

## **DEVELOPMENT CONTROL COMMITTEE**

TUESDAY, 18TH JULY 2017, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following report that was unavailable when the agenda was published.

**Agenda No    Item**

**C        17/00413/FULMAJ - CHORLEY RUGBY UNION CLUB,  
          CHANCERY ROAD, ASTLEY VILLAGE, CHORLEY, PR7 1XP**

(Pages 71 - 78)

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Electronic agendas sent to Members of the Development Control Committee

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**APPLICATION REPORT – 17/00413/FULMAJ****Validation Date: 18 April 2017****Ward: Astley And Buckshaw****Type of Application: Major Full Planning**

**Proposal: Section 73 application to remove conditions 25 and 26 of permission ref: 17/00038/FULMAJ (which was a variation of condition application relating to the erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities including floodlighting columns) to allow the phasing of the development to be changed - so that the dwellings can be built prior to the provision of the sports facilities.**

**Location: Chorley Rugby Union Club Chancery Road Astley Village Chorley PR7 1XP****Case Officer: Caron Taylor****Applicant: Mrs Rachael Graham, Persimmon Homes****Agent: N/A****Consultation expiry: 6 June 2017****Decision due by: 18 July 2017**

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**RECOMMENDATION**

The application is recommended for approval subject to conditions and a legal agreement (unilateral undertaking).

**DESCRIPTION OF PROPOSED DEVELOPMENT**

Section 73 application to remove conditions 25 and 26 of permission ref: 17/00038/FULMAJ (which was a variation of condition application relating to the erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities including floodlighting columns) to allow the phasing of the development to be changed - so that the dwellings can be built prior to the provision of the sports facilities.

**RELEVANT HISTORY OF THE SITE**

**Ref:** 13/00082/FULMAJ      **Decision:** PERFPP      **Decision Date:** 28 August 2013

**Description:** Proposed erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities including 8 x 15m floodlighting columns

**Ref:** 14/00429/FULMAJ      **Decision:** PERFPP      **Decision Date:** 28 January 2015

**Description:** Section 73 application to vary condition no.5 (approved plans) of planning permission no. 13/00082/FULMAJ (which was for the erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities including floodlighting columns) to change the size and design of the clubhouse building and make alterations to the parking.

**Ref:** 15/00577/FULMAJ      **Decision:** PERFPP      **Decision Date:** 9 September 2015

**Description:** Re-plan of 14 no. dwellings, including associated landscaping and parking (part of larger scheme of 50 dwellings previously approved under ref: 13/00082/FULMAJ and 14/00429/FULMAJ), to avoid water main that crosses the site.

**Ref:** 17/00038/FULMAJ      **Decision:** PERFPP      **Decision Date:** 3 April 2017  
**Description:** Section 73 application to vary condition 26 of permission ref: 14/00429/FULMAJ (which was for the erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities including floodlighting columns) to allow the phasing of the development to be changed - so that the pavilion/club house and car park shall be constructed prior to the occupation of the 40th dwelling and shall be completed prior to occupation of the 47th dwelling (as opposed to by the 30th and 40th dwelling previously approved).

### REPRESENTATIONS

None received.

### CONSULTATIONS

Community Infrastructure Levy Officer - Section 73 application with no uplift in floor space - therefore this application is not CIL Liable.

### PLANNING CONSIDERATIONS

The application site is the grounds of Chorley Rugby Union Club.

Planning permission was originally granted on the site in 2013 for the erection of 50 residential dwellings and the redevelopment of the existing rugby club and associated facilities (ref: 13/00082/FULMAJ). It was intended at that time that Persimmon Homes, who were to build the houses, would also build the new rugby facilities on behalf of the Rugby Club Trustees.

Following this approval the Rugby Club Trustees decided to procure and manage the build of the new rugby facilities themselves. They applied for and received a further planning permission (ref: 14/00429/FULMAJ) for an enhanced two-storey clubhouse building and to make alterations to the parking.

A further application to re-plan the layout of 14 of the dwellings was submitted by Persimmon Homes following the discovery that a water main crossing the site was not in exactly the same location as had been advised to them which affected the siting of some of the properties. This was permitted under 15/00577/FULMAJ.

