

## APPLICATION REPORT – 19/00767/FUL

**Validation Date: 13 August 2019**

**Ward: Adlington And Anderton**

**Type of Application: Full Planning**

**Proposal: Erection of 1no. dwelling and access (resubmission of planning application ref: 18/00746/FUL)**

**Location: Land Adjacent To 1 Melling Close Bolton Road Adlington**

**Case Officer: Amy Aspinall**

**Applicant: Mr Sutton, Stewart Milne Homes**

**Agent: N/A**

**Consultation expiry: 3 September 2019**

**Decision due by: 8 October 2019**

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### RECOMMENDATION

1. It is recommended that the application is approved, subject to conditions.

### SITE DESCRIPTION

2. The application site is located wholly within the settlement boundary of Adlington in a predominantly residential area. The site is comprised of a parcel of land between 62A Bolton Road and 1 Melling Close, and forms part of the wider application site of the residential development to the rear.
3. Under planning permission 15/00506/REMAJ (the reserved matters) the site is identified as a cycle / footpath link to Bolton Road. An amendment to a short section of the alignment of the cycle /footpath link where it crosses the current application site has been approved under application 18/00729/MNMA. The current proposal does not affect the provision of the cycle /footpath link.

### DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks full planning permission for the erection of 1no. dwelling and access. The application is a resubmission of planning application ref: 18/00746/FUL which was refused by Members at Development Control Committee of 11<sup>th</sup> December 2018 for the following reason:
5. *“The proposed development by reason of its siting and scale would result in a loss of light and overbearing and oppressive environment for the occupiers of the adjacent property, 62A Bolton Road, which would be detrimental to the level of residential amenity they currently enjoy. The proposed development is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy (2012), policy BNE1 of the Chorley Local Plan (2012-20126)”.*

6. Members will note that the Officer recommendation is one of approval.

## REPRESENTATIONS

7. 3no. objections have been received. These are summarised below:
- Site was earmarked for a cycle way / footpath
  - Site earmarked for green infrastructure with planting and shrubbery – this would greatly enhance the street scene of Bolton Road
  - Impact on street scene – standalone house between a row of 3 bungalows
  - Proximity of driveway to existing side road / impact on sightlines
  - Impact on culverted stream running through the site
  - Impact on 62A Bolton Road - amenity would be seriously compromised / reduced daylight into 3 rooms which directly face onto the new property - 2 lounges each with one window, and the kitchen with 2 windows / loss of privacy / loss of line of sight / proposal would dwarf the terrace above the garage – reduced leisure facilities to 62A.
  - Decking area of 62A Bolton Road would directly overlook the rear garden of the new property.
  - Doc. 790551 does not show the kitchen (very faint image) of 62A which minimises the impact of the new property on 62A.
  - Doc. 790551 shows the distance between the new house and 62A to be 2.5 metres – this fails to show the existing perimeter fence running down the full length of 62A at a distance of 1 metre, which reduces the distance between properties to 1.5metres.
  - Doc 790553 records an entry regarding the proposed new fence which states "with permission from 62A". It is unclear whether permission has been granted, or if it is to be sought.
  - It should be clear to all that this application is made by, or on behalf of, Stewart Milne

## CONSULTATIONS

8. Adlington Town Council – Have objected to the application and comment that they would like to ensure that the proposal will not affect any alternative access route for emergency vehicles if the main Rossendale Drive entrance to the housing development is blocked. In the original plans the emergency access/exit was shown as via the lane alongside Huyton Terrace. The Council would like confirmation that plans for an emergency access route are still included within the development, otherwise it objects to the use of this plot of land for an additional house on the basis that it might be required for this access in the future. The Town Council also considers that the proposal represents a loss of amenity for residents.
9. United Utilities: Have no objection and recommend drainage condition.
10. Lancashire County Council Highway Services: Have no objection and recommend conditions.
11. CIL Officers: Comment that the proposed development is CIL liable.

## PLANNING CONSIDERATIONS

### Principle of the development

12. The application site is located within the settlement boundary of Adlington and an allocated housing site under policy HS1 (site HS1.24), as defined by the Chorley Local Plan Policies Map.
13. Under policy 1 of the Central Lancashire Core Strategy, Adlington is identified for some growth and investment to help meet housing and employment needs.

