of the Local Plan Core Strategy DPD and the related highway and transport policies of the NPPF, and there are no reasons why planning permission should be refused on highway safety or traffic generation grounds.

b) Trees and hedgerows

6.25 A tree and hedgerow survey was carried out in October 2020 and updated in December 2022. This shows that there are no Category A trees and hedgerows within or bordering the application site. There is one Category B group, four individual trees and one hedgerow, and one hedgerow, six trees and two tree groups are classed as Category C.

6.26 The Arboricultural Impact Assessment (AIA) submitted with the application confirms that only Category C trees and hedgerows will need to be removed to accommodate the proposed development. These comprise tree Group No. 2 on the Accrington Road frontage, part of Group No. 3 also on Accrington Road and part of hedgerow H2. The AIA also sets out the protection requirements for retained trees and hedgerows during construction.

- 6.27 On the basis, the effect of the proposed development upon trees and hedgerows is considered to be acceptable and in accordance with Policy DME1 of the Local Plan Core Strategy and the relevant policies of the NPPF.

c) Biodiversity

- 6.28 An updated Ecological Appraisal of the site was carried out by Envirotech in November 2022 to identify any potential ecological constraints in connection with the proposed development.
- 6.29 It confirms that the site is of low ecological value comprising poor quality, semi-improved pasture bounded by species poor hedges and trees. Other habitats on and adjacent to the site comprise emergent vegetation, tall ruderals and scrub. Bats may use the site for foraging but it does not provide opportunities, and there is no evidence, for roosting. There will be no significant loss of foraging habitat providing that hedgerows and trees are retained as proposed and those lost are compensated by new landscaping.
- 6.30 The site is not considered to be of more than local significance for nesting birds as habitats are common and well represented in the local area. The impact is therefore considered to be minor. Precautionary mitigation would be appropriate in respect of construction activities and compensation for lost nesting and foraging opportunities will be provided by new landscaping.
- 6.31 Compensatory planting and habitat enhancement is recommended including the addition of replacement hedges; introduction of new grassland; protection of retained trees during construction; and, the use of native and wildlife-friendly planting within the landscaping scheme and using native species.
- 6.32 From this baseline assessment and based on the proposed landscaping strategy and planting plans, together with the recommendations set out in the ecology appraisal, it is calculated that the proposed development can therefore deliver a considerable biodiversity net gain of 10.24% in hedgerow units and 41.2% in habitat units. This is set out in Table 1 of the Biodiversity Net Gain assessment.
- 6.33 The ecological assessment therefore demonstrates that the proposed development is feasible and acceptable in terms of its effect upon local biodiversity, and that it can deliver a considerable biodiversity net gain and ecological enhancement of fauna typically associated with residential urban areas such as breeding birds and roosting bats. The proposed development is therefore compliant with Policies DME1 and DME3 of the Local Plan Core Strategy DPD and the relevant policies of the NPPF.

d) Flood risk and drainage

- 6.34 This is an important consideration in the assessment of the planning application given;
- 1) the history of flooding in Whalley;
 - 2) the location of the application site partly within Zone 2 and Zone 3 flood risk areas; and,

- 3) the planning history of the site including the extant outline planning permission 3/2012/0179 and reserved matters scheme 3/2016/0344 which can be fully built without further planning approval and Environment Agency consent, and the previous refused two-phase application 3/2021/1277.
- 6.35 As explained earlier in this Statement, the applicant has been engaged with the Environment Agency in connection with the development of the site for over three years and has carried out detailed flood risk assessment in liaison and conjunction with the Environment Agency in that time and which has included hydraulic modelling.
- 6.36 The established position, following the determination of the previous planning application 3/2021/1277, is that the Environment Agency supports development within the area identified as phase one of the previous application, and this application is limited to the same, broadly-equivalent, development area with only the addition of plots 1 to 4 and 71 to 74 and mitigated by a revised configuration of flood compensation storage area with a greater capacity. The modelling, testing and calculations for the amended compensation storage area are provided in the updated flood risk assessment submitted with the application. Confirmation that the Environment Agency has no objection to the phase one (or equivalent) location and extent of development in isolation, is confirmed in its consultation response dated 6th May 2022 which is reproduced at Appendix 1 of this Statement.
- 6.37 On this basis, the proposed development will be safe from the risk of flooding and is therefore in accordance with Policy DME6 of the Local Plan Core Strategy DPD and the relevant policies of the NPPF.
- 6.38 The updated drainage strategy for the proposed development has been designed in parallel with the updated flood risk assessment and design of the compensatory flood storage area and finished site profile and levels mitigation measures.
- 6.39 It is proposed that surface water will be discharged to the River Calder via a gravity-fed piped network serving all parts of the development. The network will be attenuated via a surface attenuation basin and hydro-brake to be constructed adjacent to the flood compensation storage area to the south of the houses. The attenuation is designed for a return period of up to and including the 100 year + 40% climate change scenario, and a 10% allowance for urban creep. In addition, back inlet gullies and silt trap manholes will be provided to remove sediment and help maintain water quality.
- 6.40 It is proposed that foul water drainage will be collected via a gravity-fed piped network from all parts of the development and pumped, via an underground pumping station chamber located at the end of the estate access road turning head, in a rising main which will cross under Accrington Road and connect to the main combined sewer in Sydney Avenue. The pumping station will have a design capacity sufficient to serve all 74 no. of the proposed dwellings.

