

**REPORT FROM: ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL  
AND REGULATORY SERVICES**

**TO: WEST CRAVEN COMMITTEE**

**DATE: 4TH MARCH 2025**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning application.

## REPORT TO WEST CRAVEN COMMITTEE ON 04 MARCH 2025

**Application Ref:** 24/0810/FUL

**Proposal:** Full: (Major): Erection of 30 no. dwellings with new access from Park Avenue along with associated infrastructure and landscaping.

**At:** Land To The West Of White Leys Close, Earby

**On behalf of:** Mr R Calderbank

**Date Registered:** 16/12/2024

**Expiry Date:** 17/03/2025

**Case Officer:** Alex Cameron

This application has been brought before Committee as it is a major development.

### **Site Description and Proposal**

The application site is agricultural land located in the parish of Salterforth on the southwest corner of Earby and lies outside the settlement boundary in Open Countryside.

The site is a rectangular piece of land which measures 0.5ha and is bounded by housing on White Leys Close to the east, Earby Road to the south and Open Countryside to the north and west.

Access to the site would be directly off Earby Road.

The application seeks planning permission for the erection of 30 dwellings.

### **Relevant Planning History**

18/0624/OUT - Outline: Major: Residential development (0.5ha) (Access Only) (Re-Submission) - Approved

21/0769/OUT - Outline: Major: Residential Development (Access only) – Approved

### **Consultee Response**

**LCC Lead Local Flood Authority** – Object. In the absence of an acceptable surface water sustainable drainage strategy to assess the principle of surface water sustainable drainage associated with the proposed development, we object to this application and recommend refusal of planning permission until further information has been submitted to the Local Planning Authority.

Yorkshire Water – Object. It is noted that surface water is proposed to discharge to the public combined sewer network. The public combined sewer network does not have capacity to accept any surface water from the site. Yorkshire Water promote the surface water disposal hierarchy. It is understood that the previous application 18/0624/OUT was to discharge surface water to watercourse. The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy, and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical. It is understood that a culverted watercourse is located to the north of the site. This appears to be the obvious place for surface water disposal. The developer and LPA are strongly advised to seek

comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

PBC Environmental Health – Please attached a construction management condition and contaminated land note.

Lancashire Fire and Rescue Service – Comments relating to Building Regulations.

### **Public Response**

Press and site notices have been posted and nearest neighbours notified. Responses received objecting the proposed development on the following grounds:

- Impacts on the visual amenity and character of the area
- Loss of privacy to adjacent properties
- Overbearing impacts on adjacent properties
- Highway safety and capacity impact of additional traffic and site access
- The proposed footway on Earby Road would affect the deliverability of the extant approved development of 34 houses to the south.
- Increase in flood risk
- Inadequate affordable housing provision
- Impacts on protected trees
- Environmental and wildlife impacts
- The field is used by foraging bats
- Potential for contamination
- Noise pollution
- Light pollution
- Disruption of services
- The site is in Salterforth Parish which has met its housing target
- Inadequate services in the area to meet the needs of additional residents
- Brownfield land should be used first
- Impact on the potential future Earby bypass
- Impacts on views from adjacent dwellings

### **Officer Comments**

#### **Policy**

##### **Pendle Local Plan Part 1: Core Strategy**

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the roles each settlement category will play in future growth. Earby is a Local Service Centre which will play a supporting role to the Key Service Centres and accommodate levels of new development to serve a localised catchment.

Policy SDP3 identifies housing distribution in West Craven Towns as 18%, this is a general indication of the level of development expected rather than a maximum limit.

Policy ENV1 of the Replacement Pendle Local Plan seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. Proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring that they are developed in appropriate locations close to existing or proposed services.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

Policy ENV7 (Water Management) states that the design of all new developments (Policy ENV2) must consider:

1. The potential flood risk to the proposed development site.
2. The risk the proposed development may pose to areas downslope / downstream.
3. The integrated, or off-site, use of Sustainable Drainage Systems (SuDS) to help reduce surface water run-off from the development.
4. The availability of an adequate water supply and disposal infrastructure.

Policy LIV1 (Housing Provision and Delivery) states that until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land will be supported.

Policy LIV4 sets targets and thresholds for affordable housing provision. For 15 or more dwellings in West Craven towns this is 5%.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

### Replacement Pendle Local Plan

Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

### **Principle of the Development**

Although the site lies with the parish of Salterforth, it is immediately adjacent to the settlement boundary for Earby and has a much closer relationship to the facilities in Earby rather than the rural village of Salterforth. The development is not an extension of Salterforth but is an extension

of the settlement of Earby and previous applications for part of this site have been determined on that basis.

Policy LIV1 of the Pendle Local Plan: Part 1 Core Strategy states that until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development policies then sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, will encourage significant and early delivery of the housing requirement.

This site is in a sustainable location adjacent to the settlement acceptably accessible subject to the details discussed in the Highways section below. The proposed development is acceptable in principle in accordance with policies SDP2 and LIV1.

### **Visual Amenity**

The design, materials and scale of the proposed housing would be in keeping with the character of the surrounding area, similar to other modern housing development in the vicinity and with features that reflect the character of the area such as their simple form window and doors surrounds and mullions.

it lies immediately adjacent to the settlement boundary of Earby. The site is not prominent in the landscape and is limited in terms of its landscape value.