Following this, issues arose during the construction of the new rugby facilities. The Rugby Club Trustees were to procure and manage the building of the rugby facilities themselves and appointed a construction management company to manage the build on their behalf. As Persimmon Homes were no longer building the facilities on behalf of the Trustees this was to be funded by Persimmon Homes making payments in line with agreed milestones in the build process. The payments were made by Persimmon Homes as agreed, however the construction management company appointed by the Rugby Club Trustees, due to various issues they have had with them, parted company and it became apparent there was a funding short fall for the rest of the build. As a result building work stopped on the enhanced rugby facilities.

The planning permission for the whole scheme originally restricted the number of houses that could be legally completed (through condition 26) in line with the progress of the new rugby facilities. Condition 26 allowed 30 houses to be legally completed prior to the construction of the clubhouse and car park (including coach parking) and 40 units to be legally completed prior to its completion.

As the rugby club build had stopped, this prevented Persimmon Homes from completing any more properties, which they had buyers waiting for, but also prevented any more funding being

released to the Rugby Club Trustees, as the funding is linked to house sales, to allow them to continue with the build of the rugby facilities.

Therefore, Persimmon Homes applied to vary condition 26 to allow 40 legal completions prior to construction of the clubhouse building, car park and coach parking and 47 homes prior to its completion (application ref: 17/00038/FULMAJ). This was permitted and allowed Persimmon Homes to build further housing on the site, and as a result allow them to release further funding to allow the construction of the clubhouse etc. to continue. A unilateral undertaking legal agreement was also submitted by Persimmon that contained a 'long-stop' date to ensure that the rugby facilities would still be finished if a certain date passed, no matter how many dwellings were constructed (to avoid the situation that if Persimmon stopped building on site and therefore never met the number of legal completions which required the rugby club facilities to be built).

The current application is to entirely remove the conditions that restrict phasing of the housing development so that all the dwellings could be built prior to the provision of the sports facilities.

As per the previous application, it should be noted that the conditions were imposed on the previous permissions for the protection of the rugby club, as the housing was only allowed on the site as a form of enabling development to finance the new facilities for the rugby club. The condition was to ensure that the rugby facilities were completed and that a situation could not arise whereby the houses were built without them being provided.

Although the conditions are now proposed to be removed in their entirety, Persimmon will still submit a unilateral undertaking agreement with a longstop date that the rugby facilities would be commenced within two years from the date of this approval and completed within five years.

Although not controllable through the planning process, Persimmon would look to work with the Rugby Club contractor and the final building for the Rugby Club may need to be the original paired down scheme originally approved or a suitably value engineered design (subject to any necessary planning permission) to fit the remaining available budget. Permission would look to deal directly with the developer and not the Rugby Club and would establish a fixed price for the works and utilise a design and build contract with simple monthly valuations. This will allow for control of the works and limit payments to cover the work completed.

As per the previous application Members should be aware that if the houses are allowed to be built, there is a risk that the rugby facilities will not be completed if they are not built at the same time. This situation has however not come about due the fault of Persimmon Homes but rather due to the issues the Rugby Club Trustees have had with their construction management company which they have now parted company with. Removing the conditions will allow Persimmon to continue building properties and release payments to continue the Rugby Club. It is hoped that the Rugby Club are ultimately able to construct the enhanced facilities they have had approved if they can source further finance, but it is accepted that the ultimately Rugby Club facilities may be the pared down facilities originally envisaged and were found to be acceptable by the Council under the original permission ref: 13/00082/FULMAJ. The enhanced facilities would support the further wider strategic aspirations of the Council to form a larger community sports facility incorporating the existing adjacent football fields on West Way owned by the Council, but it is not envisaged that this is reliant on the enhanced Rugby Club scheme.

The unilateral undertaking would provide assurance that the facilities would still be built even if all the houses were completed, as it would contain a 'longstop' date, even though it was no longer tied to house completions.

## **CONCLUSION**

As with the previous application, risk is a factor to be taken into account but this has to be balanced against the fact that it is in Persimmon Homes' interest to see the site developed with rugby facilities as they have made commitments to recent purchasers of their properties on the site who bought properties on the understanding that these would be provided.

It is considered that the unilateral undertaking with a long-stop date still provides protection for getting the rugby facilities if they are not developed alongside the house and the application is therefore recommended for approval subject to a satisfactory unilateral undertaking being submitted.

The application is recommended for approval subject to conditions and legal agreement.

**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 this permission.

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

2. 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 this permission.

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

3. The floodlights hereby permitted shall be constructed in accordance with the details as shown on approved plan ref: 000348 E01 (Proposed Floodlighting) and shall not be used before 14:00 or after 21:30 on any day of the week.

