

<b>Late Items – Planning &amp; Development Committee</b>				 Ribble Valley Borough Council <a href="http://www.ribblevalley.gov.uk">www.ribblevalley.gov.uk</a>
<b>Meeting Date: 5 FEBRUARY 2026</b>				
<b>Briefing version</b>		<b>Issue Date:</b>		
<b>Committee Version</b>	•	<b>Issue Date:</b>	05/02/2026	
<b>Application Ref:</b>	3/2025/0588	<b>Land East of Clitheroe Road, Whalley</b>	<b>REC:</b>	<b>REFUSAL</b>

Since the agenda was published officers wish to provide the following points of clarification as well as an update to the drafting of refusal reason #2 (splitting this into two separate reasons): -

#### Noise

Since the main committee report was published the agent has responded stating they consider the Council's assessment on noise to be incorrect. However, the Environmental Health Officer has had further dialogue with the applicant's appointed noise consultant and remains of the view that their original assessment is correct and that the noise report levels do not use appropriate noise levels on which to determine noise mitigation.

Paragraphs 5.6.1 – 5.6.7 of the main committee report deal with the Council's concerns on noise. Additionally the Council's Environmental Health Officer notes:

*Specifically, BS8233:2014 mentions L<sub>Amax</sub> only in general terms for sleep disturbance but gives no numeric L<sub>Amax</sub> criterion. No UK document (BS8233, BS4142, ProPG, NPSE, NPPF) sets a "10th highest" rule.....The WHO guidelines themselves do not specify using the 10th highest L<sub>Amax</sub> event it states levels of an L<sub>Amax</sub> of 45dB shall not be exceeded 10-15 times a night. We would expect the report to use the highest L<sub>Amax</sub> levels in evaluating the findings, to ensure the mitigation is sufficient to protect amenity of future residents indoors.*

*Figure 4 of the WHO guidelines state that to avoid serious annoyance in an outdoor living area L<sub>Aeq</sub> levels shall not exceed 55dB for moderate annoyance 50dB some of the outdoor areas are exposed to 55-60dB, [and] levels will likely be higher during the day as traffic increases.*

*[Furthermore] the report submitted has errors in it regarding the noise modelling; plan, [but] this has not been revised.*

#### Risk of Flooding and Applying the Tilted Balance

Since the main committee report was published the agent has responded stating they consider that NPPF paragraph 11d)(i) (granting planning permission unless the application of policies in the NPPF that protect areas...of particular importance (identified at footnote 7) provide a strong reason for refusing the development) does not apply in this case. Whilst this does apply to areas at risk of flooding, the agent states that the area of surface water flooding within the site area is to the north of the site where no built development is proposed. They say a surface water drainage system will not need to be designed to accommodate the surface water flooding and will be designed to restrict surface water runoff from the developed site prior to discharge into the culverted section of the Ordinary watercourse that crosses Clitheroe Road.

However, as set out within the main committee report, the Lead Local Flood Authority (LLFA) object to the proposed drainage scheme as the proposed culverted watercourse has not been verified and a

potential option b has not been proved to be viable. Given this uncertainty it has not been evidenced that an appropriate drainage scheme can be implemented without affecting the surface water flood risk on site. Therefore officers remain of the view that NPPF 11d(i) could apply.

As set out at para 5.8.8 of the main committee report, if a strong reason for refusal is identified under footnote 7, the application of NPPF para 11d)(i) means that you don't then need to go on to apply the tilted balance under 11d)(ii) as you essentially stop there. Nevertheless the tilted balance has been applied in the main committee report in any event, as summarised below. Whether NPPF 11d)(i) (flat balance) or 11d)(ii) (tilted balance) is applied, this would not change the recommendation.

In applying the tilted balance, the main committee report (para 6.8) identifies the benefits of the development, including the delivery of housing and affordable housing to help meet the Borough's housing needs which carries significant weight, especially in the context of a lack of 5-year housing land supply. The report goes onto state (para 6.9) that the harms identified would significantly and demonstrably outweigh the benefits, and that the disbenefits of the scheme would have an unacceptable impact. It is considered that these impacts are significant. Therefore even on the application of the tilted balance there would not be justification to grant planning permission.

#### Biodiversity Net Gain (BNG)

In respect of BNG, the agent has stated they are not aware that there is any development plan policy nor national policy or guidance that requires net gain to be met on site, and is unclear why officers have rejected the approach to addressing BNG deficits with a biodiversity payment with a habitat bank or other similar provider. However, GMEU (the Council's BNG advisors) have previously advised officers that in line with best practice principles, on-site habitat losses should first be avoided if at all possible before considering off-site options. Therefore, officers consider the BNG assessment is correct and refusal reason #5 in the main committee report is justified.

#### Affordable Housing Need

Paragraphs 5.1.8 and 5.1.11 of the committee report assess the scheme against the identified affordable housing need in Whalley. Whilst it is acknowledged that 65 of the 77 units would meet an identified need over 5 years, and that without the scheme the Council would be dependent on other applications coming forward otherwise the need would be unmet, as explained in the report, a scheme of this scale beyond local affordable need fails to meet the 'local needs housing' exception criteria in Policy DMG2.

#### Refusal Reasons

Currently drafted refusal reason #2 deals with matters relating to poor design, housing mix and failure to protect trees. It is considered that these should be split into two refusal reasons and reworded as follows:-

2. The proposed development would represent poor design, by virtue of the cramped grid layout with insufficient spacing between buildings and between buildings and the street, dominance of frontage parking, hard development edges, lack of architectural detailing and variety, lack of useable and accessible public open space, and failure to give due consideration to protected trees on and adjacent to the site. This is contrary to Policies DMG1, DMB4 and DME1 of the Ribble Valley Core Strategy and paragraph 135 (a-f) of the National Planning Policy Framework.

3. The proposed development would not sustain an appropriate mix of housing, in particular the application fails to demonstrate how the requirement for older persons accommodation would be met. This is contrary to Key Statements H2 and H3 and Policy DMH1 of the Ribble Valley Core Strategy.

Drafted refusal reasons 3-5 in the main committee report would then be numbered 4-6.