

West Craven Area Committee Update Report 04th November 2025

24/0810/FUL – Land to the West of White Leys Close, Earby

LCC Highways – No objection to the amended plans subject to conditions for construction method statement, construction traffic access, visibility splays, off-site highway works, management and maintenance of estate road, footpath link management and maintenance, estate road completion, car parking, cycle storage and a contribution to the Colne-Skipton Greenway.

Lead Local Flood Authority (LLFA) – Objects to the amended plans due to inadequate surface water drainage strategy. The amended drainage proposal involves discharging to an adjacent development which then is proposed to discharge to an adjacent watercourse. The applicant has failed to provide information that demonstrates that the adjacent development has been designed to accept additional flows and volume from elsewhere without resulting in a flood risk onsite or elsewhere. In addition to this, based on the topographic evidence provided this development may not naturally drain to the watercourse to the southeast and therefore the applicant would be expected to demonstrate that the receiving watercourse has sufficient capacity and is a sufficient condition to accept additional surface water volume without resulting in a flood risk onsite or elsewhere.

Officer Comments

The amended plans include and pedestrian link to the public right of way to the south west of the site, an additional condition is necessary to ensure the management and maintenance of that link.

An amended drainage strategy has been received and the LLFA have been reconsulted. The recommendation remains to delegate the approval of the application and any conditions necessary to the Assistant Director Planning, Building Control and regulatory Services subject to the LLFA's objection being resolved.

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: Delegate Grant Consent

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 D, 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, 3635-F03 Rev C.

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. Within 3 months of commencement details of the construction, boundaries and future maintenance of the new footpath link between the site and public footpath FP1318018 shall be submitted to and approved 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: In the interest of pedestrian safety.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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 a contribution towards the Colne-Skipton Greenway, 10% Biodiversity Net Gain and monitoring for a 30 year period.

Reason: To ensure provision is made for sustainable travel and for 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 - developeras@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

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.