

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

**REFUSAL**

**DATE:** 5 February 2026

**REF:** KH

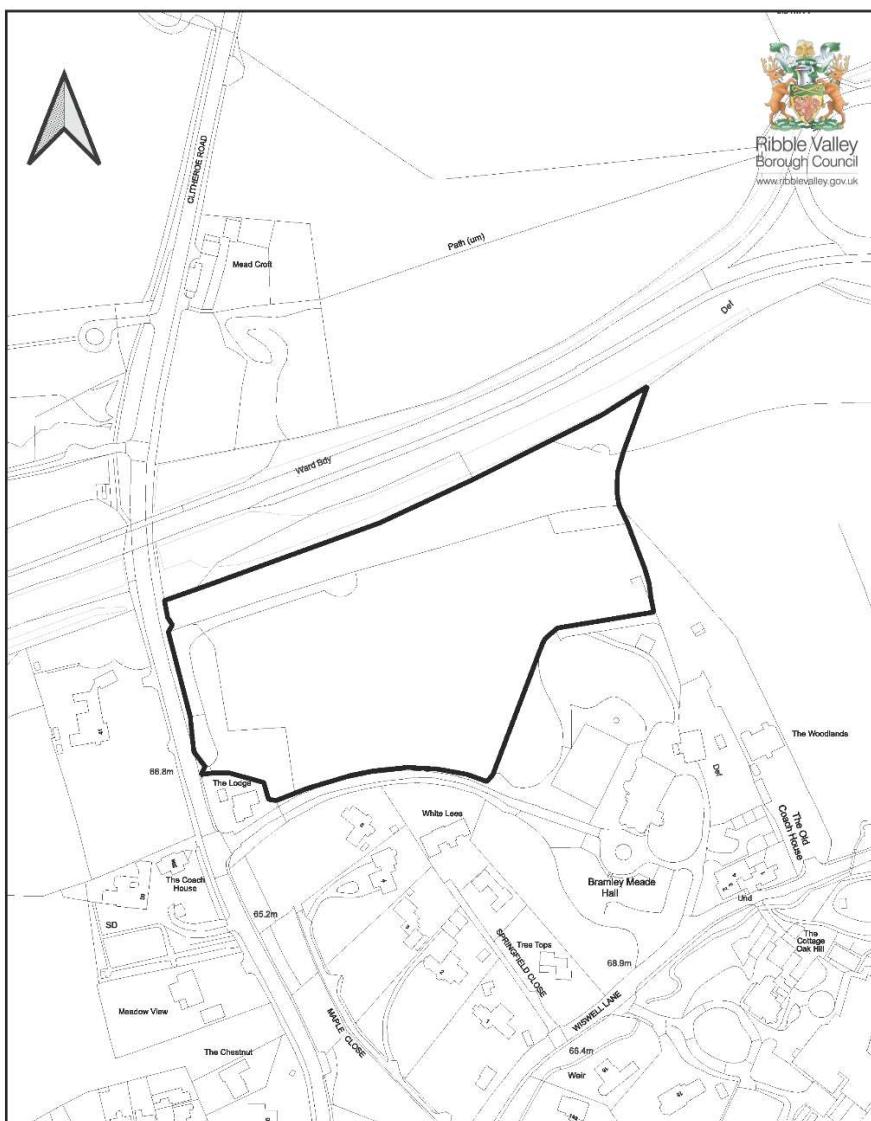
**CHECKED BY:** LH

**APPLICATION REF:** 3/2025/0588

GRID REF: SD 373616 437093

**DEVELOPMENT DESCRIPTION:**

PROPOSED ERECTION OF 77 NO. AFFORDABLE DWELLINGS WITH ASSOCIATED ACCESS, GARDENS, PARKING AND LANDSCAPING AREAS AT LAND TO THE EAST OF CLITHEROE ROAD, WHALLEY.



**3/2025/0588 Land east of Clitheroe Road Whalley**

## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **WHALLEY PARISH COUNCIL:**

We wish to lodge a formal objection to the above application. Whilst we recognise the need for affordable housing within the borough, this proposal raises serious concerns and is considered wholly inappropriate for the following reasons:

#### **1. Outside the Defined Settlement Boundary:**

The application site lies outside the designated settlement area for Whalley. Development on this scale in open countryside directly conflicts with the adopted Local Plan and Core Strategy policies which seek to direct housing growth to allocated and sustainable locations.

#### **2. Lack of Allocation in the Development Plan:**

The site is not allocated for residential development in the Local Plan. Approving such an application would undermine the local plan-led system and set an undesirable precedent for speculative development elsewhere.

#### **3. Overdevelopment and Scale:**

The proposed 77 dwellings represent overdevelopment of this site and are not in keeping with the character, scale, or density of this immediate area. This would have a significant adverse impact on the rural setting and entrance to the village.

#### **4. Local Housing Needs:**

While described as 'affordable housing', there is insufficient evidence that the scale, type, and tenure of the proposed dwellings reflect the specific, identified housing needs of Whalley and the surrounding parish, especially as other 'affordable housing' is yet to be built and made available from other developments in progress.

#### **5. Highway Safety and Access Concerns:**

The site is located on a busy section of Clitheroe Road where traffic volumes are already high. Additional vehicle movements generated by 77 dwellings would exacerbate existing highway safety concerns, particularly at peak times. Furthermore, pedestrian access into the village is severely limited due to the lack of footpaths in this area, creating significant risks for residents—especially elderly people, and those with mobility issues—who may be reliant on walking into the village for services and amenities.

#### **6. Drainage and Sewerage Capacity:**

The proposed development raises significant concerns in relation to both surface water drainage and foul sewerage capacity. The area already has a known history of flooding and infrastructure constraints, and no satisfactory mitigation has been demonstrated within the application as highlighted by LCC Lead Local Flood Authority.

The proposal conflicts with the National Planning Policy Framework, which requires development to avoid areas of flood risk, demonstrate that flood risk is not increased elsewhere, and incorporate sustainable drainage systems where appropriate. The application, as submitted, fails to demonstrate compliance with these requirements.

Furthermore, the proposal is contrary to the Ribble Valley Core Strategy policies on sustainable development and infrastructure provision, which require that new development is supported by adequate infrastructure and does not create or worsen problems of flooding, water management, or sewerage.

