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## Appeal Decision

Hearing held on 10 September 2025

Site visit made on 10 September 2025

**by T Burnham BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 October 2025

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### **Appeal Ref: APP/T2350/W/25/3368139**

#### **Land south of Accrington Road, Whalley Easting (x) 373577 Northing (y) 436047**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Oakmere Homes (NW) Ltd against the decision of Ribble Valley Borough Council.
  - The application Ref is 3/2022/1158.
  - The development proposed is erection of 17 dwellings and 57 apartments with associated access, roads, car parking, landscaping and infrastructure, including a public car park to serve Whalley town centre.
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### **Decision**

1. The appeal is allowed and planning permission is granted for Erection of 17 dwellings and 57 apartments with associated access, roads, car parking, landscaping and infrastructure, including a public car park to serve Whalley town centre at Land south of Accrington Road, Whalley Easting (x) 373577 Northing (y) 436047 in accordance with the terms of the application, Ref 3/2022/1158 subject to the conditions in the attached schedule.

### **Applications for costs**

2. An application for a full award of costs was made by Oakmere Homes (NW) Ltd against Ribble Valley Borough Council. This application is the subject of a separate decision.

### **Preliminary Matters**

3. At the time the original application was determined by the Council, two reasons for refusal were set out which centred on the main issues below. However, the Council later confirmed that they no longer wished to defend either reason for refusal.
4. The original reasons for refusal are matters which are nonetheless included within the concerns of interested parties and I shall consider them as main issues. The main issues within the appeal were agreed between the Council and appellant at the Hearing.
5. It is common ground between the Council and appellant that the appeal site benefits from an outline permission via a planning approval dating from June 2013 and subsequent reserved matters approval for a residential development for the elderly comprising of 37 bungalows and 40 retirement apartments. It is also

common ground that this permission could continue to be built and completed without requiring any new planning permission.

6. A completed planning obligation has been submitted. The obligation seeks to restrict the occupancy of the apartments to those not less than 55 years of age and partners/spouses/family members, the provision of a public car park to serve Whalley Town Centre and to set up, and obtain the Council's written approval of, a management company for the development which will manage and maintain the public open space, landscaping, biodiversity net gain habitat areas, SuDS infrastructure and flood compensation storage area infrastructure. The planning obligation also includes financial contributions towards off site leisure facilities and open space, for primary school provision and a financial contribution towards travel plan monitoring.
7. The evidence indicates that the provisions within the planning obligation are necessary to make the development acceptable in planning terms. They are directly related to the development and fairly and reasonably related in scale and kind. They therefore meet the relevant tests<sup>1</sup>.

## **Main Issues**

8. The main issues are therefore whether the proposal would address local housing need or contribute towards a balanced or inclusive community with reference to affordable housing having regard to the viability of the proposal and the effect of the proposal on the safe operation of the immediate highway network.

## **Reasons**

### *Planning policy position*

9. The development plan for the area comprises the Ribble Valley Core Strategy (2014) (CS). The most important policies are identified within the Statement of Common Ground. There is nothing within the evidence to suggest that the most important policies or indeed the development plan as a whole should be considered out of date and I have no reason to come to any other conclusion given I find them broadly reflective of the aims of the Framework.

### *The appeal site*

10. The appeal site which is currently largely undeveloped sits within the settlement boundary of Whalley and is identified as a committed housing site within the policies map associated with the CS. The site is closely adjacent to existing residential areas and a short distance from a range of services and facilities within Whalley which is identified as one of the principal settlements of the district within the development strategy for the area under Key Statement (KS) DS1 of the CS.
11. The River Calder runs a short distance from the site boundary and the site sits to a large degree below Accrington Road as it rises adjacent to the opposite boundary of the site. The site sits outside of the Whalley Conservation Area (the Conservation Area), the closest part of which encompasses the stone built terraced properties diagonal to the site on the opposite side of Accrington Road. The apartments would be provided over two blocks, one smaller providing 8no. apartments and the other larger block providing 49no. apartments.