The proposed application site is located on a valley side, which drops down into Earby. This is not a prominent hill top location which would detrimentally affect the local landscape value. The development would be seen as a natural extension of the existing residential development similar to the approved development to the south.

However, as detailed further in the Trees section below the impact of the development upon protected trees would result in unacceptable harm to the visual amenity of the area.

### **Trees**

As part of the development proposals, the intention is to remove 2 trees to facilitate the proposed development, T9, T10, that are subject to the TPO No2/2024, and 4 trees, T1, T3, T4 and T20 that are not protected.

To facilitate the footway link it would also be necessary to remove a group of highway trees G6 adjacent to the boundary of 1 White Leys Close.

The trees proposed for removal are of low quality (category U and C2) with limited life expectancy and their removal is acceptable subject to compensatory landscaping, and necessary irrespective of the development in the case of the Ash trees adjacent to the road.

However, whilst it is proposed to retain T12 and T13 the proposed layout would result in dwellings surrounding those trees proximity and extent of development around those trees would be of unacceptable detriment to the health of those trees.

The proposed layout of the development would therefore unacceptably impact upon those protected trees.

## **Residential Amenity**

Windows in the rear of Plots 3 and 4 would be approximately 15m and 18m respectively from the conservatories and other habitable room windows to the rear of 5 and 6 White Leys Close. A minimum separation distance of 21m is typically required, this would be well below that and would result in an unacceptable loss of privacy to those properties.

Furthermore, it is proposed to raise the land levels to the north east end of the site by up to approximately 2m, this would result in a retaining wall of up to 2.16m on the boundary with the rear gardens of the adjacent dwellings. This would result in an unacceptable loss of privacy to the gardens and habitable room windows of White Leys Close and/or overbearing impacts from fencing above that retaining wall.

The proposed development is therefore contrary to policies ENV2 and LIV5 in relation to residential amenity.

## **Ecology and Biodiversity**

An ecological survey of the site has been submitted with the application.

No potential bat roosts were identified and the site is of low potential for foraging. Mitigation and enhancement measures would ensure that bats are not unacceptably impacted.

There is low potential for ground nesting birds. Whilst the trees and hedgerows have some bird nesting potential mitigation and enhancement measures would ensure that birds are not unacceptably impacted.

No other notable or protected species have been recorded on the site.

The development is required to provide an uplift of 10% in biodiversity, which should be provided on site if possible. An assessment of the current biodiversity value of the site and the post development value, this would result in a 3.4% uplift in habitat, it is proposed for the remaining 6.6% to be provided off-site.

Subject to conditions to require that the recommendations of the reports are implemented and contribution provided for the costs of monitoring the BNG provision the development would not result in any unacceptable ecology impacts and would provide a 10% uplift in biodiversity.

## **Open Space**

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The proposed layout includes acceptable areas of open space and green infrastructure, this would acceptably meet this requirement of policy LIV5.

## **Affordable Housing Provision**

Policy LIV4 sets a target of 5% affordable housing for developments of this scale in West Craven. The applicant proposes to provide two affordable housing units within the site, affordable housing requirements are rounded down and therefore one affordable housing unit is required in accordance with the policy LIV4, this can be ensured by condition.

## Highways

Subject to the proposed relocation of the 3mph speed limit to the south of the access acceptable visibility splays could be achieved at the access by condition and the development would be acceptable in terms of highway safety and capacity.

With the removal of highway trees it is feasible for a new footway link to be provided as off-site highway works to the north side of Earby Road to provide acceptable pedestrian access to Earby. As assessed in the Trees section above, their removal is acceptable subject to adequate replacement within the site.

The approved site to the south includes a footway link to the south side of Earby Road. It would not be possible for footways on both sides to be built out. LCC Highways have confirmed that if that development were to go ahead first then it would be acceptable for this site to just provide a link to cross Earby Road to that footway, and vice versa if this development were to go ahead first. This can be controlled by a off-site highway works condition and the section 278 process.

A section 106 contribution towards the Colne-Skipton Greenway is requested by LCC Highways. This would directly support active travel in relation to the development. An acceptable level of off-street car parking is also proposed.

The development is acceptable in highway terms in accordance with policy ENV4.

## Drainage and Flood Risk

The details submitted with the application indicate that surface water would be drained to a combined sewer, it has not been demonstrated that this is justified in accordance with the drainage hierarchy or that the sewer system has the capacity to accept that discharge. The applicant has not provided an adequate surface water drainage strategy to assess this and whether the development could be acceptably drained in a way that would not result in an unacceptable increase in flood risk.

### **RECOMMENDATION: Refuse**

For the following reasons:

1. The proposed development would result in an unacceptable loss of privacy to the habitable rooms and gardens of dwellings on White Leys Close contrary to policies ENV2 and LIV5 of the Pendle Local Plan Part 1: Core Strategy.
2. The applicant has not provided an adequate surface water drainage strategy to assess whether surface water from the development could be acceptably drained in a way that would not result in an unacceptable increase in flood risk contrary to policy ENV7 of the Pendle Local Plan Pat1: Core Strategy.
3. The proposed development would result in unacceptable harm to protected trees to the determinant of the amenity of the area contrary to Policies ENV1 and ENV2 of the Pendle Local Plan Pat1: Core Strategy.

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**At:** Land To The West Of White Leys Close, Earby

**On behalf of:** Mr R Calderbank

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date:** 31st January 2025