

30 August 2011

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 6TH SEPTEMBER 2011

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

Agenda No Item

- a) 11/00484/COU - Heath Paddock Hut Lane, Heath Charnock, Chorley (report enclosed) (Pages 61 - 80)

Proposal:

Change of use of land for the siting of 2 static caravans and 4 touring caravans for residential use, the storage of 2 touring caravans when not in use for working away, retention of double utility block, provision of double stable block, retention of reduced area of hard surface for exercising horses, retention of hard standing for 3 vehicles plus horse box trailer to north of site and provision of new hard standing for 3 vehicles plus horse box trailer together with retention of existing access at North West corner of site.

Recommendation:

Refuse full planning
permission.

- b) 11/00053/FULMAJ - Land 200m South West of Whinney Cottage, 4 Whinney Lane, Euxton, Chorley (report enclosed) (Pages 81 - 116)

Proposal:

Change of use of agricultural land, involving levelling the site and drainage, to create 6 playing pitches, changing pavilion, 90 space car park and new access with associated roadway.

Recommendation:

Refuse full planning
permission.

Yours sincerely



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ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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کیجئے:

Item 1 **11/00484/COU**

Case Officer **Mr Peter Willacy**

Ward **Heath Charnock And Rivington**

Proposal **Change of use of land for the siting of 2 No static caravans and 4 No touring caravans for residential use, the storage of 2 No touring caravans when not in use for working away, retention of double utility block, provision of double stable block, retention of reduced area of hard surface for exercising horses, retention of hard standing for 3 No vehicles plus horse box trailer to north of site and provision of new hard standing for 3 No vehicles plus horse box trailer together with retention of existing access at North West corner of site**

Location **Heath Paddock, Land 65M South Of 3 Olde Stoneheath Court (bounded By M61 and Hut Lane) Hut Lane Heath Charnock Lancashire**

Applicant **Mr Mike Linfoot**

Consultation expiry: 20 September 2011

Application expiry: 23 August 2011

Recommendation: Refuse Full Planning Permission

PROPOSAL

1. The land in the vicinity of the application site is undulating gradually rising up towards Rivington Pike. Hut Lane crosses the M61 motorway at an elevated level. The area is characterised by hedgerows and stone walling around field parcels in agricultural use. Next to the site is a residential housing estate on a former hospital site surrounded by a stone wall and mature trees.
2. This application relates to a triangular shaped area of land of approximately 0.25 hectares located on the eastern side of the M61 between the motorway and Hut Lane and lying to the south of residential properties at Olde Stoneheath Court and Red Row. The site is situated between the settlement areas of Adlington and Chorley.
3. The application is in part retrospective as there are currently 6 touring caravans for residential purposes plus a horse trailer and a box van converted to be a kitchen in addition to a steel container and 2 small metal sheds sited on the land. The utility building previously on site remains together with the formation of a second vehicular access to the site.
4. The scale of the development proposed differs from the development previously refused and dismissed at appeal. The number of static caravans remains the same, the number of touring vans is reduced from 14 to 4 plus 2 vans when

working away from home, there is the addition of a double stable block and the storage of two horse trailers.

5. There will be occasions when there are 6 touring vans and two horse trailers will be on the site compared to up to 14 touring vans. This is a reduction in the scale of the development however the addition of a double stable block must be taken into account.

RECOMMENDATION

6. It is recommended that this application is refused.
7. The development is a departure from the Development Plan in that it involves development inappropriate in the green belt. This would significantly prejudice the implementation of the Development Plan's policies and proposals. The application should therefore be referred to the Secretary of State for the Environment if the Council is minded to approve it.

MAIN ISSUES

8. The main issue for consideration in respect of this planning application is whether harm arising from inappropriate development in the green belt, and any other harm caused, is clearly outweighed by other considerations to the extent that very special circumstances exist to justify the planning permission being granted.

COMMENTS OF THE HEAD OF GOVERNANCE

9. It is recommended, given the history to this site, and the specific issues that relate to it, that members of the committee review the planning application (including the supporting documentation) and the representations received from third parties (both "for" and "against" the application). This is to ensure members have a clear view of the objections made to this application, and do not carry preconceptions relating to the earlier matters.

REPRESENTATIONS

10. **A total of 135 objections have been received:**
 - a) Wish to reiterate the same points made against the previous application – the principle is still the same, even though the scale may be reduced
 - b) Previous application was refused, the appeal was dismissed and enforcement notices were upheld, and the high court challenge failed. The Council should not entertain this application – waste of money/resources – and should take further action to evict the families and restore the site.
 - c) The claim of having nowhere else to go is disputed, as the enforcement notices were modified to allow the families to leave the site, and some of those families have left; occupants have had ample time to leave the site/find legal accommodation
 - d) This is a sham to realise a residential consent and realise the uplift in land value
 - e) If approved, it would lead to ribbon development on Hut Lane
 - f) Existing development on Hut Lane is not a precedent
 - g) Total absence/no chance of/no prospect for integration between the settled and traveller community, based on initial and sustained deception, flagrant disregard for planning law and green belt policy, continuing/prolonged intimidation (some objectors say low level) and confrontation towards local residents, prosecution by Environment Agency for illegal import of controlled waste and criminal conviction; and now in breach of enforcement