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<sup>1</sup> Within Paragraph 58 of the National Planning Policy Framework 2024.

### *Affordable housing*

12. The evidence indicates that a number of viability appraisals were submitted by the appellant during the course of the application. In August 2024, the Council instructed an independent viability assessment.
13. Part of this assessment found that in conflict with an earlier assessment with regard to the apartment buildings and the applicability of BCIS rates, these should be applied to the gross internal area to include all the shared areas. Taking this approach led to the identification of a substantial increase in apartment build costs.
14. With no affordable housing contribution and no other contributions via planning obligation the scheme was found to generate a residual land value well below the benchmark land value. Overall, the assessment concluded that the scheme is under significant viability pressure which would warrant a reduction in planning policy requirements for contributions in order to give the site the best chance of being delivered and nothing firm indicates otherwise.
15. However, KS H3 of the CS states that with regard to sites such as that before me, the Council will require 30% affordable units on the site. It also stipulates that a reduction in that level of provision to a minimum of 20% will only be considered where a viability appraisal fully justifies a lower level of provision.
16. Whilst KS DMI1 states that policy obligations will be negotiated on a site by site basis suggesting more flexibility than KS H3, affordable housing is at the top of the order of priority for planning contributions. Given that no affordable housing would be provided whilst other contributions are being made, the proposal therefore would not fully contribute towards a balanced or inclusive community with reference to affordable housing, albeit that is not included due to viability issues. The proposal draws conflict with KS H3 and KS DMI1 of the CS.

### *Operation of the Highway network*

17. The effect of the proposal has been modelled on the nearest main junctions which are the mini roundabout at the junction of Accrington Road and King Street as well as the signalised junction in the other direction from the site where Accrington Road meets the A671.
18. This modelling concluded that the maximum increase in traffic at either the Accrington Road / King Street mini roundabout and A671 traffic signals would be 8 vehicles an hour, or an additional vehicle every 7.5 minutes. The report concludes that this level of traffic increase would be imperceivable and well within the daily variation in traffic flow that would be experienced at the junctions.
19. On that basis, the proposal would have no significant adverse impact on the safe operation of the immediate highway network. Subsequently, there would be no conflict with policies KS DMI2 or DMG3 of the CS which amongst other things state that in making decisions on development proposals, considerable weight should be afforded to the adequacy of infrastructure to serve those moving to and from the development.

## Other Matters

20. Extensive concern has been raised within comments from interested parties with regard to the flood risk to the proposed development and the risk of the proposal increasing the risk of flooding elsewhere.
21. The Environment Agency Flood Map shows parts of the site as being within Flood Zones 2 and 3 and therefore at higher risk of flooding. The argument is made within the submitted Flood Risk Assessment, that based on the 2020 Flood Risk Management Scheme appraisal model developed by Mott MacDonald, the site could no longer be considered to fall within flood zone 3 and should be classified as being partially within Flood zone 2.
22. Within the flood risk vulnerability classification within the Framework, housing is classed as more vulnerable development. Separately, The Framework advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The proposal is a type of development which should normally be subject to the sequential test with regard to flood risk.
23. The overall aim of the sequential test is to steer new development to areas with the lowest risk of flooding, and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The sequential test has not been applied here and it is not known whether there are reasonably available alternative sites at lower risk of flooding.
24. However regardless of the flood zone within which the site sits, regard must be given to the existing extant planning approval at the site which relates to a similar level of development. Given that this scheme could be implemented without any further planning approval this matter should be afforded significant weight.
25. Further, the development is designed such as the properties would be set on a raised platform above the predicted flood level. To offset the loss of floodplain storage associated with this raising of ground levels, compensatory flood water storage would be provided to prevent increase in flood risk elsewhere within the area. The scheme for flood water storage is required via condition whilst provision for its management is included within the planning obligation.
26. I therefore consider that given the very specific circumstances surrounding the fall-back position at this particular site, on a site that is identified for development within the CS, I afford limited weight to the lack of a sequential assessment.
27. Issues surrounding flood risk and the site and within the surrounding area have been considered in detail and no refusal reason was included by the Council with regard to this matter nor has it raised concern over this point. The Environment Agency have been consulted and consider that the development would be safe from flooding and would not exacerbate flood risk elsewhere as long as the proposed flood risk mitigation measures, which would be secured, are implemented.
28. There would therefore be no conflict with Policy DME6 of the CS which amongst other things states that development will not be permitted where the proposal would be at an unacceptable risk of flooding or exacerbate flooding elsewhere.