*Reason: In the interests of the amenities of neighbouring properties.*

4. Within three months of the date of this decision a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the residential development by at least 21% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level rating.

*Reason: In the interests of minimising the environmental impact of the development.*

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

Title	Drawing Reference	Received date
Planning Layout	JB/CRC/PL1 Rev D	25 <sup>th</sup> June 2014
Proposed Floodlighting	000348 E01	20 <sup>th</sup> May 2014
New Stand and Clubhouse Section A	22937 L(2-) 05 Rev E	20 <sup>th</sup> June 2014
New Stand and Clubhouse	22937 L(2-) 07 Rev E	20 <sup>th</sup> June 2014
Section C		
New Stand and Clubhouse Section B	22937 L(2-) 06 Rev E	20 <sup>th</sup> June 2014
Chorley Rugby Club Plans	22937 Rev E	20 <sup>th</sup> June 2014
New Clubhouse Elevations	22937 L(2-)04 Rev E	20 <sup>th</sup> June 2014
New Clubhouse Ground Floor Plan	22937 L(2-)08 Rev A	20 <sup>th</sup> June 2014
New Clubhouse First Floor Plan	22937 L(2-)09	20 <sup>th</sup> June 2014
Location Plan	CRC/LP1	24 <sup>th</sup> April 2014
The Hatfield	HAT	24 <sup>th</sup> April 2014
The Roseberry	ROS	24 <sup>th</sup> April 2014
The Cranthorne	CRA	24 <sup>th</sup> April 2014
The Cherryburn	CHR	24 <sup>th</sup> April 2014
The Winstor	WIN	24 <sup>th</sup> April 2014
The Barrington	BAR	24 <sup>th</sup> April 2014
They Newby	NEW	24 <sup>th</sup> April 2014
Fencing Layout	EW/CRC/FL1	3 <sup>rd</sup> September 2014
Plot Divisional Fence	SDF11-08	3 <sup>rd</sup> September 2014
Plans and Elevations (conservatory)	CONS-01	3 <sup>rd</sup> September 2014
1.8m High Timber Screen Fence	SDF05	3 <sup>rd</sup> September 2014
1800mm Wall with Brick Pillars	PR.S.D.24/2	3 <sup>rd</sup> September 2014
Proposed Site Plan Boundary Fences	22937 L (9-) 01 Rev -	13 <sup>th</sup> November 2014

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

6. Within three months of the date of this decision full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.*

7. The parking spaces and garaging and associated manoeuvring facilities shown on the plans for the properties hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of each plot; the parking spaces shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).

*Reason: To ensure provision of adequate off-street parking facilities within the site.*

8. The visitor parking for the dwellings shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of the 30th dwelling. The visitor spaces shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).

*Reason: To ensure provision of adequate off-street parking facilities within the site.*

9. Before any external lighting is installed in relation to the pavilion building hereby permitted or the associated facilities such as the car park, details shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be implemented precisely in accordance with the approved details which shall then not be varied.

*Reason: To safeguard the amenities of the area and to minimise the possibility of inconvenience to nearby residents.*

10. The soft and hard landscaping at the site shall be carried out in accordance with the following plans: For the residential element:

- 4411.02
- 4411.03
- 4411.04
- CRC/ST/01

For the rugby club element:

- 22937 L (2-) 03 Rev P1

The existing hedges on the boundary with Chancery Road and West Way shall be retained.

*Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.*

11. The external facing materials, detailed in the Materials Schedule (Ref: May 2013 -CRCMS-01), shall be used to construct the dwellings hereby permitted and no others substituted.

*Reason: To ensure that the materials used are visually appropriate to the locality.*

12. Within three months of the date of this decision, plans and particulars showing a scheme of foul and surface water drainage, shall be submitted to, and approved in writing by, the Local Planning Authority. The surface water drainage scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The foul and surface water drainage schemes shall subsequently be implemented in accordance with the approved details before the development is completed.

*Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.*

13. The integral garages hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation unless off street parking can be provided within the curtilage of the property in accordance with the Council's parking standards in force at that time.

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

14. For the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

*Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials which may create a potential hazard to road users.*

15. Parking areas for visitors and contractors shall be provided during construction as shown on drawing ref: CRC.TMP and 22937 L (9-) 02.

*Reason: To ensure there is sufficient parking provided within the site and to discourage parking on Chancery Road to the inconvenience of surrounding residents.*

16. Before the club house/pavilion building hereby permitted is brought into use the opening hours of the building shall be submitted to and approved in writing by the Local Planning Authority. The club house/pavilion building shall thereafter only operate in accordance with the hours of opening.

