

**Application Number** 07/2020/00068/FUL  
**Address** Site of Former Mainway Court  
Mainway Gardens  
Bamber Bridge  
Lancashire  
PR5 6GL

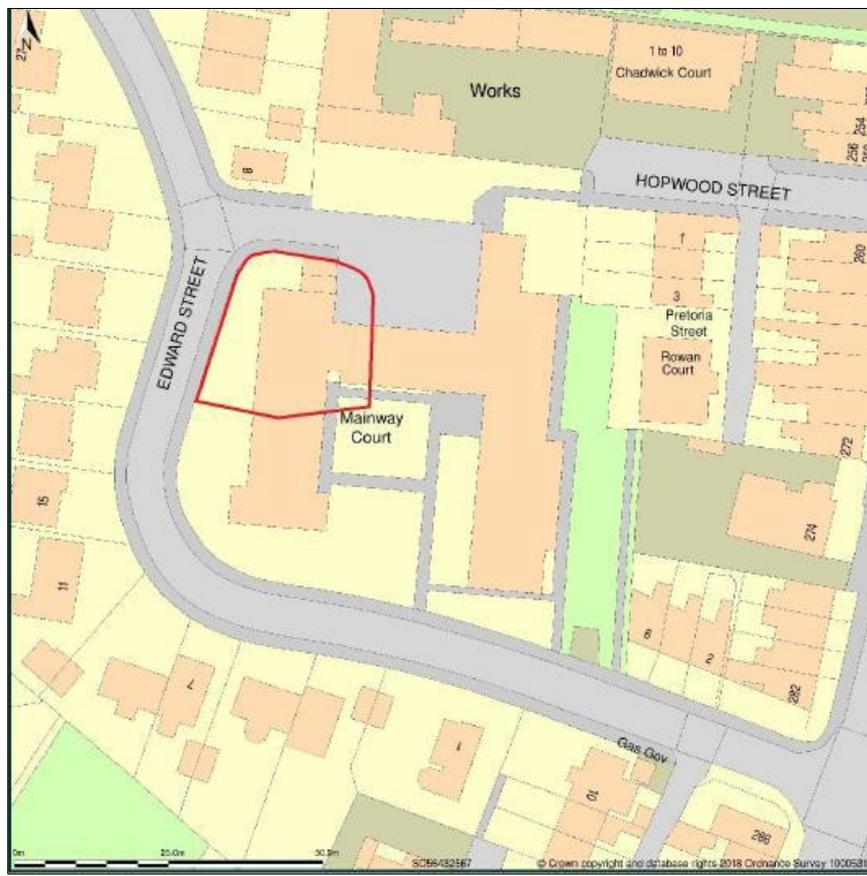
**Applicant** RP Tyson Construction

**Agent** Mrs Deborah Smith  
Rational House  
32 Winckley Square  
Preston  
PR1 3JJ

**Development** Retrospective application to retain 4 dwellings as  
built at Plots 9-12 of planning permission  
07/2018/3017/FUL

**Officer Recommendation** **Approval with Conditions**  
**Officer Name** **Mrs Catherine Lewis**

Date application valid 23.01.2020  
Target Determination Date 19.03.2020  
Extension of Time



## **1.0 Report Summary**

1.1 Planning permission was granted for the redevelopment of Mainway Court to provide 12 open market housing and 5 bungalows for affordable rent in September 2018. The plots have not been constructed in accordance with the approved plans and the applicant has submitted two applications to regularise the situation. The effect is that the overall development is closer to Edward Street on its southern and western boundaries.

1.2 This application seeks planning permission for the retention of Plots 9 to 12 because the “as built development” goes beyond the application site boundary. The application therefore includes a narrow sliver of former footway as this would enable these plots to retain their 2 car park spaces in accordance with the original permission.

LCC Highways has assessed the application and raised no objections and the plots meet the separation distances and Policy G17 of the South Ribble Local Plan.

1.3 The application is therefore recommended for approval subject to the imposition of conditions.

## **2.0 Site and Surrounding Area**

2.1 The application site is located at the former Mainway Court sheltered housing scheme on Edward Street, Bamber Bridge. The site is located approximately 4.5km south east from the centre of Preston, 2 kilometres east of Lostock Hall and 0.4km south of the centre of Bamber Bridge.

2.2. The application site is bounded on its western and southern boundaries by the footway and carriageway to Edward Street, which is within the adopted highway. Directly opposite are existing residential properties on Edward Street. The side elevation and garden wall of number 8 Edward Street forms the western part of the northern site boundary, with the remainder being occupied by boundary fencing to the commercial units of Abbey Scaffolding.