29. The proposal would cause no harm to the setting of Whalley Conservation Area by reason of its separation from the main body given the Conservation Area is largely detached from the site with its nearest point including stone built terraced properties on the opposite side of Accrington Road away from the site. There would therefore be no conflict with Policy EN5 of the CS which amongst other things requires that the settings of heritage assets will be conserved and enhanced in a manner appropriate to their significance and heritage value.

### **Planning Balance**

30. There would be some conflict with KS H3 which requires 30% affordable units to be provided on the site. It also stipulates that a reduction in that level of provision to a minimum of 20% only will be considered where a viability appraisal fully justifies a lower level of provision. It is also the case that KS DMI1 states that affordable housing is at the top of the order of priority for planning contributions. Other contributions have been provided here ahead of any affordable housing provision. There is also therefore a degree of conflict with this Policy.
31. Set against this, KS H3 states that providing housing for older people is a priority for the Council within its housing strategy, whilst KS DMI1 states that obligations will be negotiated on a site by site basis, which suggests that there can be a degree of flexibility in the way that contributions associated with any particular site can be assessed.
32. In this particular case, a public car park would be provided a short distance from the centre of Whalley by the developer to assist with identified parking issues in the area. Policy DMI1 offers the flexibility of approach and the Council advised me at the Hearing that this approach was deemed most appropriate for the particular circumstances of this particular site.
33. This leads me to afford limited weight to the conflict of the scheme with parts of KS H3 and Policy DMI1. There would be no conflict with the development plan when taken as a whole. This position is agreed by the main parties as common ground.
34. The presence of the fall back position, to which I afford significant weight, outweighs the conflict with the Framework which seeks to direct development to areas at lower risk of flooding. The evidence indicates that the development would be safe from flooding and would not exacerbate flood risk elsewhere. The site is identified for development within the CS.
35. The five year housing land supply figure (5YRHLS) was not agreed between the main parties, with the appellant placing this at 3.38 years and the Council, via its 5YRHLS document from May 2025 placing the figure at 6.2 years.
36. However, there is no need for me to come to a conclusion on that matter as paragraph 11 of the Framework requires that development proposals that accord with an up to date development plan should be approved without delay. Material considerations do not indicate a decision otherwise than in accordance with the development plan.

### **Conditions**

37. Conditions 1, 2 and 11 are required to define the development. Condition 3 is necessary in the interests of the living conditions of nearby occupiers. Conditions 4, 8, 9, 10, 14, 21, 22, and 24 are necessary to minimise flood risk. Conditions 5

and 26 are necessary in the interests of biodiversity whilst conditions 6, 7, 13, 15, 16, 17 and 18 are necessary in the interests of highway safety. Conditions 12 and 25 are necessary in the interests of the character and appearance of the area. Conditions 19, 20 and 23 are necessary to encourage the use of more sustainable modes of travel.

