

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

**TO: WEST CRAVEN COMMITTEE**

**DATE: 1ST JULY 2025**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning application.

## REPORT TO WEST CRAVEN COMMITTEE ON 01 JULY 2025

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

**Proposal:** Full: (Major): Erection of 28 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:** 03/04/2025

**Case Officer:** Alex Cameron

This application was deferred from April's Committee meeting to allow for additional drainage details to be submitted and assessed.

### **Site Description and Proposal**

The application site is agricultural land located in the parish of Salterforth on the south west 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 28 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** – No objection subject to conditions for surface water drainage strategy, surface water construction drainage management plan, drainage management and maintenance and surface water drainage verification report.

**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.

Additional response 21<sup>st</sup> March 2025:

The drainage details submitted on drawing 22005/100/1 (revision F) dated 23/02/2025 prepared by REFA Consulting Engineers are unacceptable. The following points should be addressed: 1) It is understood that a surface water sewer/culvert exists within Earlesdon Avenue, this pipe discharges to watercourse. 2) Evidence should be submitted to show that discharge to the above culvert is not possible. 3) The developer should note that the advice given in the preplan prepared in 2022 carries no weight at this time.

Additional response 10<sup>th</sup> June 2025:

Objection still stands. No drainage details have been submitted showing the drainage strategy for the site. Any submitted drainage drawings should show foul and surface water drainage proposals both on and off site and include the eventual outfall of surface water.

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

PBC Environment Officer – The initial layout had some limitations that were causing concerns with regards to trees to be retained, T12 & T13 (as numbered in the AIA), The proposed plots were too close to these trees which were showing special measures for working within their Root Protection Areas. By moving the proposed plots slightly further away this is an improvement.

The size and potential spread of trees can be a concern when they're placed too close to properties. Issues like perceived root damage to foundations, branches reaching in close proximity to buildings, or the risk of falling debris during storms are common concerns in such situations. It's important to ensure the trees have enough space to grow to their full size without causing issues for the surrounding properties and residents alike.

There is a compromise here as, in general terms, the layout offers other available planting areas along the road frontage. Proposed new tree planting along Earby road will, over time, create a buffer zone and break up roof lines for road users.

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.

### National Planning Policy Framework

Following changes to the method for calculating housing supply introduced by the revised National Planning Policy Framework published in December 2024 the Council has sufficient housing supply for 2.8 years. As this is below the 5 year supply requirement the Council is in a position of undersupply and the Council's housing policies are out of date. Paragraph 11 of the Framework requires that in this circumstance that applications for housing development are approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, this is referred to as the 'tilted balance'.

### **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.

The amended layout would provide adequate areas of replacement tree planting and would acceptably retain T12 and T13, replacing the buildings to give adequate space for future growth and for root areas not to be unacceptably impacted by services.

With conditions for tree protection and replacement the proposed development is acceptable in terms of its impact on trees.

## **Residential Amenity**

The amended plans remove two plots and create landscaped buffer between the gardens of the proposed dwellings and the gardens of White Leys Close.

This provides acceptable separations distances to fully resolve the issues of loss of privacy and overbearing impacts raised by the original plans. The amended proposal is acceptable in terms of residential amenity impacts.

The proposed development would provide an acceptable living environment for its residents and would not unacceptably impact upon the residential amenity of the residents of any adjacent property.

## **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 drainage proposals are to drain both foul and surface water to a combined sewer. Yorkshire Water object to this.

Yorkshire Water's previously stated position is that the combined sewer does not have capacity to receive surface water from the development. However, upon further discussions with YW it is

apparent that this is a position of general policy that YW are taking rather than a specific lack of capacity that would lead to an unacceptable risk of flooding in this case.

It would not be feasible to dispose of surface water into the ground due to the geology of the site.

The previous permission on this site proposed surface water to be drained to an existing surface water drain which was identified running under White Leys Close and Earlesdon Avenue.

the applicant has provided details of a survey demonstrating that this has partially collapsed and is not suitable to accept surface water from the development.

There are no other known watercourses that could feasibly be connected to and therefore drainage of surface water at a suitably attenuated rate to the combined sewer is acceptable in accordance with the surface water hierarchy.

