

## APPLICATION REPORT – 21/00161/FULMAJ

**Validation Date: 10 February 2021**

**Ward: Adlington And Anderton**

**Type of Application: Major Full Planning**

**Proposal: Section 73 application to vary condition no. 3 of planning permission ref: 15/00506/REMMAJ (which was a Reserved Matters Application for the erection of 158 dwellings) which required a footbridge link to be provided. The footbridge is not to be provided due to protected trees and levels. In addition, a 3m foot/cycle path through the site has been re-positioned to the south of plot 79 (42 Rossendale Drive) due to space restrictions in the previously approved position.**

**Location: Land Surrounding Huyton Terrace Previously Baly Place Farm Bolton Road Adlington**

**Case Officer: Caron Taylor**

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

**Agent: Ben Sutton, Stewart Milne Homes**

**Consultation expiry: 6 May 2021**

**Decision due by: 10 September 2021 (Extension of time agreed)**

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### RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions.

### BACKGROUND AND PROPOSED DEVELOPMENT

2. The application site is a recently completed housing development located within Adlington and accessed via Bolton Road. Outline planning permission was granted in August 2013 to erect up to 170 dwellings on the site (12/00741/OUTMAJ). This was followed by a Section 73 application (ref: 15/00568/OUTMAJ) to vary the requirements of the Code for Sustainable Homes conditions. A Reserved Matters consent was granted in September 2015 (ref: 15/00506/REMMAJ) for 158 dwellings. There have also been several applications for minor non-material amendments and two further Reserved Matters applications (refs: 16/01126/REM and 16/01127/REM) relating to changes to the layout in parts of the site.
3. The current application is submitted by Stewart Milne Homes under Section 73 of the Town and Country Planning Act to vary condition no. 3 (approved plans) of planning permission ref: 15/00506/REMMAJ (which was the Reserved Matters Application for the erection of 158 dwellings) which required a footbridge link to be provided. The developer no longer intends to provide the footbridge. In addition, a 3m foot/cycle path through the site has been re-positioned to the south of plot 79 (42 Rossendale Drive) due to space restrictions in the previously approved position.

### REPRESENTATIONS

4. No representations have been received.

## CONSULTATIONS

5. Adlington Town Council: Neither object nor support the application and have advised that they noted this amended proposal at their meeting on Monday 17 May 2021.
6. Council's Tree Officer: Has advised that the footbridge, if constructed, would require some felling/pruning of protected trees and any foundations would likely cause root damage. There are several trees within the group that are in poor condition and would probably either fail or require removal in the coming years, so if the bridge is to be built it could be sited as to minimise negative impacts on trees.

## PLANNING CONSIDERATIONS

7. Although not specifically mentioned in the original committee reports for the development, the approved plan showed a 2m wide pedestrian link from the turning head close to an apartment block (plots 105-119) to the rear of the garden on plot 104. This has not been constructed.
8. The topography of the site means that there is a small valley containing a brook running north to south between these properties and the pedestrian link would have had to take the form of a bridge link. The valley contains a large number of protected trees (the comments of the Tree Officer are noted that in relation to them it probably could be sited to minimise impacts on them), but also the west bank of the brook is significantly lower than the east. Therefore the bridge link would have had a particularly steep gradient (which would not be desirable for pedestrians or people with prams, wheelchairs etc.) or significant works would have had to have been undertaken on the east side to take the path down to a lower level to match the level of the west bank for the valley before crossing over the brook. Given the level difference it is considered that these works would be significant and could have a significant impact on trees.
9. By not having the link over the small valley it results in slightly longer walk for people to get to the other side of the valley as they have to walk south down to Rossendale Drive to cross the brook, however the extra distance is not considered excessive. No objections have been received from notified residents on either side of the small valley and at the time of the site visit all the properties appeared to be occupied.
10. The omission of the footpath link is, therefore, considered acceptable.
11. Another change that has been carried out is the footpath link from within the development to where it joins the public right of way that comes down Huyton Road from the north east, past the gable end of the terraced properties at Huyton Terrace and into the field. The original plan did not show a surfaced path from where it joins Rossendale Drive however a surfaced path has been created from the road into the field where it links with the Public Right of Way. This is considered acceptable.