- 6.41 On this basis, the proposed development will be equipped with appropriate surface water and foul water drainage infrastructure in accordance with the Sustainable Drainage System (SuDS) protocol and hierarchy and is therefore in accordance with Policy DME6 of the Local Plan Core Strategy DPD and the relevant policies of the NPPF.

e) Ground conditions

- 6.42 The application is supported by a Phase I Preliminary Risk Assessment, a Phase II Site Investigation and Ground Assessment, and a Ground Gas Risk Assessment all prepared by BEK Enviro Ltd. In addition, an Enviro+ Geo-Insight Report is provided from Groundsure as well as site investigation information from the British Geological Society (BGS).

- 6.43 The assessments demonstrate that;

- Ground conditions are relatively consistent across the application site and comprise topsoil overlying natural sand, clay, silts and gravels;
- Topsoil samples have been tested for a wide range of potential contaminants of concern no contaminants of concern have been identified;
- Elevated concentrations of methane and carbon dioxide have been measured from the monitoring boreholes at the site and these could pose a risk to future occupiers of the proposed development such that ground gas mitigation measures are required and can be controlled by an appropriate planning condition; and,
- There are no risks to the environment or controlled waters.

- 6.44 On this basis, the risk to human health of the future residents of the proposed development from contamination in soils and ground gas can be fully and properly remediated. The proposed development is therefore considered to be safe and acceptable in terms of ground contamination, ground gas and geotechnical conditions, and is in accordance with Policy DME3 of the Local Plan Core Strategy DPD and the relevant policies of the NPPF.

Planning balance

- 6.45 This planning application for a phased development of the erection of 17 no. dwellings and 57 no. apartments with associated access, estate roads, car parking, landscaping and infrastructure, including a public car park to serve Whalley village centre, is in full accordance with the Ribble Valley Local Plan Core Strategy DPD when viewed as a whole, and its spatial development, housing and general technical and development management policies.

- 6.46 Important material considerations fully support this assessment and do not point to a contrary view, whereby;

- 1) the proposed housing development is in full accordance with the relevant policies and objectives of the 2021 National Planning Policy Framework aimed at boosting the supply and delivery of new housing and widening housing choice, including specialist

housing to meet the needs of older people so that they are able to live safely, independently and comfortably in their own homes for as long as possible; making optimum use of land in sustainable locations; building sustainable and healthy local communities; minimising the need to travel; mitigating climate change and, achieving sustainable development;

- 2) environmental and technical matters including non-car accessibility, local highway network operation and safety, tree and hedgerow protection, biodiversity protection and net gain, flood risk assessment, drainage design, ground investigation, energy use and sustainability design, and construction impact mitigation have been investigated, and the accompanying surveys and reports demonstrate that there are no valid technical and environmental reasons to preclude housing development at the site; and,
- 3) the proposed housing development will deliver a wide range of important social, economic and environmental benefits for the local community and which all carry substantial weight. In summary the development will;
 - boost housing supply and delivery in general in accordance with national policy;
 - make an important contribution to meeting the strategic requirement for market and affordable housing in Ribble Valley between 2008 and 2026;
 - make a sustained contribution to the current five-year housing land supply position in Ribble Valley;
 - improve the market housing offer in Whalley by providing a mix of high-quality types and sizes of new homes to meet a range of household needs including adaptable and accessible homes suitable for older people to down-size;
 - provide 11% shared ownership tenure affordable housing;
 - enhance the local nature conservation value of the site and provide an expected biodiversity (habitat) net gain of 41.2%; and,
 - provide economic benefits including increased household spending and support for local businesses and facilities, increased council tax revenue and new construction jobs and expenditure, supply-chain spending, employment apprenticeships and local skills and training opportunities.

6.47 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the planning application to be determined in accordance with the adopted development plan unless material considerations indicate otherwise, which they do not in this case.

6.48 On that basis, and in accordance with the presumption in favour of sustainable development at paragraph 11c of the Framework, it is clear that planning permission should therefore be granted without delay.