2.3 The north eastern boundary of the site adjoins Hopwood Street together with the rear gardens of four properties including Rowan Court, which comprises four apartments. A footway runs adjacent to the eastern boundary to provide pedestrian access to these apartments. The property known as number 6 Edward Street lies adjacent to this footway.

2.4 The former sheltered accommodation known as Mainway Court - a two storey residential block has been demolished and the site is currently being constructed to provide for the construction of ten 3 bedroomed homes; two 4 bedroomed homes and five one bed bungalows with associated parking, landscaping and drainage.

2.5 The site is subject to Policy B1 of the South Ribble Local Plan.

## **3.0 Planning History**

3.1 Application ref 2020/00051/VAR Variation of Condition 2 (approved plans) of planning permission 07/2018/3017/FUL to amend the site layout together with the Variation of Conditions 4 (dwelling emissions), 5 (SAP assessment), 6 (landscaping), 7 (materials), 8 (affordable housing scheme), 8 (affordable housing scheme), 9 (ground levels), 11 (parking), 13 (dust management plan), 14 (remediation), 17 (piling), 18 (invasive plants), 19 (cycle storage), 20 (construction management plan), 21 (access), 24 (drainage) and 26 (drainage) to reflect details that have been submitted and agreed by the Local Planning Authority. Currently Pending.

3.2 Non material amendment for solar panels was approved in June 2019 Ref: 07/2019/5196/NMA.

3.3 Prior Notification for the demolition of the existing Mainway Court Ref 07/2018/2013/PAP dated 19 April 2018.

3.4 Planning permission is sought for the construction of: ten 3 bedroomed homes; two 4 bedroomed homes and five one bed bungalows with associated parking, landscaping and drainage (Ref: 07/2018/3017/FUL) approved September 2018.

#### **4.0 Proposal**

4.1 The need of the application arises as a result of an error on the commencement of construction. The result is that the dwellings built under planning permission 07/2018/3017/FUL have not been built in accordance with proposed Site Plan dwg no. 159-PL-03 approved under this permission. The effect is that the overall development is closer to Edward Street on its southern and western boundaries and these four plots need to incorporate a small area of land of approximately 0.3m to the residential curtilage so that there is adequate car parking within their site boundary.

4.2 Plots 9 and 10 are some 2.6m further west than previously approved and Plots 11 and 12 are some 3.4m further west than previously approved. Therefore, this application seeks to rectify this error by applying for planning permission to reflect the as built development.

#### **5.0 Summary of Publicity**

5.1 Site Notices were posted and a total of 49 properties were consulted. No letters of objection have been received but three representations have been received which are summarised below:

- This application undermines the purpose of the planning application process. If a contractor can make such mistakes, then questions are raised concerning what others may have been made in the construction of these dwellings.
- Queries about the inclusion of more social housing.
- Following a revised application form further clarification was sought about the process to include the sliver land that was part of the footway to be incorporated within the residential curtilages.

#### **6.0 Summary of Consultations**

**6.1 LCC Highways** –Has raised no objection to the application- the amended layout would have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

#### **7.0 Policy Background**

##### **7.1 i) NPPF**

The NPPF Sustainable Growth Policy - The NPPF makes clear that there is a need to provide a sufficient amount and variety of land to significantly boost the supply of homes at Chapter 5. There is a need to provide a wide choice of homes and that land with permission is developed without unnecessary delay. Chapter 11 states that substantial weight should be given to the value of using brownfield land within settlements for homes.

## 7.2 ii) Core Strategy Policy Considerations

**Policy 1: Locating Growth** supports development.

**Policy 4: Housing Delivery** seeks to provide a minimum of 417 dwellings per annum within South Ribble during the period 2012 to 2026.

**Policy 5: Housing Density** advises that the density of development should make efficient use of land whilst also maintaining with the character of local areas.

**Policy 6: Housing Quality** supports the provision of accessible housing, neighbourhoods and the use of higher standards of construction.

**Policy 7: Affordable and Special Needs Housing** requires the provision of 30% affordable housing within urban areas and 35% in rural areas for sites providing 15 or more dwellings, subject the financial viability considerations and contributions to community services.

**Policy 17: Design of New Buildings** provides guidance for the design of new buildings. Designs should consider a number of criteria including the character and uses of the local area, minimise opportunity for crime, be inclusive, adaptable to climate change and the achievement of 'silver' or 'gold' Building for Life ratings.

**Policy 22: Biodiversity and Geodiversity** promotes the conservation and enhancement of biodiversity and the safeguarding of ecological networks and geological assets.