## CONCLUSION

12. The revised proposal is considered to be acceptable approval of this Section 73 application would result in the grant of a new planning permission for the site. Therefore, the original conditions have been reviewed and where still relevant or are necessary as controlling conditions, it is proposed to reimpose them on this permission.

**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

1. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters.

*Reason: To define the permission and in the interests of the proper development of the site.*

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

<b>Title</b>	<b>Plot</b>	<b>Drawing Reference</b>	<b>Received date</b>
Planning Layout		SK/PL/250/101 Rev Z	10 <sup>th</sup> February 2021
Location Plan		4698-P-01 Rev J	22 <sup>nd</sup> May 2015
Apartments first floor plan	105-119	WO999-ADL/APT/302	14 <sup>th</sup> August 2015
Apartments ground floor plan	105-119	WO999-ADL/APT/301	14 <sup>th</sup> August 2015
Apartments second floor plan	105-119	WO999-ADL/APT/303	14 <sup>th</sup> August 2015
Apartments front and side elevations	105-119	WO999-ADL/APT/501	22 <sup>nd</sup> May 2015
Apartments rear and side elevations	105-119	WO999-ADL/APT/502	22 <sup>nd</sup> May 2015
Aston Ground & First Floor Plan	6/ 7/ 29/ 30/ 38/ 41/ 42/ 45/ 51/ 52/ 85/ 86/ 89/ 90/ 93/ 135/ 136/ 139/ 142/ 143/ 156	S14-70(AT)-2MT-601 Rev B	14 <sup>th</sup> August 2015
Argyll Ground & First Floor Plan	5/8/ 28/ 31/ 34/ 36/ 37/ 39/ 40/ 43/ 44/ 46/ 50/ 53/ 84/ 87/ 88/ 91/ 92/ 94/ 134/ 137/ 138/ 140/ 141/ 144/155/ 157	S14-82-3ET/S-600 Rev E	14 <sup>th</sup> August 2015
Argyll Elevations	5/8/ 28/ 31/ 34/ 36/ 37/ 39/ 40/ 43/ 44/ 46/ 50/ 53/ 84/ 87/ 88/ 91/ 92/ 94/ 134/ 137/ 138/ 140/ 141/ 144/155/ 157	NWE-S14-82-3D-900	22 <sup>nd</sup> May 2015
Castlevale Ground & First Floor Plan	10/ 14/ 23/ 55/ 61/ 148	S14-90-3D-600 Rev G	14 <sup>th</sup> August 2015
Castlevale Elevations	10/ 14/ 23/ 55/ 61/ 148	NWE-S14-90-3D-900	22 <sup>nd</sup> May 2015
Caplewood Ground & First Floor Plan	62/ 63/ 82/ 83/ 97/ 98	S14-90-3ET-600 Rev E	14 <sup>th</sup> August 2015
Corrywood Ground & First Floor Plan	1/ 79/ 102/ 126	S14-97-3D-600 Rev E	14 <sup>th</sup> August 2015
Corrywood Elevations	79	NWE-S14-97-3D-901	3 <sup>rd</sup> June 2015
Corrywood Elevations	1/ 102/ 126	NWE-S14-97-3D-900	3 <sup>rd</sup> June 2015
Carlton Ground & First Floor Plan	2/ 9/ 12/ 21/ 47/ 54/ 59/ 65/ 67/ 74/ 78/ 128/ 131/ 153/ 154	S14-101A-4D-600 Rev G	14 <sup>th</sup> August 2015
Carlton Elevations	74/ 78	NEW-S14-101-4D-901	3 <sup>rd</sup> June 2015
Denewood Ground & First Floor Plan	4/ 13/ 19/ 20/ 22/ 48/ 64/ 69/ 77/ 99/ 133/ 146/ 150/ 152	S14-111-4D-600 Rev E	14 <sup>th</sup> August 2015
Denewood Elevations	77	NWE-S14-111-4D-901	3 <sup>rd</sup> June 2015