The Parish Council requests the planning authority to evidence robust drainage and sewerage capability before any approval is considered. Previous developments in the village, local to this area appear to have failed to comply with adequate drainage—such as the proper installation and functioning of attenuation tanks—which has exacerbated local flooding issues. It is essential that these shortcomings are not repeated.

**7. Impact on Local Infrastructure and Services:**

The scale of the development would place additional pressure on already stretched local services and facilities, including schools, healthcare provision, and community amenities, without clear evidence that these impacts can be accommodated.

**8. Landscape and Visual Impact:**

The development would result in unacceptable harm to the landscape character of the area, eroding open countryside and the rural setting of the entrance to Whalley.

For the reasons outlined above, Whalley Parish Council strongly objects to Planning Application 3/2025/0588. We urge the Planning Authority to refuse this application as it is contrary to local and national planning policy and would result in significant and demonstrable harm to the character, environment, over-development and sustainability of Whalley and its surroundings.

**LOCAL HIGHWAYS AUTHORITY (LCC HIGHWAYS):**

Does not raise an objection regarding the proposed development and are of the opinion that the impact of the proposed development traffic can be sufficiently mitigated on the surrounding highway network. A number of conditions are recommended together with contributions to mitigate the impact of the development on the highway network.

LCC request the following conditions - construction method statement, site access and off-site highway works, visibility splays, arrangements for future management and maintenance of the estate road, full engineering, drainage, street lighting and construction details, internal roads to base course, driveways and parking areas and secure cycle stores.

LCC request a contribution of £6,000 for a Travel Plan support service as well as a voucher paid by the developer to the residents to encourage them to use sustainable travel modes if Travel Plan modal shift targets were not met in future years (contributions would be paid directly to each dwelling upon occupation of circa £250 per dwelling to fund a bus pass for a period of 3 months or a cycle voucher). These would need to be secured in a S106 agreement.

**LOCAL EDUCATION AUTHORITY (LCC EDUCATION):**

Response dated January 2026 confirms that LCC are not seeking any contributions for school places at this time.

**LEAD LOCAL FLOOD AUTHORITY (LLFA):**

Has raised - and maintained - an objection to the development due to an inadequate surface water sustainable drainage strategy.

**NHS LANCASHIRE AND SOUTH CUMBRIA INTEGRATED CARE BOARD (ICB):**

A contribution has been requested to mitigate against the impact on delivery of general practice services for the amount of £59,616 towards an extension of the current Whalley Medical Centre.

## **UNITED UTILITIES:**

Request the applicant provides a detailed drainage plan, and that UU has the opportunity to review this prior to the determination of this application. Should planning permission be granted without the provision of this information then we request an appropriate condition is attached to the Decision Notice requiring details of surface water and foul water drainage to be submitted prior to commencement of development.

## **ADDITIONAL REPRESENTATIONS:**

Approximately 175 letters of representation have been received objecting to the proposal on the following grounds:

- Development is outside the settlement, within open countryside;
- No public footpath situated along Clitheroe Road;
- The bypass bridge, A59 underpass and Clitheroe Road where the proposed development traffic is to enter and exit is liable to flooding;
- Adding 'affordable' homes to the village will increase anti-social behaviour and drug issues;
- Public transport remains infrequent and poorly connected;
- Elevated safety risks for pedestrians and cyclist, particularly given the proximity to a busy through-route;
- Loss of peaceful village identity;
- The local community does not require single room accommodation;
- Influx of new homes could oversaturate the housing market, driving down property values and impacting residents' financial stability;
- The proposed development parallels Wiswell Lanes application in 2020 for up to 125 homes, which was refused and the appeal was dismissed;
- Noise measurements place the site at medium risk for daytime and nighttime noise;
- Residents want to maintain a low-density neighbourhood;
- The proposal is considered unfeasible;
- Limited benefit to the local community;
- Increase in light population harming the local wildlife;
- No employment opportunities nearby;
- Proposed site is the location of a massive sinkhole a few years ago;
- The site entrance is on a blind bend on a 40mph road;
- Detimental effect on biodiversity and would result in the natural habitat loss for the local wildlife which includes; deer, foxes, buzzards, bats, squirrels, hawks, curlews, butterflies, bees. These fragmented habitats may disrupt migration routes and reduce genetic diversity;
- Runoff from construction sites may pollute streams or ponds, harming aquatic life;
- Poor air quality can impair respiratory systems in mammals and birds;
- Limited grade 3 agriculture land and green countryside left in the Whalley area;
- Proposed design does not visually compliment the historic period properties of the surrounding area;
- Addition of two pedestrian crossings will make it feel like an urban environment;
- Accrington Road Junction is already in a poor state of repair and is considered dangerous;
- Where will visitors park if the allocated car spaces are filled?
- No local housing supply is required: Ribble Valley Borough Council can already demonstrate a 6.2-year supply, surpassing the 5-year requirement;
- The proposal does not supply sufficient details for surface water drainage and means of disposal based on sustainable drainage principles;
- The proposal does not meet affordable housing requirements with older residents not being allocated for;

- Proposed development does not meet 10% increase in biodiversity required by biodiversity net gain;
- Located 950 metres from the town centre, the development is not within desirable walking distance. Residents would be reliant on private cars, rather than public transport;
- Development outside of defined settlement boundary, would result in urban sprawl;
- Residents pay a premium for council tax and receive minimal in return; and
- Proposed site is the location of a massive sinkhole a few years ago.

## **1. Site Description and Surrounding Area**

- 1.1 The application relates to an area of land measuring 3.42 hectares which lies outside of any defined settlement boundary and has not been allocated for any specific use within the Housing and Economic Development DPD.
- 1.2 The site is bounded to the north by Longsight Road (A59), to the east by agricultural land and further east Whalley Road (A671), to the south by residential development and to the west by Clitheroe Road. The site is currently accessed via a field gate on Clitheroe Road.
- 1.3 The site is greenfield agricultural land last used for livestock grazing and has a gradual slope from the south to the northwest. An existing Public Right of Way footpath (PROW) 3-45-FP11 runs approximately 150m to the north of the site.
- 1.4 The land includes protected trees which are covered by TPO 7/19/3/10 1957 Whalley and on adjacent land to the east and south of the site protected trees are covered by TPO 1992 Bramley Meade. There are other mature trees on and adjacent to the site. There is a drain which crosses the site from north to northeast and a cadent gas main within the red edge to the north of the site.
- 1.5 The site has a high risk of surface water flooding to the north of the site.