**Policy 26: Crime and Community Safety** encourages the use of Secure by Design principles in new development.

**Policy 27: Sustainable Resources and New Development** requires the incorporation of sustainable resources into new dwellings. The design of new homes should minimise energy use, maximise energy efficient and be flexible enough to withstand climate change. Further, appropriate facilities should be provided for the storage of recyclable waste and composting.

**Policy 29: Water Management** aims to improve water quality, water management and reduce the risk of flooding through a number of measures.

## 7.3 iii) South Ribble Local Plan

**Policy B1: Existing Built-up Area** permits development proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment providing that the development complies with the requirements for access, parking and servicing; is in keeping with the character of the local area and would not adversely impact the amenity of nearby residents.

**Policy F1: Parking Standards** advises that parking and servicing space should accord with the adopted parking standards. Any variation from the standards should be supported by a transport statement based on local evidence.

**Policy G11: Playing Pitch Provision** requires residential development with a net gain of 5 or more dwellings to provide playing pitches at a standard provision of 1.14 ha per 1,000 population. The stated standards are to be flexible and appropriate for each individual development.

**Policy G13: Trees, Woodlands and Development** prevents development that will adversely impact on protected trees, ancient woodlands, trees in conservation areas or recognised conservation sites. The policy supports the retention and enhancement of existing trees and hedgerows and the provision of replacements for any trees on a 2 for 1 basis.

**Policy G14: Unstable or Contaminated Land** supports the redevelopment of previously developed land and advises that applications should be supported by satisfactory site investigations and mitigation measures where required.

**Policy G16: Biodiversity and Nature Conservation** seeks the protection and enhancement of biodiversity assets, with the use of appropriate mitigation measure where required.

**Policy G17: Design Criteria for New Development** permits new development provided that, the proposal does not have a detrimental impact on neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an

overbearing effect; the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and will provide an interesting visual environment which respects the character of the site and local area; the development would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Policy F1, unless there are other material considerations which justify the reduction such as proximity to a public car park. Furthermore, any new roads and/or pavements provided as part of the development should be to an adoptable standard; and the proposal would not have a detrimental impact on landscape features such as mature trees, hedgerows, ponds and watercourses. In some circumstances where, on balance, it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.

#### **7.4 iv Supplementary Design**

The South Ribble Residential Design SPD discusses design in very specific terms, and whilst more attuned to domestic extensions, is relevant with regards to separation with properties within and beyond the site bounds.

### **8.0 Material Considerations**

#### **8.1 Background**

8.1.1 Planning permission has been granted for the redevelopment of Mainway Court to provide twelve Open Market Housing and 5 one bed bungalows for rent. This application seeks to rectify the incorrect location as built to Plots 9 to 12. These plots relate to two pairs of open market semi-detached properties which have been moved

#### **8.2 Suitability of Access and Parking**

8.2.1 The site would be accessed from Edward Street which is an unclassified road with a speed limit of 20mph. The internal highway is not to an adoptable standard and therefore would remain private. As plots 9-12 go beyond the previously approved application site boundary this current application includes a narrow sliver of former footpath. Reducing the width of the footway enables Plots 9-12 to retain 2 car park spaces per property in accordance with the original permission. LCC Highways has confirmed that the car parking spaces as built are acceptable

8.2.2 The proposed development therefore meets Policy B1, G17 and F1 of the South Ribble Local Plan.

#### **8.3 Relationship to Neighbours**

8.3.1 The Residential Extension Supplementary Planning Document advises that any first floor proposed windows shall have a distance of no less than 21 metres from any facing habitable room windows.

8.3.2 Plots 9-12 are directly opposite no 19, 21, and 23 Edward Gardens and the separation distances are set out below.

8.3.3 Number 23 Edward Gardens is a bungalow and there would be a separation distance of over 24 metres from Plot 12 which is acceptable.

8.3.4 Number 21 Edward Gardens is a detached property and there would be a separation distance of over 24 metres from Plot 11 and 23 metres from Plot 10

Number 19 Edward Gardens is a detached property and there would be a separation distance of 21.8 metres from Plot 9 which is considered acceptable.

8.3.5 It is considered that these distances meet Design Guidance Note: DG03 and therefore would not have an undue impact upon the residential amenities of the existing properties.

#### **8.4 Section 106/ Public Open Space**

8.1 Local Plan Policy D1 (developer Contributions) requires all new development to contribute towards mitigation of the impact of the development upon infrastructure services and the environment by way of Section 106 Agreement and/or Community Infrastructure Levy (CIL). The application has been assessed and a Public Open Space contribution of £1,507 per unit is required which has been received.