Whilst YW have previously objected to this and have indicated that they may not agree to it via their consent process, that is a separate matter between YW and the developer, in planning terms discharge to the combined sewer at an attenuated rate is acceptable.

YW's latest response maintains their objection solely on the basis that a drainage strategy had not been submitted. A revised drainage strategy reflecting the amended layout has been submitted in response and both the LLFA and YW reconsulted. The LLFA have responded with no objection and YW's response is awaited.

However, irrespective of YW's response, the final drainage strategy is a matter that it is suitable to condition, and the LLFA's requested conditions include that.

Subject to conditions to control the details and implementation of the drainage the proposed development is acceptable in terms of drainage and flood risk.

## **Planning Balance**

The Council is in a position of housing undersupply and therefore the tilted balance applies to the consideration of this application, the benefits of the development and level of undersupply must be balanced against the adverse impacts of the development and the application approved unless the adverse impacts significantly and demonstrably outweigh the benefits.

The development would provide economic and social benefits from contribution to the economy from the construction of housing, the provision of new housing and would contribute towards addressing the 2.2 year deficit in the borough's 5 year housing supply, it would also provide an affordable dwelling. Taking into account the scale of the development at 30 dwellings, those benefits would be moderate.

The proposed development has minor harms in terms of the visual impact of development of a field where there previously was no development and the loss and replacement of existing trees, however, those harms are significantly outweighed by the tilted balance of benefits of the development.

## **Summary**

It is recommended that the approval of the application is delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to the expiry of the consultation period for Yorkshire Water.



## **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development accords with Local Planning Policy and the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## **RECOMMENDATION: Approve**

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 21-90-LP01, 21-90-P01 Rev C, 21-90-P02 Rev C, 21-90-P03 Rev C, 21-90-P04 Rev C, 21-90-P06 Rev C, 22005/101/1 Rev E, 22005/101/2 Rev D, HT-LNS01, HTDS01, HT-FS01, HT-GS01, HT-RUS01, HT-CS01, HT-JS01, HT-SGD01, HT-DGD01, HT-RP01, HT-RP02, HT-RP03.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of external materials / finishes of the walls, roofs, windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

Reason: To ensure that the materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. The window openings shall be set back from the external face of the wall. Unless otherwise agreed in writing by the Local Planning Authority the depth of reveal shall be at least 70mm.

Reason: To ensure the continuation of a satisfactory appearance to the development.

5. Windows in the north facing side elevations of plots 1 and 39, and west facing side elevation of plot 29 shall at all times be glazed with obscure glazing to a minimum obscurity level of Pilkington Level 4 (or equivalent). The windows shall at all times be hung in such a way that prevents the effect of the obscure glazing being negated by opening.

Reason: To ensure an adequate level of privacy to adjacent dwellings in the interest of residential amenity.

6. No development shall commence unless and until details of proposed site levels and finished floor levels of each plot 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.

Reason: In the interest of residential amenity and visual amenity.

7. A scheme for the management (including maintenance) of the open space and landscaped buffer areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. The management arrangements shall be implemented in accordance with approved scheme before the first dwelling is occupied and the open spaces and buffer area shall thereafter be managed in accordance with the approved scheme.

Reason: To ensure the site is properly maintained and managed in the interests of visual amenity.

8. The development shall only be carried out in strict accordance with the recommendations of the Preliminary Ecological Appraisal. Prior to the commencement of the development a scheme of ecological mitigation measures in accordance with the recommendations of the Preliminary Ecological Appraisal, including a timetable for implementation, shall have been submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme shall be implemented in accordance with the approved timing and maintained thereafter.

Reason: To ensure protection and enhancement of ecology.

9. The development shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety within the first planting season following the commencement of the use of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

10. No ground clearance, demolition, changes of level or development or development related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, in accordance with a details that have been submitted to and approved in writing by the Local Planning Authority and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with the approved details. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction. All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

11. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- d) Details of wheel-washing facilities including location
- e) Measures related to construction waste management
- f) Soil resource management including stock-pile management
- g) Location and details of site compounds
- h) Hoarding details during construction
- i) A Construction Waste minimisation Strategy
- j) A Construction-Risks Education plan/programme
- k) Parking area(s) for construction traffic and personnel
- l) Routeing of construction vehicles
- m) Measures to control the emission of dust and dirt during construction
- n) Measures to control noise and vibration during construction
- o) Details of working hours
- p) Details of timing and routing of delivery vehicles to/from site
- q) Restriction of burning on-site

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and subcontractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate the impact of the construction traffic on the highway network.