Denewood Elevations	4/ 13/ 19/ 20/ 22/ 48/ 64/ 69/ 99/ 133/ 146/ 150/ 152	NWE-S14-111-4D-900	22 <sup>nd</sup> May 2015
Dukeswood Ground & First Floor Plan	3/11/ 18/ 24/ 32/ 49/ 60/ 66/ 68/ 73/ 96/ 100/ 132/ 145/ 147/ 149/ 151	S14-117-ED-600 Rev E	14 <sup>th</sup> August 2015
Dukeswood Elevations	73	NWE-S14-117-ED-901	3 <sup>rd</sup> June 2015
Glenmore Ground & First Floor Plan	17/ 26/ 57/ 58/ 70/ 75/ 101/ 127	S14-126-4D-600 Rev B	14 <sup>th</sup> August 2015
Glenmore Elevations	75	NWE-S14-126-4D-901	3 <sup>rd</sup> June 2015
Hampshire Ground & First Floor Plan	16/ 25/ 27/ 33/ 56/ 71/ 72/ 76/ 80/ 81/ 95	S14-130-4D-600 Rev G	14 <sup>th</sup> August 2015
Hampshire Elevations	72/ 76	NWE-S14-130-4D-900	3 <sup>rd</sup> June 2015
Hampshire Elevations	16/ 25/ 27/ 33/ 56/ 71/ 80/ 81/ 95	NWE-S14-130-3D-900	22 <sup>nd</sup> May 2015
Hollandswood Ground Floor Plan	15/ 103/ 104/ 129/ 130/ 158	S14-140-4D-600 Rev E	14 <sup>th</sup> August 2015
Hollandswood Elevations	15/ 103/ 104/ 129/ 130/ 158	NEW-S14-140-4D-900 Rev A	13 <sup>th</sup> July 2015
Hollandswood First Floor Plan	15/ 103/ 104/ 129/ 130/ 158	S14-140-4D-610 Rev B	14 <sup>th</sup> August 2015
Split Level Type 1	121/ 124	S14-117-4D-600	14 <sup>th</sup> August 2015
Split Level Type 1 Elevations	121/ 124	NWE-S14-117-4D-800	13 <sup>th</sup> July 2015
Split Level Type 2	122/ 123	S14-130-4D-600	14 <sup>th</sup> August 2015
Split Level Type 2	122/ 123	NWE-S14-130-4D-800	13 <sup>th</sup> July 2015
Split Level Type 3	120/ 125	S14-126-4D-600	14 <sup>th</sup> August 2015
Split Level Type 3	120/ 125	NWE-S14-126-4D-800	13 <sup>th</sup> July 2015
Detached double garage	15/ 103/ 104/ 129/ 130/ 158/	S14-SD-05-38	17 <sup>th</sup> August 2015
Elevation Treatments		SK250/SS/AD/101 Rev C	17 <sup>th</sup> August 2015
Elevation Treatments		SK250/SS/AD/801 Rev D	27 <sup>th</sup> August 2015
Site Sections Sheet 1		SK/PL/250/SS/101 Rev A	13 <sup>th</sup> July 2015
Site Sections Sheet 2		SK/PL/250/SS/102 Rev A	13 <sup>th</sup> July 2015
Site Sections Sheet 3		SK/PL/250/SS/103 Rev A	10 <sup>th</sup> August 2015
Elevation Treatments		SK250/SS/AD/802 Rev C	27 <sup>th</sup> August 2015
Elevation Treatments		SK250/SS/AD/803 Rev C	13 <sup>th</sup> July 2015
External Works Layout 1 of 6		ELL-402-SMH-B-140 Rev B	28 <sup>th</sup> August 2015
External Works Layout 2 of 6		ELL-402-SMH-B-141 Rev B	28 <sup>th</sup> August 2015
External Works Layout 4 of 6		ELL-402-SMH-B-143 Rev B	28 <sup>th</sup> August 2015
External Works Layout 5 of 6		ELL-402-SMH-B-144 Rev B	28 <sup>th</sup> August 2015
External Works Layout 6 of 6		ELL-402-SMH-B-145 Rev B	28 <sup>th</sup> August 2015
Topographical Land Survey Sheet 1 of 2		S10/505	21 <sup>st</sup> August 2015