## **2. Proposed Development for which consent is sought**

- 2.1 The application seeks full planning permission for 77 dwellings which comprises the following:
  - 77 dwellings 100% affordable homes with parking for a total of 151 vehicles
  - Access from Clitheroe Road
  - Biodiversity net gain strategy to deliver a minimum 10% improvement
  - Sustainable drainage systems including attenuation basins
- 2.2 Access is applied for in this application, with the scheme proposing a direct vehicular and pedestrian access onto Clitheroe Road to the western boundary. As this is a full application details of appearance, landscaping, layout and scale have been submitted for consideration.
- 2.3 The housing mix will consist of 8 one-bedroom flats, 4 two-bedroom bungalows, 34 two-bed dwellings, 26 three-bedroom dwellings and 5 four-bedroom dwellings. In terms of housing type this consists of 8no. flats (two blocks of 4 flats, each two stories high), 4 no. semi-detached bungalows, 20 no. semi-detached two storey dwellings and 45 no. terraced two storey dwellings.

2.4 The applicant had been advised that a significant reduction in the number of units would be required in order for officers to view the scheme more favourably. However an amended scheme put forward by the applicant saw a reduction of only 9 units and did not address the officer concerns including in respect to matters of principle. It is at the discretion of the local planning authority whether to accept amended plans. There is a lot of local opposition to the scheme and the amendments would have required neighbour and consultee renotification. As the amendments did not address the concerns raised, and the applicant is not in a position to reduce the scheme further, then the applicant was advised that the amended plans would not be accepted and the application would be determined based on the scheme first submitted.

### **3. Relevant Planning History**

None.

### **4. Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1: Development Strategy  
Key Statement DS2: Sustainable Development  
Key Statement EN3: Sustainable development  
Key Statement EN4: Biodiversity and Geodiversity  
Key Statement H1: Housing Provision  
Key Statement H2: Housing Balance  
Key Statement H3: Affordable Housing  
Key Statement DMI1: Planning Obligations  
Key Statement DMI2: Transport Considerations

Policy DMG1: General Considerations  
Policy DMG2: Strategic Considerations  
Policy DMG3: Transport & Mobility  
Policy DME1: Protecting Trees and Woodlands  
Policy DME3: Site and Species Protection and Conservation  
Policy DME6: Water Management  
Policy DMH1: Affordable Housing Criteria  
Policy DMH3: Dwellings in the Open Countryside and AONB  
Policy DMB4: Open Space Provision

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

Technical Guidance to National Planning Policy Framework

### **5. Assessment of Proposed Development**

#### **5.1 Principle of Development:**

5.1.1 The application site lies to the north of the defined settlement of Whalley, between the defined settlement of Whalley (Principal Settlement) and Barrow (Tier 1 Settlement). The site lies adjacent to part of the settlement boundary for Whalley and approximately 330m from the nearest part of the settlement boundary of Barrow to the north.

5.1.2 Key Statement DS1 seeks to concentrate the majority of new housing development within the identified strategic site (Standen) and in the principal

settlements of Clitheroe, Longridge and Whalley. In addition, development is focused towards the more sustainable Tier 1 Villages. The site lies outside of the settlement boundary for Whalley within the open countryside, therefore Policy DMG2 is primarily engaged which requires development to meet one of the following criteria:

- Essential to the local economy or social well-being;
- Development needed for the purposes of forestry or agriculture;
- Development for local needs housing which meets an identified need;
- Development for small scale tourism or recreation appropriate to a rural area;
- Small scale use appropriate to a rural area where a local need for benefit can be demonstrated;
- Development compatible with the enterprise zone.

5.1.3 Policy DMH3 is also engaged in parallel with Policy DMG2 given the site location. This states within areas defined as open countryside or AONB residential development will be limited to:

1. Development essential for the purposes of agriculture or residential development which meets an identified local need. In assessing any proposal for an agricultural, forestry or other essential workers dwellings a functional and financial test will be applied.
2. The appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction.

5.1.4 The development of the site for affordable dwellings is one of the exception criteria in policies DMG2 and DMH3 which allows for development in the designated countryside. However, this is based on the development meeting an identified need.

5.1.5 In this case the proposal is for 77 dwellings all of which would be classed as affordable. In terms of tenure the submitted Planning Statement states that all the units would be made available as affordable rent, rent to buy and shared ownership units. The statement identifies that a Registered Provider (RP) is in discussion with the applicant to take forward delivery and allocation of units on the site. The RP would also maintain the open space and communal areas on the site via a management agreement.

5.1.6 The Planning Statement presents a case for the site based on a 2020 Strategic Housing and Employment Needs Assessment (SHENA) Report by Turley which set out an annual need for 88 units per annum as well as affordable housing waiting list figures for Whalley from January 2025 which identified 703 applicants. It is noted that as this waiting list has had limited screening in terms of local connection, which is a requirement of Policy DMH1, this waiting list figure is considered to be over-inflated.

5.1.7 The Council considers the recently published Affordable Housing Needs Survey (May 2025) to be a more robust assessment on affordable need. In terms of identified need for Ribble Valley this evidence sets out a total gross need of 323 affordable housing units per annum with a net need of 230 units. In terms of Whalley itself this evidence identifies a net need of 37 units in year one and then 7 units per annum in years 2 – 5 equating to 65 units over the 5-year period.

5.1.8 This development would provide more affordable units (77) than the identified need (65) for Whalley. Therefore the submitted application fails to provide sufficient evidence that this proposal would meet an identified need to this locality.

5.1.9 In addition, LCC has identified a supported housing need within the Ribble Valley of 10 1bed bungalows which is not included in the above parish level affordable housing need figures. However, for a site to be considered suitable for this supported housing it must be within close walking distance of services and the house types must be bungalows. This site and a scheme of only 4 bungalows is not considered to be suitable to meet this specific LCC need .