*Reason: To safeguard of local residents from noise disturbance.*

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1, Class A) or any Order revoking or re-enacting the Order, no extensions shall be undertaken that would be built off the rear elevation of the conservatories approved under this permission (for clarity the rear elevation is defined as the elevation of the conservatories parallel with the rear elevation of the dwelling), without express planning permission being granted.

*Reason: The conservatories would be classed as the 'original dwelling' for Permitted Development purposes and therefore to protect the amenity of adjoining properties.*

18. Prior to either of the pitches hereby permitted being brought into use, the ball protection netting shown on approved plan ref: 22937 L (9-) 01 Rev P2 Proposed Site Plan Boundary Fences shall have been erected in accordance with the approved plans. The ball protection netting shall thereafter be retained in accordance with the approved details at all times.

*Reason: To prevent balls entering the housing element of the scheme and to protect the amenities of occupiers of the residential properties.*

19. The development shall proceed in accordance with the conclusions and recommendations in the ground investigation report ref: Chorley Rugby Club Phase 2 Site Investigation May 2013. A letter of verification shall be submitted to the Local Planning Authority when the site is completed, to confirm that the made ground has been taken off-site for disposal or remains onsite only under areas of hardstanding (as opposed to gardens/landscaped areas).

*Reason: To ensure the site is suitable for the proposed end-use.*

20. The land shown on the approved plan for amenity open space shall be provided before occupation of the 40th dwelling and shall be retained for this and no other purpose in the future.

*Reason: To enhance the environment created by the new development.*

21. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

*Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.*

22. Before the development hereby permitted is first occupied, details of cycle and motorcycle parking provision for the Rugby Club shall have been submitted to and approved in writing by the Local Planning Authority. Such parking provision shall be provided in accordance with the approved details and maintained at all times thereafter.

*Reason: To ensure adequate on site provision for cycle parking.*

23. No works of tree felling, hedgerow clearance or demolition shall take place between from the beginning of March to the end of August unless the absence of nesting birds has been confirmed by surveys that have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To protect Protected Species.*

24. The specification for the grass and artificial pitches shall be as shown on the following plans:

-Natural Turf Pitch Proposed NTP Plan and Section ref: SS1987 06 Rev 01;

-Artificial Turf Pitch Proposed ATP Plan and Section ref: SS1987 05 Rev 01

This is subject to the following:

1. The artificial grass pitch shall be constructed in-line with 'World Rugby Regulation 22' and upon completion be tested to ensure that it is compliant and is therefore permissible for rugby union activity;

2. The grass pitches shall be constructed in-line with RFU guidance note 2 and shall meet The Institute of Groundsmanship Performance Quality Standards;

3. The colour of the lines detailing the rugby union pitch should be white with any secondary lines (e.g. football) being yellow in colour.

*Reason: To ensure the development is fit for purpose and sustainable.*

25. The development shall be carried out in accordance with the i) Noise Management Plan by Bower Mattin Partnership and ii) Control of Noise Break-out from Approved Chorley RUFC Clubhouse by Hepworth Acoustics. The clubhouse shall be constructed and managed in accordance with these details, including that the exit doors from the clubhouse onto the balcony shall be shutter controlled preventing access to the balcony after 9:30pm (but which will automatically lift in the case of a fire or other emergency); the building envelope shall be constructed to limit noise emissions as detailed and the mechanical ventilation of the building

shall allow sound to be attenuated by silencers within air extraction ducts. The noise from building services equipment should also be controlled as detailed. The volume of all music in the clubhouse shall be controlled (including for any mobile sound system brought in) as detailed in the reports. The maximum levels of music limiting controls shall be submitted to and agreed in writing with the Local Planning Authority prior to the music system being brought into use, then operated in accordance with the maximum levels agreed.

*Reason: To ensure noise from the clubhouse/pavilion does not have an unacceptable impact on nearby residential properties.*

26. The balcony hereby permitted on the first floor of the clubhouse/pavilion building shall not be used after 9.30pm on any night of the week.

*Reason: To prevent noise nuisance to nearby residential properties.*

27. The pavilion/club house building shall be constructed using the materials as shown on the External Envelope - Materials Palette) ref: 22937 Materials Palette v.1).

*Reason: To ensure that the materials used are visually appropriate to the locality.*