7 Summary and conclusion

- 7.1 This Planning and Affordable Housing Statement has been prepared to support a planning application for a development of 74 no. dwellings on land south of Accrington Road, Whalley comprising 17 no. dwellings and 57 no. apartments with associated access, estate roads, car parking, landscaping and infrastructure, including a public car park to serve Whalley village centre.
- 7.2 It assesses the merits of the application against the relevant policies of the development plan, the National Planning Policy Framework and all other relevant material considerations, and it demonstrates that the proposed development will create a high quality, well-designed scheme which will deliver important social, economic and environmental benefits for Whalley and Ribble Valley.
- 7.3 The Statement concludes that the proposed development is in full accordance with relevant policies of the adopted Ribble Valley Local Plan Core Strategy DPD viewed as a whole, and Government policy aimed at boosting the supply and delivery of new housing and widening housing choice.
- 7.4 Consequently, and having regard to the development plan and all relevant material considerations, there is a clear and compelling case for planning permission to be granted without delay, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the presumption in favour of sustainable development at paragraph 11c of the National Planning Policy Framework.

Appendices

Appendix 1

**Environment Agency consultation response
for planning application 3/2021/1277
dated 6th May 2022**

Ribble Valley Borough Council
Development Control
Council Offices Church Walk
Clitheroe
Lancashire
BB7 2RA

Our ref: NO/2022/114253/01-L02
Your ref: 3/2021/1277
Date: 6 May 2022

Dear Sir/Madam

ERECTION OF 23 DWELLINGS AND 81 APARTMENTS, OF WHICH 49 ARE FOR PEOPLE AGED OVER 55, WITH ASSOCIATED ROADS, CAR PARKING, LANDSCAPING AND INFRASTRUCTURE, ACCESSED FROM ACCRINGTON ROAD

LAND SOUTH OF ACCRINGTON ROAD, WHALLEY.

Thank you for consulting us on the above application.

We have reviewed the following documents in so far as they relate to our remit:-

- Accrington Road, Whalley - FRA for Oakmere Homes by JBA Consulting (Final Report November 2021; Reference OAKMERE-JBAU-XX-XX-RP-0002-S3-P03-AccringtonRdFRA)
- Planning and Affordable Homes Statement by Smith & Love Planning Consultants (January 2022)
- Design and access statement by Smith & Love Planning Consultants (January 2021)

Environment Agency position

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

Reasons

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, we have the following concerns:-

1. The development of Phase 2 is reliant on the construction of an Environment Agency flood defence scheme with a 1 in 100 year plus climate change design standard. At present, the Whalley Flood Defence Scheme is currently in the very early stages of our internal appraisal process and until the scheme is approved, we cannot guarantee a level of protection that the scheme will provide. It is therefore unknown at this stage whether the proposed site will benefit from the scheme up to and

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Cont/d..

including the 1 in 100 year plus climate change event.

2. The construction of Phase 1 of the proposed development is reliant on the provision of compensatory flood storage as mitigation within the Phase 2 part of the site. If there is a risk that the site could be affected by flooding up to and including a 1 in 100 year plus climate change event (depending on the standard of protection a flood defence scheme may provide), the compensatory flood storage for Phase 1 could not be removed. This would mean that Phase 2 could not be implemented without providing suitable compensatory flood storage to off-set the loss of compensatory storage for Phase 1.
3. The FRA considers the risk of flooding to Phase 1 and demonstrates how flood risk associated with Phase 1 will be managed, but there is no reference to the management of flood risk on Phase 2. The presence of a flood defence would not remove Phase 2 from Flood Zone 3 and the residual flood risk associated with a breach or overtopping of the defence, but despite this there is no FRA to support Phase 2.
4. The mechanism for preventing the construction of Phase 2 until a flood defense is built is unclear. While the applicant has stated that Phase 2 could only be constructed if the Whalley Flood Defence Scheme is constructed (Planning and affordable housing statement, para 3.32; D&A Statement, para 3.11), it has not been demonstrated how any subsequent planning approval could lawfully prevent Phase 2 starting until third party works, that are beyond the control of the applicant, are completed.

The fundamental issue with this application is that the principle of development of Phase 2 cannot be established in the absence of certainty that it will be defended from flooding up to the necessary design standard and the applicant cannot demonstrate this as it is not within their control.

Overcoming our objection

We would have no objection to the Phase 1 development in isolation based on the FRA as submitted. If the application was revised or amended to wholly exclude Phase 2, we could withdraw our objection. Any future proposals for Phase 2 could then come forward as and when the standard of protection of any future flood defense scheme is known. Such proposals should be based on an assessment of flood risk to that part of the site reserved for Phase 2 and the continued need for the compensatory flood storage as mitigation for Phase 1.

If this cannot be achieved, we are likely to maintain our objection. Please consult us on any revised FRA submitted and we will respond within 21 days of receiving it.

Yours faithfully

Carole Woosey
Planning Advisor

Direct e-mail clplanning@environment-agency.gov.uk

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