5.1.10 Policy DMH1 sets out the Affordability Housing Criteria for the Borough including eligibility and provisions for occupancy which ensures the development type and tenure would be limited to an identified local need. Additionally, the Council's approved strategy for negotiating affordable housing to ensure that Local Need is met is as follows:

- Securing a 50/50 Tenure Split (50% social rent capped at Local Housing Allowance rate and 50% affordable home ownership)
- Shared ownership capped at 80% staircasing in designated protected areas
- Where discount market sale is accepted on site, this would need to be discounted at 40% in designated protected areas
- A local occupancy cascade approach will be applied which prioritises people with a local connection to the Ribble Valley (or in the case of a rural exception site, which prioritises people with a connection to that particular ward)

5.1.11 Because the number of units is not accepted as meeting an identified Local Need, and the scheme is considered unacceptable for other reasons, there have been no detailed discussions with the applicant and/or any interested RP as to whether or not the development would achieve the above occupancy requirements.

5.1.12 Policy H3 has a requirement for 15% of the units to be for older people provision (defined in the Core Strategy as provision for people aged 55 years) on sites of 10 units or more, with this requirement typically expected to be met through the provision of bungalows. Within this 15% figure a minimum 50% should be affordable (and included within the overall affordable housing threshold of 30%) and the remaining 50% could be market housing. This will help to see the delivery of bungalow accommodation.

5.1.13 This would equate to a requirement of 12 units for people aged 55+ years. However, this application fails to provide any details of over 55's provision within the site. Whilst 4 of the units are 2-bed bungalows and 4 are 1-bed ground floor flats which could potentially be suitable however the Affordable Housing Needs Survey suggests that under 65's would be more likely to require a 2 or 3 bed unit whilst over 65's typically require 1 bed units but this would not necessarily be flats. Therefore there is some concern about the suitability of the one-bed flats for over 55s. Furthermore it is unclear how the remaining element would be achieved.

5.1.14 As such, taking account of the above, the proposal is considered to be in direct conflict with Key Statement DS1 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy insofar that approval would lead to the creation of new residential dwellings located outside of a defined settlement boundary, without sufficient justification - insofar that it has not been adequately demonstrated that the proposal would meet an identified local need to justify allowing the release of this site as a rural exception site. Furthermore it is unclear how the development

would meet the over-55's provision contrary to Key Statements H2 and H3 and DMH1 of the Ribble Valley Core Strategy.

- 5.1.15 Policy DMG2 goes onto state within the open countryside development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscape and siting. This will be considered in further detail below.
- 5.1.16 The most recently published five-year housing land supply figure (base date of 31<sup>st</sup> March 2025) indicated that Ribble Valley Borough Council has a housing land supply of 6.2 years. However, Committee will be aware of a recent appeal decision (dated 7<sup>th</sup> January 2026) at Land to the South of Chatburn Old Road, Chatburn (APP/T2350/W/25/3372635) whereby an Inspector determined that the Council has a housing land supply of 3.45 years.
- 5.1.17 Therefore, for the purposes of determining this application, the Council's position is that it cannot demonstrate a five-year supply, that the relevant strategic policies are not considered to be up-to-date and in terms of the planning balance paragraph 11 (d) of the NPPF requires the tilted balance to be engaged.
- 5.1.18 Specifically for decision taking this means - granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination
- 5.1.19 In terms of areas or assets of particular importance referred to at i.) above, these are identified as habitats sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, or a National Landscape, irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest...); and areas at risk of flooding or coastal change (emphasis added). This last designation applies to the site and compliance with relevant NPPF policy will be considered in the flood risk section.
- 5.1.20 In terms of whether the site is in a sustainable location referred to at ii.) above, there is modest food shop provision in Whalley with a small Co-op and Spar shop together with a small number of independent retail shops with the nearest larger supermarkets within Clitheroe still at a relatively modest scale to serve the town and adjacent areas. There is a pharmacy, hairdressers and beauticians as well as restaurants and drinking establishments and a Health Centre, Dentists and Community facilities within the centre of Whalley.
- 5.1.21 Both Whalley and Barrow have primary schools which serves the local area. It should be noted that the nearest education facility, Oakhill School and Nursery is privately funded and falls outside the control of Lancashire County Council and therefore no contribution requests would be made for that school. There is nursery provision within Whalley centre and whilst Barrow Brook also has provision this has the same accessibility limitations as mentioned above.

5.1.22 There are regular main line bus services to Burnley, Clitheroe, Preston, Skipton and Blackburn which run along Clitheroe Road with bus stops within close proximity to the proposed entrance of the site. The bus stops located on Clitheroe Road are less than 0.1 mile from the centre of the site which provides sufficient accessibility to this provision. There are also regular school children only bus services to Clitheroe Grammar School, Ribblesdale HS, Bowland HS and Billington St. Augustine's RCHS during term time.

5.1.23 The train station at Whalley is sited 1km from the site by road (0.7km as the crow flies) to the southwest of the site and provides a direct hourly service between 06.27 and 22.45 between Clitheroe and Rochdale which takes around 1hr 34mins; 1h 11mins to Manchester Victoria. The service to Clitheroe takes approximately 7mins between 06.26 and 23.21. At present the Sunday service is partly replaced by bus between Clitheroe and Blackburn resulting in a longer journey of around 2-3hrs.

5.1.24 The Local Cycling and Walking Infrastructure Policy (LCWIP) for Ribble Valley was published March 2024 with Clitheroe Road identified as a strategic route between Whalley and Barrow. The proposed measures to reduce the speed limit between Whalley and Barrow with associated traffic calming and crossing measures will be more conducive to walking and cycling.

5.1.25 Whilst future residents would be able to access the local services and facilities provided within Whalley which is approximately 800m to the southwest this application needs to demonstrate that the site has (or would have) good access and connectivity by foot and cycle to existing local amenities and services as well as public transport connections.

5.1.26 Based on the above, it is considered that on balance the site is in a sustainable location to support 77 houses by virtue of the effective connections to Whalley and Clitheroe accessing the pedestrian and cyclist links, bus stops and the railway stations and as such residents would not be totally reliant on car borne travel to access their day-to-day needs such as work, education, medical, shopping and leisure facilities.

5.1.27 As such the proposed development accords with Key Statement DM12 and Policy DMG3 of the Core Strategy and Para 117 of the National Planning Policy Framework and the site is considered to be a sustainable location for residential development.

## 5.2 Impact upon Residential Amenity:

5.2.1 The detailed layout of the proposed site sets out the relationship with nearby residential dwellings in respect of potential impacts on existing or future residential amenities.