14. The National Planning Policy Framework (the Framework) is clear that the Government's objective is to significantly boost the supply of homes and that it is important that a sufficient amount and variety of land can come forward where it is needed.
15. The Framework recognises that small and medium sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.
16. The application site forms part of the wider site which benefits from planning permission for residential development. The land is identified on the approved plans of planning permission 15/00506/REMMAJ (the reserved matters) as providing a cycle /footpath link connection to Bolton with landscaping either side as part of green infrastructure of the development. An amendment to part of the route has been approved under application 18/00729/MNMA which allows a realignment of the cycle / footpath but still provides a link to Bolton Road. The development proposed as part of the current application would not affect the provision of this cycle/footpath link.
17. The proposal is a standalone development of 1no. dwellinghouse and the principle of residential development on this site is acceptable in principle, in planning policy terms, subject to other considerations.

#### Highway safety

18. The application proposes a 4no. bedroom property, whereby the Council's parking standards require 3no. parking spaces. The submitted plan demonstrates that 3no. parking spaces can be accommodated within the site, including a turning area enable vehicles to enter and exit in a forward gear.
19. In relation to the Town Council comments, the application site is not affected by the emergency access previously approved as part of the wider residential development as this is located further to the east.
20. Although there are neighbouring concerns in relation to the location of the access and visibility, Lancashire County Council Highways Authority raise no objection to the application and advise that they are of the opinion that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
21. Accordingly, it is not considered that the proposed development would adversely affect highways safety, having regard to policy BNE1 (d) of the Chorley Local Plan 2012 - 2026.

#### Design

22. The design of the proposed dwelling is of the Parkwood House type which incorporates a gable feature and bay window; and is also similar to other types found on the wider Stewart Milne estate to the rear of the site. The street scene of Bolton Road is comprised of a mix of housing types and styles with properties either side of the application site being bungalows. 62A Bolton Road is a dormer bungalow at split level, with 1 Melling Close being a true bungalow. Given the differentiation in heights along Bolton Road and the variation of properties, it is not considered that the proposed two storey dwelling would appear incongruous in the street scene. The layout and building to plot ratio is consistent with the area.
23. The proposal accords with policy BNE1 of the Chorley Local Plan 2012 – 2026 in respect of design.

### Impact on amenity

24. The site is bound by residential properties on three sides. The side elevation of 62A Bolton Road faces the site, and benefits from a number of windows to its side elevation. An objection has been received from the occupier of this property due to the proximity of the proposal to 62A, (in particular its lounge window, two kitchen windows and decking and patio area); loss of privacy and recreation impacts; and loss of light and line of sight from this property.
25. In terms of the kitchen of 62A Bolton Road, the side facing window is relatively small and the kitchen benefits from larger windows to the front and rear elevations. No habitable windows are proposed to the side facing elevation of the proposed dwellinghouse in proximity to 62A and, therefore, there would be no overlooking or loss of privacy impacts to this neighbouring property.
26. The proposed dwellinghouse would be located approximately 2.5 metres from the side facing kitchen window which is an improvement from the previous application (18/00746/FUL) which had a separation of approximately 1.8 metres. This window is not, however, the primary window serving the kitchen, as it has a dual aspect to the rear and front. It is acknowledged that the proposal would change the outlook from this side facing window, and would result in a more enclosed environment when viewed from the side and front windows, and that in addition there would be some loss of light given the orientation of the proposed dwellinghouse to the north west. However, as the kitchen is dual fronted, with a large window to the rear with a south west aspect, it is not considered that the living conditions of the neighbouring occupants would be adversely affected to warrant refusal of the application.
27. The living room of 62A Bolton Road benefits from a window to its side facing elevation leading onto a terrace area which is situated to the front of the property. This habitable room also benefits from a main window to the front elevation, which is considered to be the principal window serving this room. Again, the proposal would result in a more enclosed environment and outlook when viewed from this side facing window and the terrace area, and there would be some loss of light, however the terrace is not a private garden area (this is situated to the rear) and the main window is situated at the front. There would be no loss of privacy or overlooking impacts to the living room or terrace as there are no habitable windows proposed in the side facing elevation of the proposal.
28. Neighbouring objections have raised concern in relation to the submitted plans showing parts of 62A in a faint colour. This does not have any bearing on the application or the assessment. Concern is also raised in relation to the street scene drawing identifying the proposed dwellinghouse with a separation distance of 2.5 metres from the side of 62A and does not show the boundary fence. The separation distance referred to on the plan is in relation to side facing elevations and not in relation to the distance to the boundary as defined by a fence. It is not, therefore, considered to be misleading.
29. Given the siting of the proposed dwellinghouse, there would be no overlooking or loss of privacy impacts to the private rear garden of 62A Bolton Road. There would, however, be potential for overlooking of the rear garden area of the proposed dwellinghouse from the raised patio area to the rear of 62A Bolton Road, but future occupiers of the proposal would be aware of this situation.
30. The proposed dwellinghouse would be situated in excess of 21 metres from the adjacent property number 1 Melling Close which far exceeds the Council's separation standards between principal and non-principal elevations. The proposal would not, therefore, adversely affect the residential amenity afforded to 1 Melling Close.