## Conclusion

38. For the reasons set out above the appeal should be allowed.

*T Burnham*

INSPECTOR

## SCHEDULE OF CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the plans hereby approved:

Site Location Plan 015-LOC-01  
Topographical Survey Sheet 1 15J270/001  
Topographical Survey Sheet 2 15J270/001  
Site Layout Plan 015/R-OAK/01 Rev L  
Boundary Treatment Layout 015/R-OAK/03 Rev G  
Surface Treatment Layout 015/R-OAK/06 Rev G  
Garage and Parking Layout 015/R-OAK/09  
Street Scenes A-B and Site Section C 015/P-STREET\_1 Rev G  
Site Sections D-H 015/P-STREET\_2 Rev A  
Site Section J 015/P-STREET\_3 Rev A  
Tree Survey Plan c-812-20 Rev A  
Bin Store SD/BS/01  
Landscaping Sheet 1 c-812-31 Rev C  
Landscaping Sheet 2 c-812-32 Rev C  
Landscaping Sheet 3 c-812-33 Rev C  
Bowfell Housetype 015/BOW/P03 Rev A  
Brathay Housetype 015/BRAY/P03  
Grasmere Housetype 015/GRA/P03 Rev A  
Kirkstone Housetype 015/KIRK-AG/P03 Rev A  
Wasdale Housetype 015/WAS/P03 Rev A  
Accrington Road Apartments - Floor Plans 015/AR-APT/P01 Rev C  
Accrington Road Apartments - Elevations 015/AR-APT/P02 Rev E  
Small Block Apartments 59 - 66 015/APTS/P03 Rev B  
Cut and Fill Areas Plan 21315-GAD-00-ZZ-DR-C-1411-P03  
Drainage Layout 21315-GAD-01-ZZ-DR-C-1001-P06



Drainage Longsections Sheet 1	21315-GAD-01-ZZ-DR-C-1021-P02
Drainage Longsections Sheet 2	21315-GAD-01-ZZ-DR-C-1022-P02
Drainage Longsections Sheet 3	21315-GAD-01-ZZ-DR-C-1023-P01
Finished Levels and Retaining Walls	21315-GAD-01-ZZ-DR-C-1406-P04
Flood Exceedance Route Plan	21315-GAD-01-ZZ-DR-C-1005-P05
Foul Water Manhole Schedules	21315-GAD-01-ZZ-DR-C-1012-P02
Impermeable Areas Plan	21315-GAD-01-ZZ-DR-C-1040-P03
Section 104 SUDS Details	21115-GAD-01-ZZ-DR-C-1070-P01
Surface Water Manhole Schedules	21315-GAD-01-ZZ-DR-C-1011-P02
Highways Details	21315-GAD-ZZ-01-DR-C-1530-P01
Highways Kerbing Layout	21315-GAD-01-ZZ-DR-C-1556-P03
Highways Longsections 1	21315-GAD-01-ZZ-DR-C-1511-P02
Highways Longsections 2	21315-GAD-01-ZZ-DR-C-1512-P02
Highway Setting Out	21315-GAD-00-ZZ-DR-C-1501-P03
Highways Finished Surfaces Layout	21315-GAD-01-ZZ-DR-C-1551-P03
Site Access and Highway Mitigation Proposals (with Swept Path)	P434/15/002 - Plan 1 Rev A
Site Access and Highway Mitigation Proposals (without Swept Path)	P434/15/002 - Plan 2 Rev A

3. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the Local Planning Authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number;
- Details of the parking of vehicles of site operatives and visitors; Details of loading and unloading of plant and materials;
- Arrangements for turning of vehicles within the site;
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (pedestrians and cyclists);
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- Measures to control the emission of dust and dirt during construction;
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Construction vehicle routing; and
- Delivery, demolition and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

4. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during

construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority. The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

5. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to, and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details shall be submitted on a dwelling/building dependent species site plan and include details of plot numbers and identify the actual wall and roof elevations into which the above provisions shall be incorporated. The artificial bird/bat boxes shall be incorporated into the identified individual dwellings during their construction and be made available for use before each such dwelling is occupied and thereafter retained. The development shall be carried out in accordance with the approved details.

6. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the submitted scheme shall include and not be limited to:

- Uncontrolled pedestrian crossing to the west of the Public Car Park junction which will connect to the existing dropped kerb provided where the existing eastbound bus stop is located.
- Uncontrolled pedestrian crossing to the west of the residential junction, and another located on the opposite side of the carriageway on the footway to the east of Sydney Avenue.
- Kerb build out to the east of Sydney Avenue and an uncontrolled pedestrian crossing opposite on the proposed eastbound footway.
- Kerb build out located where Public Footpath 3-45-FP27 meets Accrington Road and another kerb build out opposite, provided on the existing footway.
- Relocation of the existing eastbound bus stop to the proposed kerb build out to the east of Sydney Avenue.



- Creation of a new westbound bus stop to the east of the residential junction. Review of the speed limit along Accrington Road, from the mini-roundabout junction between King Street/ Accrington Road to the signalised junction between A4671/ B6246/ Spring Wood Picnic Area.
- Pursue Traffic Regulation Orders along the full site frontage; junction between Accrington Road/ Sydney Avenue and to the kerb build out to the east of the junction.
- Tactile paving provided at both proposed junctions.
- Street Lighting Assessment for the full length of Accrington Road.

All agreed works shall thereafter be completed prior to first occupation of the site.

7. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development, including written confirmation that it will not be offered to the highway authority for adoption, have been submitted to and approved by the Local Planning Authority. The streets shall be maintained in accordance with the approved management and maintenance details thereafter for the lifetime of the development.

8. The development hereby permitted must not be commenced until such time as a scheme to provide appropriate compensatory storage for flood mitigation on site has been submitted to, and approved in writing by, the Local Planning Authority. The scheme and plans submitted shall show the final engineering solution for the compensatory storage measures, including (but not limited to) the detailed design and hydraulic modelling to demonstrate how the scheme will function to ensure flood waters can enter the storage and be discharged freely after a flood. It must be demonstrated through the hydraulic modelling that there will be no loss in storage capacity for the lifetime of the development. The scheme shall be fully implemented prior to any development on site and subsequently maintained, in accordance with the scheme's timing/phasing arrangements.

9. The development hereby permitted must not be commenced until such time as a detailed management plan for the compensatory flood storage scheme has been submitted to and approved in writing by the Local Planning Authority. The maintenance plan must demonstrate how the compensatory storage scheme, including proposed drainage channel shall be maintained for the lifetime of the proposed development. The plan as a minimum shall include:

- Details of the organisation responsible for the ongoing maintenance for the lifetime of the development.
- Details of the funding arrangements in place for the inspection and maintenance. It must be demonstrated how the ongoing maintenance for the lifetime of the development will be funded.
- As built drawings and a maintenance and operation manual. This must include physical access arrangements for maintenance and establishment of legal rights of access.
- The maintenance schedule of work - itemising the tasks to be undertaken and the frequency at which they should be performed so that an acceptable long-term performance standard is secured. The schedule should be a living document as it may change, where inspections advise changes to the scheme maintenance requirements.

10. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy and a foul water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment [and indicative surface water sustainable drainage strategy] submitted (6th December 2022 / CN21315 / M & P Gadsden Consulting Engineers Ltd) and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly and shall be limited to a maximum peak flow rate of 15.3l/s

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
  - i) 100% (1 in 1-year) annual exceedance probability event;
  - ii) 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
  - iii) 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep and a 35% allowance for the remaining greenfield areas.

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
  - i) Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
  - ii) Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
  - iii) Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
  - iv) Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
  - v) Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
  - vi) Details of proposals to collect and mitigate surface water runoff from the development boundary;
  - vii) Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
- d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.
- e) Evidence to demonstrate how post development ground levels do not contribute to new surface water flood flow routes from higher ground to adjacent lower ground, both on and off site.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

11. Prior to the commencement of development, detailed specifications for the construction of the car park fronting Accrington Road (including landscaping, lighting, surfacing, marking out and drainage) and a timetable for the construction and transfer of the car park shall have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details and in accordance with the approved timetable for construction and hand-over.