5.2.2 In this respect, the nearest residential properties are The Lodge, Clitheroe Road (sited immediately to the south west of the site) Rockwood, Clitheroe Road (sited approximately 20m to the western boundary), 4 & 5 Maple Close (sited less than 10m to the southern boundary of no. 5), Springwood House and White Lees, Springwood Close (sited approximately 10m to the southern boundary of White Lees) and Bramley Meade Hall, Wiswell Lane (sited immediately to the south east boundary).

- 5.2.3 The Lodge would be the closest neighbouring property to the site and would have a distance of approximately 27m from rear elevation to rear elevation of the nearest proposed unit (plot 13) to the northeast at an oblique angle. This would be acceptable subject to appropriate boundary treatments and screening along the shared boundaries.
- 5.2.4 Rockwood is sited across Clitheroe Road to the west and would have a distance of approximately 55m from front elevation to front elevation of the proposed frontage bungalows (plots 1 – 4). This is acceptable subject to appropriate screening along that boundary.
- 5.2.5 In terms of No.'s 4 & 5 Maple Close; the gable of No. 5 would lie closest to the proposed development and would have a distance of approximately 35m from gable to rear elevations of plots 16 and 17 and 40m from rear to rear of plots 18 and 19. This is acceptable subject to appropriate screening along that boundary.
- 5.2.6 Springwood House and White Lees are sited to the south with White Lees closest to the proposed development with a distance of between 40m to 50m from rear/front to rear elevations to rear of plots 37 to 46. This is acceptable subject to appropriate screening along that boundary
- 5.2.7 Bramley Meade Hall lies over 70m from rear elevation to the side gables of plots 46 and 47. This is acceptable subject to appropriate boundary treatments and screening along that boundary.
- 5.2.8 Overall, it is considered that the proposed development can be accommodated on the site without any undue overbearing or loss of privacy impacts on the existing neighbours' properties having regard to scale, land levels and distances to the south, east and west boundaries. The proposal therefore satisfies policy DMG1 in this regard.

### 5.3 Impact on Visual Amenity/External Appearance

- 5.3.1 The site is located to the north of and outside of the defined settlement limits of Whalley. In this respect, given the open countryside designation of the site, consideration must be given as to the potential for the proposal to give rise to adverse impacts on the character and visual amenities of the immediate and wider area.
- 5.3.2 The proposal would be readily visible from Clitheroe Road and the A59 which runs on higher ground to the north of the site. Longer term views would be limited due to higher ground to the north and existing development to the east and south.
- 5.3.3 Whilst visibility in the immediate setting is low the proposal has the potential to significantly undermine an area of visual openness, that is of visual importance, that contributes significantly to the character and setting of the area, which affords a degree of visual separation between the existing built form (within the settlement boundary) and the A59 and the settlement of Barrow less than 500m to the north.
- 5.3.4 Therefore, in terms of visual impacts the development would result in significant urbanisation of a large expanse of undeveloped greenfield land which currently provides a green buffer between Whalley and the village of Barrow beyond. The proposal would result in the loss of the site's open and rural character which

currently positively contributes to the surrounding open countryside and the scale and intensity of development would change and adversely affect the site's countryside character currently experienced by residents, road users and public footpath users. Spatially the quantum of development would reduce the amount of open countryside between the two settlements.

- 5.3.5 In this respect, the quantum of development proposed fails to accord with Policy DMG1 in that the proposal fails to meet criterion (2) which requires that development proposals be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, density, layout and massing. It also fails to accord with Policy DMG2 in that it fails to be in keeping with the character of the landscape or respect the special qualities of the countryside area by virtue of its scale, density and layout.
- 5.3.6 For the above reasons the proposal would not function well or add to the overall quality of the area and is not sympathetic to local character, including the surrounding built environment and landscape setting. The proposal therefore fails to accord with paragraph 135 of the NPPF.

#### 5.4 Layout, Design and Appearance

- 5.4.1 The site is located to the north of and outside of the defined settlement limits of Whalley. In this respect, given the open countryside designation of the site, consideration must be given as to the potential for the proposal to give rise to adverse impacts on the character and visual amenities of the immediate and wider area.
- 5.4.2 The development would result in 77 relatively modest dwellings on the edge of a settlement which is characterised by existing large-scale dwellings set within substantial landscaped grounds. Whilst it is not suggested that the proposed development should mimic this type of development it should reflect the character of the area in terms of density, with a less cramped form of built form with more spacing between buildings and buildings more offset from footpaths, a more organic layout with less frontage parking, improved architectural quality and variety, softer boundary treatments and more sympathetic development edges.
- 5.4.3 Policy DMB4 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. Land to the north is proposed as a landscape buffer and whilst the applicant claims this to be open space the density of tree cover and vegetation (required as a wildlife corridor for ecology purposes) as well as the land levels means that this is not useable public open space. As such the scheme fails to satisfy Policy DMB4.
- 5.4.4 The scheme as submitted does not relate well to the existing built form in the locality most of which is of modern construction with the exception of The Lodge and Bramley Meade, which was a former maternity hospital during the war.
- 5.4.5 In this respect, the cramped layout, poor design, lack of useable and accessible open space and hard development edge along the eastern boundary means that the proposed fails to accord with Policy DMG1 criterion (2) which requires that development proposals be sympathetic to existing and proposed land uses in

terms of its size, intensity and nature as well as scale and massing. It also fails to accord with Policy DMG2 in that it fails to be in keeping with the character of the landscape or respect the special qualities of the open countryside.

5.4.6 For the above reasons the proposal would not be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; would not establish or maintain a strong sense of place (using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live); and would not sustain an appropriate amount and mix of development including green and other public space. The proposal therefore fails to accord with paragraph 135 of the NPPF.

5.5 Trees/Ecology and BNG:

5.5.1 The application is accompanied by an Arboricultural Assessment, Ecological Survey and Assessment and Biodiversity Net Gain (BNG) Strategy.

5.5.2 As previously mentioned, there are protected trees on and adjacent to the site as well as hedgerows. There is a ditch to the northeast corner of the site. There are ten Biological Heritage Sites within 2Km of the centre of the site. The nearest being Spring Wood 0.59km to the southeast.