### Trees

31. The trees subject to Tree Preservation Orders are situated outside the application site, and the submitted tree plan shows the root protection area would not be affected by the

footprint of the proposed dwellinghouse. According it is not considered that there would be adverse impacts on the protected trees.

#### Ecology

32. The Council's appointed ecologists at Greater Manchester Ecology Unit (GMEU) assessed the previous application (18/00746/FUL) and raised no objection on nature conservation grounds. Taking this previous advice from GMEU which remains relevant, the proposal accords with policies BNE1 (f) and BNE9 of the Chorley Local Plan 2012 – 2026.

#### Culvert

33. The impact of the development and foundations on the existing culvert has been raised in objection. Development proposals which have the potential to impact on a culvert due to the location of foundations would be subject to Building Regulations.

#### Applicant's details

34. The applicant is Stewart Milne Homes. It should be noted that the planning permission, if granted, would run with the land and not personal to the applicant.

#### Boundary fence and consent by owner

35. Whilst the Local Planning Authority may grant planning permission, it does not imply a land owner consent to erect any boundary treatments (where required). The right to erect any fencing to the common boundary between the application site and 62A Bolton Road is a civil matter.

### **CONCLUSION**

36. The application site is located within the settlement boundary of Adlington which is identified in the Core Strategy as a location where some growth and investment will be focused to help meet housing needs. The site is also designated as a housing allocation. The Framework is clear that it is the Government's objective is to significantly boost the supply of homes and that great weight is given to the benefits of using suitable sites within existing settlements for homes.
37. Although there would be some impact on the residential amenity afforded to 62A Bolton Road, it is considered that on balance, the impacts would not be harmful given the layout of this property and the dual aspect of the kitchen and living room. The proposal would be acceptable in respect of other material considerations set out in this report. and the application is recommended for approval accordingly, subject to conditions.

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

#### Suggested conditions

38. To follow.

## RELEVANT HISTORY OF THE SITE

**Ref:** 12/00082/OUTMAJ      **Decision:** WDN      **Decision Date:** 7 June 2012  
**Description:** Outline planning application for the development of land to the south of Bolton Road, Adlington for the erection of up to no. 300 dwellings and associated open space with all matters reserved, save for access.

**Ref:** 12/00738/SCE      **Decision:** PESCEZ      **Decision Date:** 10 August 2012  
**Description:** Screening opinion for the development of the land for up to 170 dwellings, demolition of 74 and 76 Bolton Road, formation of new access, landscaping, open space, highways and associated works.

**Ref:** 12/00741/OUTMAJ      **Decision:** PEROPP      **Decision Date:** 30 August 2013  
**Description:** Outline application for residential development of up to 170 dwellings, demolition of 74 and 76 Bolton Road, formation of new access, landscaping, open space, highways and associated works.

**Ref:** 15/00506/REMAJ      **Decision:** PERRES      **Decision Date:** 9 September 2015  
**Description:** Reserved Matters Application for the erection of 158 dwellings comprising of 1, 2, 3, and 4 bedroom homes, open space and associated works (pursuant to outline planning consent ref: 15/00568/OUTMAJ).

**Ref:** 15/00553/DIS      **Decision:** PEDISZ      **Decision Date:** 10 February 2016  
**Description:** Application to discharge conditions 4 (external materials), 5 (phasing), 6 (landscaping), 8 (boundary treatments), 9 (site access), 12 (surface water drainage), 13 (contamination), 15 (eradication/ control of Himalayan Balsam and Japanese Knotweed), 17 (dwelling emission rate), 21 (Construction Environment Management Plan) and 25 (nesting birds) attached to outline planning approval 15/00568/OUTMAJ.

**Ref:** 15/00568/OUTMAJ      **Decision:** PERFPP      **Decision Date:** 8 September 2015  
**Description:** Section 73 application to vary conditions 16, 17 and 18 (all relating to Code for Sustainable Homes) and to remove condition 19 (Carbon Reduction Statement) attached to outline planning approval 12/00741/OUTMAJ.

**Ref:** 15/00939/DIS      **Decision:** PEDISZ      **Decision Date:** 11 November 2015  
**Description:** Application to discharge conditions 9 (garden sheds), 13 (street construction) and 16 (replacement tree planting) attached to reserved matters approval 15/00506/REMAJ.