12. Notwithstanding the submitted details, details or specifications of all materials to be used on the external surfaces of the development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed development. The approved materials shall be implemented within the development in strict accordance with the approved details.

13. The new estate road shall be constructed to at least base course level between Accrington Road and the construction site compound area, in accordance with the Construction Management Plan (to be submitted) before any development takes place within the site.

14. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (OAKMERE-JBAU-XX-XX-RP-0002-S3-P06-AccringtonRdFRA / JBA Consulting / December 2022).

The measures shall be fully implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

15. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 70 metres have been provided at both site accesses. These shall thereafter be permanently maintained with nothing within those splays higher than 1 metre above the level of the adjacent footway/verge/highway.

16. The development hereby permitted shall not be occupied until such time as the off-road internal pedestrian links Public Footpath 3-45-FP27 have been built to an adoptable standard.

17. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Doyle Transport drawing number P434/15/002 - Plan 1 Rev A. Thereafter the onsite parking provision shall be retained as such in perpetuity.

18. Prior to occupation of apartment Plots 10 to 58, a minimum of six accessible spaces should be provided in the shared car parking area.

19. No building or use hereby permitted shall be occupied or the use commenced until a cycle storage plan for the residential units has been submitted to the Local Planning Authority, in consultation with the Local Highway Authority. These cycle facilities shall thereafter be kept free of obstruction and available for the parking of bicycles only at all times.

20. No building or use hereby permitted shall be occupied or use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the Local Planning Authority.

21. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;

- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

22. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

23. The garage(s) hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability for their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

24. No increase to existing land levels shall be undertaken on site, over and above those hereby approved, to accommodate the development hereby approved unless precise details of the increase in land-levels have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the submitted information shall include existing and proposed sections through the site including details of the height, scale and location of proposed building in relation to adjacent existing development/built form (where applicable). The development shall be carried out in strict accordance with the approved details.

25. The landscaping proposals hereby approved (Drawings: Landscaping Sheet 1: c-812-31 Rev C, Landscaping Sheet 2: c-812-32 Rev C and Landscaping Sheet 3: c-812-33 Rev C) shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority.

This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of

similar size to those originally planted. All trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

26. No removal of vegetation including trees or hedges shall be undertaken within the nesting bird season (1st March - 31st August inclusive) unless a pre-clearance check on the day of removal, by a licenced ecologist, confirms the absence of nesting birds. A letter from the ecologist confirming the absence of nesting birds shall be submitted to the Council within one month of the pre-clearance check being undertaken. Any removal of vegetation outside the nesting bird season shall be preceded by a pre-clearance check by a licensed ecologist on the day of removal to ensure that removal does not result in unacceptable impacts upon nesting birds or other species of conservation concern.

### **APPEARANCES**

#### **FOR THE APPELLANT:**

Graham Love BA (Hons) BPL MRTPI

Laurie Lane BSc (Hons) MRTPI

John Jackson BA (Hons) DipTP MRTPI

#### **FOR THE LOCAL PLANNING AUTHORITY:**

Shemuel Sheikh (of Counsel)

Lyndsey Hayes BA (Hons) MRTPI

Stephen Kilmartin BSc

### **DOCUMENTS SUBMITTED AT HEARING:**

Lancashire County Council Education Contribution Assessment 9<sup>th</sup> September 2025

Appellant Response to Councils Costs Rebuttal

Email Comments regarding planning obligation

Appellant Appearances list

### **DOCUMENTS SUBMITTED AFTER HEARING:**

CIL Compliance Statement

Completed Planning Obligation by unilateral undertaking

Agreed Schedule of conditions



Whalley Conservation Area Appraisal

Whalley Conservation Area Management Guidance

Whalley Conservation Area Map