Topographical Land Survey Sheet 2 of 2		S10/505	21 <sup>st</sup> August 2015
Construction Management Plan		1	13 <sup>th</sup> July 2015
Integral Garage Housetypes		SK/INT/DET/101 Rev A	21 <sup>st</sup> August 2015
Boundary Treatment Plan (1 of 3)		SK/BT/250/101 Rev A	21 <sup>st</sup> August 2015
Boundary Treatment Plan (2 of 3)		SK/BT/250/102 Rev A	21 <sup>st</sup> August 2015
Boundary Treatment Plan (3 of 3)		SK/BT/250/103 Rev A	21 <sup>st</sup> August 2015
Soft Landscape Proposals (Sheet 1 of 7)		6738-L-101 Rev A	27 <sup>th</sup> August 2015
Soft Landscape Proposals (Sheet 2 of 7)		6738-L-102 Rev A	27 <sup>th</sup> August 2015
Soft Landscape Proposals (Sheet 3 of 7)		6738-L-103 Rev A	27 <sup>th</sup> August 2015
Soft Landscape Proposals (Sheet 5 of 7)		6738-L-105 Rev A	27 <sup>th</sup> August 2015
Soft Landscape Proposals (Sheet 6 of 7)		6738-L-106 Rev A	27 <sup>th</sup> August 2015
Soft Landscape Proposals (Sheet 7 of 7)		6738-L-107 Rev A	27 <sup>th</sup> August 2015
Soft Landscape Proposals Key Plan		6738-L-100 Rev A	27 <sup>th</sup> August 2015
Detailed Sections		SK/PL/250/SS/501	28 <sup>th</sup> August 2015

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

3. The integral/attached and detached garages hereby permitted shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015.

*Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.*

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no extensions or external alterations shall be undertaken to the dwellings hereby permitted on plots 16-49 (inclusive) , 53-55 (inclusive), 57-65 (inclusive), 70, 72, 75-102 (inclusive), 120-129 (inclusive), 137-138 (inclusive), 141-158 (inclusive).

*Reason: To protect the appearance of the locality and the amenity of the future occupiers of the approved dwellings and those surrounding the site.*

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/doors other than those expressly authorised by this permission shall be inserted or constructed at any time in the:

- North west elevation of plot 9
- North east elevation of plot 10
- North west elevation of plot 5

- South east elevation of plot 15
- South east elevation of plot 44
- South east elevation of plot 43
- South east elevation of plot 84
- South elevation of plot 125
- South elevation of plot 141

*Reason: To protect the amenities and privacy of the adjoining properties.*

6. All windows and doors in the:

- North west elevation of plot 9
- North east elevation of plot 10
- North west elevation of plot 5
- South east elevation of plot 15
- South east elevation of plot 44
- South east elevation of plot 43
- South east elevation of plot 84
- South elevation of plot 125
- South elevation of plot 141

shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.

*Reason: In the interests of the privacy of occupiers of neighbouring properties.*

7. The residents parking area (detailed on the approved Planning Layout) shall not be used for any purpose other than the parking of and manoeuvring of vehicles and shall be retained open for use at all times by the residents of Bolton Road thereafter.

*Reason: The construction of the access junction into the site will impact on existing residents parking along Bolton Road. To mitigate for the impact on the neighbours affected 6 parking spaces form part of the development proposals.*

8. If any trees or plants within the 5m wide buffer planting zone along the boundary with the existing dwellings on Bolton Road (detailed on the approved Planning Layout) this buffer planting zone which, within a period of ten years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: In the interests of the appearance of the locality and to form of landscaped screen between the site and the neighbouring properties.*

9. The footpath/ cycle links throughout the site shall be retained in perpetuity.

*Reason: to ensure that the development supports sustainable transport measures and communities cycling and pedestrian movements are catered for on suitable desire lines as part of the development including two new pedestrian accesses on Bolton Road and a pedestrian link to Huyton Road. This condition ensures that these important linkages are provided as part of the whole scheme at a reasonable time.*