**Ref:** 15/01049/DIS      **Decision:** REDISZ      **Decision Date:** 7 December 2015  
**Description:** Application to discharge condition 20 (travel plan) attached to outline planning permission 15/00568/OUTMAJ.

**Ref:** 15/01236/DIS      **Decision:** PEDISZ      **Decision Date:** 10 February 2016  
**Description:** Application to discharge conditions 12 (management and maintenance of the proposed streets) and 17 (play area) attached to reserved matters approval 15/00506/REMAJ.

**Ref:** 15/01256/DIS      **Decision:** PEDISZ      **Decision Date:** 20 January 2016  
**Description:** Application to discharge conditions 17 (Dwelling Emission Rate) and 18 (SAP assessment) attached to outline planning approval 15/00568/OUTMAJ.

**Ref:** 16/00051/TPO      **Decision:** PERTRE      **Decision Date:** 11 March 2016  
**Description:** T3 and G2 on the tree preservation order proposed to be removed. Trees have significant damage (see tree report, trees highlighted). Replacement trees as detailed on drawings: 6738-L-100 Rev B 6738-L-102 Rev B 6738-L-104 Rev B.

**Ref:** 16/00431/MNMA      **Decision:** PEMNMZ      **Decision Date:** 23 May 2016  
**Description:** Application for a minor non-material amendment to planning approval 15/00506/REMAJ to swap the house types on plots 11 and 12.

**Ref:** 16/00516/S106A                   **Decision:** PEROPP   **Decision Date:** 11 October 2016  
**Description:** Request under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify a unilateral undertaking dated 8th September 2015.

**Ref:** 16/00557/MNMA                   **Decision:** PEMNMZ   **Decision Date:** 28 June 2016  
**Description:** Minor Non-Material Amendment - Removal and replacement of 3 trees to the rear of plots 36-43 (15/00506/REMMAJ).

**Ref:** 16/00823/MNMA                   **Decision:** APPRET   **Decision Date:** 4 October 2016  
**Description:** Plot Substitution on plots 80-81, 92-101, 103-104 & 127-133.

**Ref:** 16/00836/TPO                   **Decision:** PERTRE   **Decision Date:** 19 October 2016  
**Description:** English oak and ash tree belt (Tree Group no.1 with Chorley BC TPO no. 3 Adlington 2012) - plots 16, 24 and 25. Raise the crowns to a height of 4m and provide a 4m clearance from the three dwellings.

**Ref:** 16/01126/REM                   **Decision:** PERRES   **Decision Date:** 9 February 2017  
**Description:** Reserved matters application for the erection of nine dwellings (plots 126 - 132 & 158 - 159) (pursuant to outline consent 15/00568/OUTMAJ).

**Ref:** 16/01127/REM                   **Decision:** PERRES   **Decision Date:** 24 January 2017  
**Description:** Reserved matters application for the erection of four dwellings (plots 81-82 & 103-104) (pursuant to outline consent 15/00568/OUTMAJ).

**Ref:** 17/00235/DIS                   **Decision:** PEDISZ   **Decision Date:** 28 March 2019  
**Description:** Application to discharge condition 17 (play area) attached to reserved matters approval 15/00506/REMMAJ.

**Ref:** 17/00397/MNMA                   **Decision:** PEMNMZ   **Decision Date:** 9 May 2017  
**Description:** Minor non-material amendment to planning approval 15/00506/REMMAJ comprising alternate handing of plots 122, 123 and 124.

**Ref:** 17/00597/MNMA                   **Decision:** PEMMAZ   **Decision Date:** 1 November 2017  
**Description:** Minor non-material amendments to development approved under reserved matters consent 15/00506/REMMAJ, which was for the erection of 158 dwellings comprising of 1, 2, 3 & 4 bedroom homes, open space and associated works, involving amendment to turning head to road adjacent to the apartment block and revisions to parking and position of bin store to apartments.

**Ref:** 18/00729/MNMA                   **Decision:** PEMNMZ   **Decision Date:** 19 September 2018  
**Description:** Minor non-material amendment to reserved matters consent 15/00506/REMAJ (reserved matters application for the erection of 158 dwellings comprising of 1, 2, 3, and 4 bedroom homes, open space and associated works (pursuant to outline planning consent ref: 15/00568/OUTMAJ) to realign part of the cycle / footpath to the north of the development leading to Bolton Road.

**Ref:** 18/00746/FUL                   **Decision:** REFFPP   **Decision Date:** 12 December 2018  
**Description:** Erection of 1no. dwelling and access.