- notice(s); gross manipulation of planning system to unlawfully extend occupation.
- h) The site is still in the green belt, it is still inappropriate development, and very special circumstances have not been demonstrated – it should be dismissed out of hand; there is no revised argument beyond that already considered and rejected; site is an open wedge between M61 and Olde Stoneheath Court and the elbow of the motorway bridge, and cannot be effectively screened
- i) Green belt in Heath Charnock is renowned for its beauty and the district has typically been subject to strict planning rules which have underpinned the area's ability to maintain its excellent reputation for controlling development in a way which is harmonious with the stunning natural environment
- j) Need cannot be demonstrated by breaking the law, and transgressions by caravan groups are casual
- k) Scale, appearance, design, impact on visual amenity, overlooking
- l) Very serious adverse impact/harm:
- Negative impact upon character and countryside; detracts from beauty of surrounding area;
 - Negative impact on visual and residential amenity; visual impact is marked from Back Lane from Autumn through to Spring when leaves not in leaf; caravans do not blend into natural and wooded surroundings and cannot be effectively screened; caravans and associated development stands out and is incongruous and unsympathetic to green belt
 - Site has degraded standard of life for local residents
 - Site is an eyesore
 - Traffic concerns – safety of walkers/pedestrians on Long Lane, history of accidents, impact of cars and commercial vehicles on road safety and roadside verges, traffic noise & disturbance, including from commercial vehicles; entrance on NW corner is unsafe and not allowed on the stable consent – the additional entrance should be closed
 - Negative impact on wildlife, tree & hedgerow removal; site was previously a haven for wildlife including birds and deer, but this has been destroyed by hardcore/import of controlled waste and felling of trees
 - No lighting is included in the application, but the site is continually lit by temporary arc lighting; an application for lighting is likely to follow
- m) The application states that the stable consent has been implemented with the tethering of horses and removal of hardcore, but this is misleading/is not true/has not been fully implemented - caravans are still present; vehicles are stored overnight (contrary to conditions of the stable consent which require machinery, vehicles, horse boxes and trailers not to be left on site overnight); proposed stable block was built as a toilet block and washroom and remains in situ; there have been recent remediation works but these are not in accordance with stable consent; second entrance and cess pool still remain
- n) The turf and ponies are an attempt to try to give credence to this application. Two ponies were recently introduced on 17 June 2011 and are regularly tethered to telegraph posts outside the site. Is the two horse stable block and exercise area large enough when surrounded by caravans, vehicle parking and a toilet block?
- o) Application appears to build on past attempts to use the site unlawfully to justify this application; Applicant's claim that this was a fly-tipping hot spot has been clearly disproved by photo evidence

- p) Application states that there will be no commercial use on the site, and this was also stated on the previous retrospective application, but over the last two years commercial activities have taken place include sales/presence of Christmas Trees, beds and mattresses, fast food vehicles, trade stands, with associated vehicle movements
- q) Existing hardcore base results in flooding during heavy rainfall or rapid snow melt on the NW corner. There are no surface water drains to accommodate runoff. Hardcore issue is the subject of action by the Environment Agency. The plan to link the sewage to the existing foul drain is flawed. The foul drain indicated is a pumped macerating pressure system based in a large holding tank on the corner of Olde Stoneheath Court, and the system is designed for the use of Olde Stoneheath Court only. Sewage is pumped uphill along Hut Lane and discharges into gravity tank opposite 1 Red Row.
- r) Human Rights – no wish to see the way of life others take stopped/interfered with; The Human Rights of residents also have to be addressed

11. **Supporting Representations:**

12. **Five letters of support received from families occupying the site:**

- a) After travelling and staying in this borough for over 40 years, alongside many other Roma, Gypsy & Traveller families, who are still travelling in this area, and now finding all the usual stopping places blocked, we feel the need for provision in Chorley is now greater than ever before.
- b) Due to the new protocols adhered to by Chorley Borough Council regarding roadside encampments, we realise how expensive this must be for this council, therefore would it not make economical sense to provide for this minority community, without any cost to the council whatsoever by providing a private site.
- c) It is for this reason we ourselves fully support this application, in the knowledge that it could not only ensure that Chorley is tolerating sites for the Gypsy, Roma and Traveller community, but also at no cost to the council as the development would be paid for by the Gypsy, Roma Travellers themselves.
- d) At some point it may be that the GTTA and RSS may be reinstated, or another policy put in place, wouldn't it be better to provide for the need now rather than later. At what point and to what cost do Travellers in this area become a need.

13. **A further 109 letters of support have been received:**

- a) the gypsy families have been residents for over two years and caused no harm and disturbance; site is clean and tidy; photos in Chorley Guardian prove that the site is not an eyesore
- b) Families are integrating well/have integrated well into the wider community; are becoming a valuable asset to the area in general; are worthy members of the community; admire their family values and community spirit; encourage Chorley Council to work with gypsies to help them further integrate into the community
- c) it is contrary to wider interests to refuse permission
- d) they have nowhere else to go – Chorley Council needs to recognise their needs as members of our community, and take a bold step of rising above opposition and allow them to stay; Gypsies have tried to find another site, contacting Council, estate agents and HCA, but there is no alternative site;

to live long term on a small corner of land, giving children and ageing parents some stability and security – who can deny that basic human right when there is no alternative or suitable site offered?