#### **8.5 Other Matters**

8.5.1 The residents have been in contact as there was concern and confusion over the applications. In particular concern was raised about the inclusion of more social housing. The applicant submitted a revised application form which clarified that the social housing related to the bungalows only as previously approved.

8.5.2 The applicant has also arranged for a letter to be sent to all the neighbours explaining the need for the two applications.

8.5.3 Concern has been raised about the process for the inclusion of part of the footpath for the residential curtilage of the four plots. LCC Highways has advised that this has been agreed with the developer through the appropriate mechanisms.

#### **9.0 CONCLUSION**

9.1 The site as a whole would provide a range of house types and tenure providing much needed bungalows/accessible living accommodation. The construction and retention of Plots 9-12 meet both the design guidance as set out in the South Ribble Residential Extension Supplementary Planning Document and Policy G17 of the South Ribble Local Plan. The car parking has been assessed by LCC Highways who has raised no objection. Subject to conditions the application is acceptable and complies with the Development Plan and is therefore recommended for approval.

#### **10.0 RECOMMENDATION:**

10.1 Approval with Conditions.

#### **11.0 RECOMMENDED CONDITIONS:**

1. The development hereby approved shall be carried out in accordance with the following approved plans and documents:

Drawing No. 159-PL-103 Site Location Plan

Drawing No 159-PI-11 Rev H entitled " Proposed Landscaping Plan"

Drawing No 159-PL-102 entitled "Revised Proposed Site Plan"

Drawing No 159-PL-04 Rev A entitled "Type 1, House Plans, Elevation, and Materials"

Drawing No 159-PL-05 Rev A entitled "Type 2 House Plans Elevations and Materials"

Phase 1 Preliminary Risk Assessment Report Ref: LG28888 Rev 0 dated June 2017.  
Flood Risk Assessment (Ref No.18-B-12035/Edward Street/Rev A dated 30 April 2018).

Habitat Bat Survey and Report  
Tree Survey and Arboricultural Assessment.

REASON: To ensure a satisfactory form of Development

2. Each dwelling is required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

REASON: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However, as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

3. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

REASON: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

4. The approved landscaping details are set out in the documents "Tree Survey Schedule dated 9 November 2017, Drawing No 003 entitled Tree Protect Plan Drawing Number 159-PL-11 Rev H entitled Proposed Landscaping Plan. The approved landscaping details shall be maintained by the applicant or their successors in title thereafter for a period of 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the Local Planning Authority. The replacement tree or shrub must be of similar size to that originally planted.

Details submitted shall be compliant with 'BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations' and shall include details of trees and hedges to be retained or removed, root protection zones, barrier fencing, and a method statement for all works in proximity to those trees or hedges to be retained during the development and construction period. Details shall also indicate the types and numbers of trees and shrubs, their distribution on site, those areas seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening.

REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G8 in the South Ribble Local Plan 2012-2026

5. The development shall be carried out in accordance with the approved materials Bricks Ibstock Alderly Russet Blend 2978 and roof Marley Edgemoor Grey Concrete interlocking tiles unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure the satisfactory detailed appearance of the development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026

6. The affordable Housing Statement by Progress received on the 19 December 2018 shall be implemented in full and the affordable housing shall be retained in accordance with the approved scheme.

Reason: To ensure that the proposed development complies with Policy 7 of the Central Lancashire Core Strategy.

7. Drawing No B.12035/1 entitled" Site Levels" shall be implemented in full.

REASON: To ensure the satisfactory appearance and drainage of the site and to accord Policy 17 of the Core Strategy

8. The drainage for the development hereby approved shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref. No. 18-B-12035/Edward Street/Rev A Dated 30 April 2018. Any variation to the discharge of foul shall be agreed in writing with the local planning authority prior to the commencement of the development. The development shall be completed in accordance with the approved plans.

Reason: To ensure a satisfactory form of development.

9. That prior to occupation of the dwelling houses hereby approved the parking spaces as shown on Drawing No. 159-PL-102 entitled Revised Proposed Site Plan shall be drained and surfaced with a material to be agreed by the Local Planning Authority. These areas shall not be used for any purpose other than the parking of vehicles.

REASON: To ensure the provision and retention of adequate on site parking facilities and to accord with Policy G17 of the South Ribble Local Plan.

10. Prior to the first occupation of the dwelling, an electric vehicle charging point shall be provided which shall be retained for that purpose thereafter.