12. No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

13. No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 52 metres in both directions to be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Earby Road, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety for residents and construction vehicles.

14. No development shall commence until a scheme for the construction of the site access and the off-site highway works has been submitted to and approved in writing with the Local Planning Authority. The off-site highway works include:

- a) New site access with associated street lighting and surface water drainage
  - b) Extension of 30mph speed limit on Earby Road with associated traffic regulation order
  - c) Construction of a footway on Earby Road (minimum width 1.5m) between the site and Warwick Drive/Kenilworth Drive with associated street lighting and surface water drainage.
  - d) Removal of highway trees with a scheme of replacement trees planted within the development.
- No part of the development shall be occupied until the works have been carried out in accordance with the approved details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highways scheme/works.

15. Within 3 months of commencement details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established.

Reason: To ensure that the infrastructure is maintained in the future in the interest of highway safety.

16. Within 3 months of commencement full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the infrastructure is constructed to a suitable standard in the interest of highway safety.

17. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the infrastructure is completed in a timely manner.

18. Prior to the occupation of each dwelling the driveways and parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for as long as the development is occupied.

Reason: To ensure adequate parking provision is provided.

19. The development shall not commence unless and until a scheme of foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The foul water drainage for each dwelling shall have been completed and implemented in accordance with the approved scheme prior to the occupation of each dwelling and maintained thereafter.

Reason: To ensure adequate foul water drainage to address the risk of flooding and pollution.

20. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy 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 indicative surface water sustainable drainage strategy (23rd February 2025 / 22005 / REFA) submitted 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 3.5l/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 + 45% climate change allowance, with an allowance for urban creep

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

Reason To ensure satisfactory sustainable drainage facilities are provided to serve the site.

21. 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.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase.

22. 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.

Reason To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained.

23. 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.

Reason To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems.

24. One of the dwellings hereby approved shall be affordable housing. The affordable housing to be provided shall meet the definition of affordable housing in Annex 2 of The National Planning Policy Framework or any future guidance that replaces it. No dwelling hereby approved shall be occupied unless and until an affordable housing scheme has been submitted to and approved in writing by the Local Planning Authority. The affordable housing scheme shall include:

- i) the type, tenure and location on the site of the affordable housing provision to be made;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [ or the management of the affordable housing] (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: in order for the development to contribute to the supply of affordable housing in accordance with the identified need.

25. No part of the development shall commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The obligation shall provide for 10% Biodiversity Net Gain and monitoring for a 30 year period.

Reason: To ensure the provision of 10% biodiversity net gain for a 30 year period.

Biodiversity Net Gain Condition:

1. The development may not be begun unless—

- (i) a biodiversity gain plan has been submitted to the planning authority and
- (ii) the planning authority has approved the plan

Phase plan

(b) the first and each subsequent phase of development may not be begun unless—

- (i) a biodiversity gain plan for that phase has been submitted to the planning authority and
- (ii) the planning authority has approved that plan

Reason: In order to fulfil the obligations for Biodiversity Net Gain, in accordance with the Environment Act 2021, Schedule 14

Notes:

The grant of planning permission will require the applicant to enter into a Section 38/278 Agreement, with Lancashire County Council as Highway Authority. The applicant should be advised to contact Lancashire County Council, Highway Development Control email -

develooperas@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided. This response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found at [www.lancashire.gov.uk/flooding](http://www.lancashire.gov.uk/flooding)

**Connection to Public Sewer:** The applicant will require an agreement with the appropriate Water and Sewerage Undertaker to connect to the public sewerage system, alongside any Section 104 agreements for the adoption of the proposed surface water sustainable drainage system.

**Appropriate Legal Agreement:** The proposed outfall may require a legal agreement with a third party to access and construct the outfall in addition to any permission(s) from flood risk management authorities. Evidence of an in-principle agreement(s) should be submitted to the Local Planning Authority.

**Contaminated Land:** If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the local planning authority.

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

**Proposal:** Full: (Major): Erection of 28 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

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date:** 1<sup>st</sup> July 2025