5.5.3 It is a concern that there is no mention of some the trees on and adjacent to the site being protected. There are two Tree Preservation Orders which are relevant to this site TPO 7/19/3/10 1957 and TPO 7/19/3/125 1992.

5.5.4 The submitted arboricultural report states that the proposed development will result in trees being removed from the site due to mitigation, and tree retention will be very high. However, the development will result in the loss of some of the mature trees and hedgerows on the site. Some of these trees are category U and need to be removed due to their condition, However, some are category C trees and protected under the appropriate TPO's above. There is also concern that some of the trees to be retained are in close proximity to the built form of the development and proposed paths and patios would infringe on the Root Protection Areas.

5.5.5 It is also a concern that both the submitted Ecology Report and Biodiversity Net Gain Assessment have stated that there is not sufficient space within the site to accommodate replacement trees for all of those proposed to be felled. It would be a requirement for all necessary trees to be removed on a three to 1 basis within the site in order to provide appropriate compensation. Any protected tree that is not required to be felled due to condition i.e. category C and above should be retained and the development designed to take this into account unless there are overriding reasons for their removal. A compelling case has not been made in this instance.

5.5.6 The submitted ecology report states that the site consists of a belt of woodland together with dense scrub along the western site and northern area together with other habitats including bramble, tall forbs and scattered individual trees. There will be no direct or indirect impact on any designated sites with no Priority Habitats present on site. The mature and semi-matures trees and woodland habitats are considered to be of local importance as they provide habitat connectivity and support habitats of value for nesting birds, foraging birds and bats and contribute to the habitat structural diversity at the site and local area. No ground nesting birds were recorded on site, however, the conditions at the site would create sub-

optimum conditions to support ground nesting birds. Whilst the proposal seeks to converse/retain as many trees and area of woodland as possible the ecology report states that some tree removal is unavoidable. This would not have a significant adverse impact on the ecological function in providing continued habitat connectivity for birds, bats, nesting birds and other wildlife.

- 5.5.7 The habitats at the site are suitable for use by badger and Priority Species such as brown hare, hedgehog and other wildlife. Two ponds within 500m of the site have been assessed for great crested newts and other amphibian species with the results Green: Offence Highly Unlikely no further survey being required when following Natural Englands Rapid Risk Assessment. With appropriate survey's being undertaken and no further surveys for protected species being required.
- 5.5.8 This would be subject to appropriate mitigation and lighting as well as the buffering of habitats particularly along the northern margin of the site. This can be controlled by an appropriate condition if all other factors were to be accepted Therefore, in terms of ecology, the proposal accords with Key Statement EN4 and Policy DME3 of the Ribble Valley Core Strategy in this respect.
- 5.5.9 In terms of achieving the mandatory 10% Biodiversity Net Gain (BNG) uplift, the submitted Assessment states that the on-site net change cannot be achieved for the habitat units required and would only meet 3.80%. with the remaining requirement being met by a contribution towards off-site provision. Moreover, the BNG requirement for the loss of individual trees is not met by similar habitat creation resulting in a deficit of -1.53 units.
- 5.5.10 Therefore, the development will result in a significant loss in local biodiversity. It is advised that the deficits will be secured by agreeing a biodiversity payment, but no details of this off-site provision have been provided. Further information regarding off-site habitat creation and enhancement would be required in order to provide an acceptable level of reassurance that the Biodiversity Gain Condition will be able to be met.
- 5.5.11 Whilst a detailed landscaping scheme can be conditioned as part of any approval the submitted layout plan indicates open space to the north and enhanced hedgerow planting to the east and southern boundaries. Additional trees planting is proposed across the site whilst existing trees and landscaping would be retained and areas of new landscaping.
- 5.5.12 In this respect the authority cannot be certain that the proposal would align with the requirements of Key Statement EN4 which requires a net enhancement in biodiversity of a least 10% and whether this could be accommodated on the site and the mandatory BNG requirement.

## 5.6 Noise

- 5.6.1 A Noise Assessment has been submitted with the application which considers the potential impact of the nearby roads i.e. Whalley/Clitheroe Bypass (A59) to the north and Clitheroe Road (C549) to the west, on the proposed development.
- 5.6.2 The submitted report measures the background noise levels and the distances of the proposed receptors to the A59 and the C549 which states that it is reasonable to assume a global figure of 15dBA as the difference between external and internal levels for a façade with an open window.

Should it not be possible to meet the internal noise targeted with openable windows a variety of options that should be considered to avoid the need for windows to be closed. If closed windows are required then windows should be well sealed but can still be opened.

- 5.6.3 The mitigation measures proposed includes 2.5m acoustic barriers being attached to five of the gables of plots along the northern edge of the site together with thermal glazed windows.
- 5.6.4 The report concludes that the site would be placed into the Medium Risk category for both daytime and nighttime noise levels and therefore good acoustic design will be needed in order to demonstrate that the noise impact can be considered acceptable. Across the site with open glazing the criteria cannot be met. Therefore, closed thermal glazing will be necessary for all habitable rooms with mechanical ventilation.
- 5.6.5 The Council's Environmental Health Team has reviewed the report. They consider the submitted report noise levels are high for residential development as BS8233 states LAeq 55dB as a max and the WHO guidelines suggest noise level in gardens of LAeq 55dBA will cause serious annoyance. In this case in some of the gardens noise levels are predicted as between 55-60dBA with the acoustic barrier in place. WHO guidelines also suggest a façade level of 45LAeq at nighttime, but noise levels are predicted at 45-50dB with the acoustic barrier. The LAmax levels on the western boundary are also high with WHO guidelines recommending LAmax 45dBA in a bedroom to not exceed 10x per night. This report states 15dB through a window (which in reality can be as low as 10dB attenuation through a window) which would suggest max levels of 60dB at the façade no more than 10 times at night levels. The submitted monitoring shows that these levels are up to 70dB and 80 dB. It is not clear as to why the report identifies the 10th highest LA max level as we should be seeking to achieve levels more than 60dB for a bedroom LAmax setting at night.
- 5.6.6 It is therefore considered that this report does not fully reflect the implications of the nearby road noise on the proposed residential units with some of the calculations based on the lower end of the spectrum. The acoustic barriers are limited to particular plot garden areas to the north of the site, much lower than the noise source from the A59 which is elevated above to the north. The barriers may assist with potential road noise from Clitheroe Road to the west, however, as one the barriers is proposed to be sited at the far northwest of the site (plot 77) it is clearly the noise source from the north which they are seeking to mitigate.
- 5.6.7 Therefore, the proposal, as submitted, has failed to demonstrate that the proposed development would not result in any potential noise nuisance to the future occupiers of the residential units and that any satisfactory mitigation measures can be provided. In this respect the proposal fails to accord with Policy DMG1 of the Ribble Valley Core Strategy and paragraph 187 of the NPPF.