Electric vehicle recharge points shall be provided to every property, prior to occupation. This shall consist of as a minimum a 13 amp electrical socket located externally (or in the garage if available) in such a position that a 3 metre cable will reach the designated car parking spaces. A switch shall be provided internally to allow the power to be turned off by the residents.

Reason: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy.

Note to applicant: The electrical charging point shall be fitted with a weather proof cover.

Reason: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy.

11. The Dust Management Plan dated the 9 May 2018 shall be implemented in full.

REASON: In the interests of the amenity of the nearby residents and to be in accordance with Policy 17 in the Central Lancashire Core Strategy

12. The details submitted in the Remedial Works Ref: 28888LG Issue C shall be implemented in full. On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement. Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

REASON: To ensure that:

- the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, and
- the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990, in accordance with:
  - Policy 17 of the Central Lancashire Development Plan,
  - the National Planning Policy Framework.

13. During the site preparation and construction of the development no machinery, plant or powered tools shall be operated outside the hours of 08:00 to 18:00 Monday to Friday 09:00 - 13:00 on Saturdays. No construction shall take place at anytime on Sundays or nationally recognised Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.

14. No deliveries of construction materials or removal of construction waste shall be undertaken outside the hours of 09:00 - 17:00 Monday to Friday. No deliveries or removal of waste shall be carried out at weekends or nationally recognised Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and NPPF.

15. Details of all piling activities shall be submitted to the local planning authority together with all mitigation measures to be taken before any piling shall take place. Piling activities shall be limited to 09:30-17:00.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and the NPPF.

Note to Applicant: Mitigation measures may include and are not limited to:

- I. The use of low impact piling, auger piling
- II. Boundary vibration and noise monitoring
- III. Informing neighbouring properties on the times and duration of piling activities.

16. The provision of secure cycle storage for all dwellings shall be provided as part of the development. Full details of the cycle storage provision shall be submitted for approval by the local planning authority prior to occupation of any works on site.

Reason: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy.

17. The submitted document entitled Edward Street, Layout Drawing Traffic Plan Fire Plan and the statement dated 9 May 2018 shall be implemented in full.

REASON: To protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.

18. No part of the development hereby approved shall be occupied until a scheme for the construction of the accesses has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

19. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 19 has been constructed and completed in accordance with the scheme details.

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

20. The existing access in the sites South East corner shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads (concurrent with the formation of the new accesses).

Reasons: To limit the number of access points and to maintain the proper construction of the highway.

21. The sustainable drainage scheme shall be implemented in accordance with the following details:

Carley Daines & Partners Edward Street, Bamber Bridge Foul & Surface Water Long Sections drawing no.18.B.12035/21

Carley Daines & Partners Edward Street, Bamber Bridge Adopted Drainage Layout drawing no.18.B.12035/22 A

Carley Daines & Partners Edward Street, Bamber Bridge Adopted Drainage Details Surface Water (1 of 3) drawing no.18.B.12035/23

Carley Daines & Partners Edward Street, Bamber Bridge Adopted Drainage Details Surface Water (2 of 3) drawing no.18.B.12035/24

Carley Daines & Partners Edward Street, Bamber Bridge Adopted Drainage Details Surface Water (3 of 3) drawing no.18.B.12035/25

Micro Drainage Calculations ref.NETWORK.14.05.18.EDWARD dated 1st November 2018.

Sutcliffe Mainway Court, Edward Street, Bamber Bridge Phase II Interpretive Ground Assessment ref.28888LG dated September 2017.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

#### Reasons

1. To ensure that the proposed development can be adequately drained.

2. To ensure that there is no flood risk on or off the site resulting from the proposed development
22. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details including the following:

Carley Daines & Partners application to United Utilities for a Section 104 Adoption of Sewers ref.CRC/cc/18-B-12035 dated 1st November 2018

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reasons

1. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development
2. To reduce the flood risk to the development as a result of inadequate maintenance
3. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

## **RELEVANT POLICY**

### **NPPF National Planning Policy Framework**

- 1 Locating Growth (Core Strategy Policy)**
- 5 Housing Density (Core Strategy Policy)**
- 6 Housing Quality (Core Strategy Policy)**
- 27 Sustainable Resources and New Developments (Core Strategy Policy)**
- 29 Water Management (Core Strategy Policy)**

**POLB1 Existing Built-Up Areas**

**POLG13 Trees, Woodlands and Development**

**POLG16 Biodiversity and Nature Conservation**

**POLG17 Design Criteria for New Development**

**POLF1 Car Parking**

### **Note:**