## 5.7 Highway Safety and Access

- 5.7.1 LCC Highways have raised no highway concerns in respect of the proposal, but they do require a number of off-site highway works to mitigate the impact of the development which would need to be secured by condition.

- 5.7.2 These include the upgrade/provision of 2 quality bus stops on Clitheroe Road; provision of a new footway/cycleway along Clitheroe Road/A59 to link into the crossing and existing footway provision; a reduction in the speed limit between Whalley and Barrow (approx. 500m) from 40mph to 30mph; new central islands to provide uncontrolled crossing points on Clitheroe Road to link the footway/cycleway provision; and a new site access arrangement with priority junction.
- 5.7.3 There is committed development at Springwood Drive (Lawsonsteads) 3/2013/0137 which has been included in the transport assessment. A large proportion of this residential development has been built and occupied and therefore the assessment has a higher level of robustness than would be expected.
- 5.7.4 Manual count and queue length surveys have been undertaken in February 2025 at specified junctions with peak times identified. Springwood Drive was not included in the distribution of traffic as it was not open to through traffic. Once it is open to traffic (anticipated 12-18months) the impact on surrounding junctions will reduce. To mitigate impact LCC have requested that a planning condition is attached to restrict any dwelling being occupied prior to the opening of Springwood Drive. However, given the anticipated timeframe of this a planning condition is not considered to be necessary.
- 5.7.5 A temporary construction access on Clitheroe Road with detailed design (including visibility splays, geometry and surface) details to be agreed by condition and implemented under agreement with LCC is considered to be acceptable.
- 5.7.6 In terms of the proposed site access from Clitheroe Road (C549) which is subject to a 40mph speed limit. It is proposed to reduce the 40mph between Whalley and Barrow (circa 500m long) to 30mph with associated speed calming features.
- 5.7.7 New connections onto the highway drainage system in Clitheroe Road will not be permitted. A later highways response confirms the surface water drain in Clitheroe Road doesn't appear to be a highway drain therefore the highways authority are satisfied that the proposals could be progressed to a detailed design at condition discharge stage subject to the LLFA consent.
- 5.7.8 The bus services are LCC subsidised services and LCC's original response had requested a contribution to support the running of these services to support sustainable travel at the site in the future. LCC have subsequently confirmed that the bus subsidy contribution is not required. A travel plan support contribution and voucher paid by the developer to the residents if Travel Plan modal shift targets were not met in future years is requested.
- 5.7.9 There is a Local Cycling and Walking Infrastructure Policy (LCWIP) for Ribble Valley published March 2024. Whalley Road is identified as a strategic route between Whalley and Langho with measures identified for improvement.
- 5.7.10 Since the original discussions the guidance for carriage way width has increased to 6m and the scheme should be amended to reflect this.
- 5.7.11 Any easements in place over land to access the embankment of the A59 should be investigated and access maintained for the Highway Authority.

5.7.12 In respect of the level of car parking to be provided on the site, each dwelling would have sufficient parking and secured cycle parking as well as electric vehicle charging points which is acceptable in this respect. The proposal accords with Policy DMG3 of the Ribble Valley Core Strategy which requires that all development proposals provide adequate car parking and servicing.

5.7.13 In terms of creating a safe and suitable access, effectively mitigating the potential impact on the transport network and seeking opportunities to improve the sustainability of the development, the proposal would accord with Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy and NPPF para 115 and subject to conditions and a contribution towards travel plan support.

## 5.8 Drainage and Flood Risk

5.8.1 The site lies within Flood Zone 1. With regard to Flood Risk the applicant has submitted a Flood Risk Assessment (FRA) which identifies a watercourse to the northeast of the site which ultimately discharges into the River Ribble. An ordinary watercourse lies along the southern side of Wiswell Lane and flows to the south. The nearest public sewer is a combined sewer on Clitheroe Road approximately 100m to the north of the northwest corner of the site.

5.8.2 The Environment Agency Surface Water map identifies high risk along the site's northern boundary which is the lowest part of the site.

5.8.3 A surface water drainage system will need to be designed to accommodate surface water flooding generated from greenfield runoff within the site boundary. Surface water run-off will be restricted to pre-development Greenfield runoff rate, attenuated to 18.9l/s and discharged into the watercourse in the open ditch on the western site of Clitheroe Road having passed under the A59.

5.8.4 Foul drainage will be collected by a piped system and discharged into the public sewer via a new connection from the site to the public sewer.

5.8.5 In terms of the submitted drainage strategy this has been reviewed and objections raised by Lead Local Flood Authority. The submitted surface water sustainable drainage strategy involves an off-site connection to the open watercourse/ ditch to the west in third party land and via a possible culverted watercourse within the existing highway. No evidence of an agreement in principle with the landowner or the asset owner has been provided and therefore it may not be possible to drain the site.

5.8.6 The applicant has not provided any clear evidence and verification of the proposed culverted watercourse within Clitheroe Road and where this connects to. Furthermore, the proposed alternative discharge option, is to connect the potential culverted watercourse under Clitheroe Road to the existing open watercourse to the north, which would also require third party access, therefore a viable plan b drainage option has not been provided. In the event that the connection point to the north is found to be a viable option then the applicant will be expected to address the proposed overall discharge rate and volume, given that evidence would suggest that the site does not naturally discharge to this location and therefore could be increasing the flood risk offsite.

5.8.7 The applicant has failed to provide sufficient management and maintenance evidence for the proposed offsite connection through third party land, which could

have implications on the future operation, management and maintenance of the surface water sustainable drainage system.

5.8.8 For the reasons outlined above the proposed development fails to accord with Policy DME6 of the Ribble Valley Core Strategy in terms of providing an appropriate drainage strategy as well as paragraph 182 of the NPPF. As the site is at risk of surface water flooding and a conflict with NPPF policy on flood risk is identified this means that the tilted balance at NPPF Para 11d) is not engaged.

## 5.9 Geoenvironmental Constraints

5.9.1 A Preliminary Geoenvironmental Investigation report has been submitted in support of the application which identifies the following scope of works for an intrusive ground investigation:

- Programme of ground investigations to identify the strata sequence and assess engineering properties;
- Sampling of the existing strata for chemical and civil engineering laboratory test purposes
- Programme of chemical analyses upon representative samples of the strata to determine their suitability for reuse within a commercial/residential environment;
- Reinstatement;
- Preparation of factual and interpretative report.

5.9.2 The report concludes that the site would require further intrusive investigation in order to ensure that any remediation work is identified and appropriate mitigation proposed.

5.9.3 In this respect the proposal accords with Policy DMG1 of the Ribble Valley Core Strategy which requires that all development proposals achieve efficient land use and remediation subject to an appropriate condition.

## 5.10 Contributions

5.10.1 A contribution of £6,000 has been requested from LCC Highways towards Travel Plan support. Additionally, they request the developer to pay £250 per dwelling direct to each resident towards a voucher scheme which promotes sustainable travel if Travel Plan modal shift targets are not met in future years.

5.10.2 NHS Lancashire & Cumbria Integrated Care Board has requested a contribution to mitigate against the impact on delivery for the amount of £59,616 towards an extension of Whalley Medical Centre. Unlike the education and POS contributions, Policy DMI1 of the Core Strategy does not provide a policy framework for upholding such requirements. However, the NPPF and National Planning Practice Guidance do provide such a framework where the contribution requested / formula provided is demonstrated to be directly related to the development which the LPA considers has been satisfied.

5.10.3 Policy DMB4 states that the Council will negotiate an off-site leisure contribution on a case-by-case basis. Concerns about the quality and accessibility of public open space (POS) on site have previously been raised. Furthermore, no formal children's play facilities are proposed on site. Therefore, it is reasonable for a development of this scale to make a contribution towards improvements to

existing play facilities in Whalley. Policy DMI1 of the RVCS provides the policy framework / justification for such requirements.

5.10.4 POS contributions are calculated based on the impact of the proposed development on the Borough's current provision and its identified future needs. A total cost figure of open space, sport and leisure requirements has been used to generate a per head contribution that relates overall resident numbers to the overall combined costs of the various open space requirements.

5.10.5 Applying the Council's cost per head figure to this development results in a contribution requirement of £34,552.17.

## **6. Observations/Consideration of Matters Raised/Conclusion**

6.1 For the reasons outlined above the proposed development would fail to meet an identified local housing need for Whalley and therefore fails to meet any of the Core Strategy exception criteria for justifying the release of land for development within the open countryside.

6.2 The proposed development would result in the introduction of an incongruous and discordant form of development within the open countryside that fails to respond positively to the inherent character of the area. It would fail to secure the objective of well-designed places. The application fails to demonstrate that the proposed development would not result in the loss of protected trees and fails to provide an adequate strategy to demonstrate how the development will meet the statutory BNG provision.

6.3 The proposal fails to demonstrate that future users of the development would not be subject to unacceptable noise levels from road noise nuisance.

6.4 There are issues with the proposed drainage scheme which have not been addressed in terms of off-site connections and culverted watercourses.

6.5 For the above reasons the proposal fails to accord with the development plan. However, as the Council cannot demonstrate a five-year housing supply Paragraph 11d is engaged. On this basis the restrictive approach toward new development in the countryside must be considered to be out-of-date.

6.6 Sub section i) of Paragraph 11d) requires the LPA to consider whether the development would be in conflict with any of the NPPF policies on flood risk because the site is at risk of surface water flooding. In light of the concerns raised by the LLFA about whether the development can be suitably drained the scheme is considered to conflict with Paragraph 182 of the NPPF.

6.7 Sub section ii) of Para 11d) requires the LPA to consider whether the adverse impacts would significantly and demonstrably outweigh the benefits. The proposal fails to accord with paragraph 135 insofar that the proposed development is considered to represent poor design and would not function well or be visually attractive or sympathetic to the local character of the area. It would also fail to accord with paragraph 182 (flood risk) and paragraph 187 (future users at risk of unacceptable noise pollution and recognising the intrinsic character and beauty of the countryside and the wider benefits of trees).

6.8 The benefits of the development have been considered, namely the delivery of housing and affordable housing to help meet the Borough's housing needs which carries

significant weight as well as consumer expenditure in the area, construction jobs and supporting the building industry supply chain.

6.9 However, the adverse impacts identified would significantly and demonstrably outweigh the benefits. The disbenefits of the scheme would have an unacceptable impact. It is considered that these impacts are significant and therefore the tilted balance would not apply in this case to justify the granting of planning permission.

**RECOMMENDATION: That the application be REFUSED for the following reasons:**

1. The proposed development would result in the introduction of an incongruous and discordant form of development within the Open Countryside that fails to respond positively to the inherent character of the area contrary to Policies DMG1 and DMG2 of the Ribble Valley Core Strategy and paragraph 187 of the National Planning Policy Framework.
2. The proposed development would represent poor design, would not sustain an appropriate amount and mix of development including the requirement for older persons accommodation and public open space, and does not give due consideration to protected trees on and adjacent to the site. This is contrary to Key Statements H2 and H3 and Policies DMH1, DMG1, DMB4 and DME1 of the Ribble Valley Core Strategy and paragraph 135 (a-f) of the National Planning Policy Framework.
3. The site is at risk of surface water flooding and the application has failed to demonstrate that an appropriate sustainable drainage strategy can be achieved on the site contrary to Policy DME6 of the Ribble Valley Core Strategy and paragraph 182 of the National Planning Policy Framework.
4. The applicant has failed to demonstrate that future users if the development would not be at risk from unacceptable road noise levels associated with the adjacent A59 and Clitheroe Road. This is contrary to Policy DMG1 of the Ribble Valley Core Strategy and paragraph 187 of the National Planning Policy Framework.
5. The proposed development would result in the loss of existing habitat and individual trees, with insufficient details being submitted to demonstrate an appropriate strategy for achieving the statutory requirement for Biodiversity Net Gain contrary to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

**BACKGROUND PAPERS**

[https://webportal.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2025%2F0588](https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2025%2F0588)