- e) it is fitting to grant permission, see no better place than Hut Lane, it is out of sight, in reach of local amenities and quite suitable
 - f) is it really in the interest of the community and Chorley Borough to deny them solace and security on this piece of waste land?
 - g) Children are valued members of the school; children have regularly attended school; families are an asset to the school, where children are accessing consistent education for the first time, bringing their education up to standards appropriate for their age and gaining friends in the locality
 - h) Chorley is failing these families in not providing a site – should give temporary permission until Chorley provides somewhere or allows them to stay where they are
 - i) There are many caravan sites in Chorley used as full time residential sites , and also in green belt as are many other developments; why is it so intolerable that this particular site is a Romany Gypsy site?
 - j) Fully support as recognise the need in this area for Roma, Gypsy, Traveller community – just the same as any other community with the exception of their culture living in caravans
 - k) Not enough provision in this country, and none at all in Chorley
 - l) Our system has failed these people by not providing a place for them to live, in order to keep their children in local schools
 - m) The Gypsies should be allowed to live on their own land and have access to medical and educational facilities
 - n) Protection of the green belt is used as an objection by local residents, but real reason is drop in house values, which is not a point of consideration. Examples of resident's behaviour are cited as being in contrast to the ethos of the gypsies who look after and care for the land
 - o) Hut Lane site is tiny, well screened and hemmed by M61 and elbow of bridge, and not a rich piece of countryside that is an asset to the eco-system and the wider community
 - p) Travellers sought affordable piece of land, but non-green belt land is too expensive and they would face the same objections/prejudices;
14. **Adlington Primary School** – The head teacher wishes to put a number of points in relation to how the application may affect the education of the gypsy children:
- a) Since starting at Adlington Primary School, all the children have made exceptional progress. This is due to the hard work and commitment of the staff, the excellent working relationships with the parents and the stability of their present home life.
 - b) The children have become part of our school family and have greatly added to our inclusive, tolerant and welcoming environment.
 - c) All the children and their families are fully involved in our school life. Some of the children are members of our school council and also proudly represent our school in various team competitions. They have made firm friendships and our older pupils are looking forward to continuing these at high school. We are very pleased that they are looking at secondary school provision as many Travellers prefer not to continue their children's education within a school setting.
 - d) Their parents have also become active members of our PTFA and the local community. They are always there to help at every school function and take great interest in their children's education. They regularly talk to the staff and attend parent's evenings and curriculum information meetings, showing a keen desire to support their children's education.

- e) Disruption to the home life of any child can have an adverse affect on their educational development and so I hope that the children may remain in their settled situation so that they can continue to flourish.

CONSULTATIONS

15. **The Environment Agency:** No objection in principle to the development
16. **Director for People & Places:** No objection in principle but ask that an informative is added in the event of planning permission being granted to advise the applicant that a caravan site licence will also be required.
17. **United Utilities :** No objection
18. **Lancashire County Council (Highways):** No objection to the development subject to the first 5 metres of access being paved in permanent construction.
19. **Council for the Protection of Rural England – Object -** in their view, this is a retrospective planning application for a permanent caravan site on green belt and within the West Pennine Moors and they deplore the complete ‘urbanisation’ of this greenbelt site. Any unauthorised and inappropriate development in the green belt should be refused, and the site should be restored to as near natural state once the caravans and toilets have been removed.
20. **Highways Agency:** No objection subject to conditions.
21. **Heath Charnock Parish Council – object -** it would be a development in the green belt for which no satisfactory grounds have been proved.

APPLICANT'S CASE

22. The applicant has submitted a number of documents in support of the application:
 - Needs Statement
 - Copies of correspondence with Chorley Council
 - Site history
 - Design & Access Statement
 - The Impact of Circular 1/06 on Gypsies and Travellers in England, Dr Jo Richardson, De Montfort University, 25 April 2011
 - Fenland District Council Presentation
 - Extract showing Policy 8 Gypsy and Traveller and Travelling Showpeople Accommodation (Publication Core Strategy December 2010)
23. Need: The applicant's statement has been prepared by a planning consultant (Hargreaves), and details current planning policy associated with Gypsy & Traveller site provision, including ODPM Circular 01/2006 and its objectives, the approach to be taken where there is a clear and immediate need for gypsy site provision; and the type of evidence that should be considered before determining planning applications.
24. The statement also refers to the consultation draft “Planning for Travellers Sites” issued in April 2011, which is intended to replace the existing circular, and notes that the circular remains in force and is a material consideration; and that the draft guidance retains the principles of assessing need and increasing the number of sites to address under provision.
25. In particular, the report highlights the draft North West Partial Review of Regional Spatial Strategy (RSS), notably draft policy L6 which proposed additional pitch provision in the region (225 residential & 75 transit pitches in Lancashire, with 10 permanent pitches and 5 transit pitches for Chorley) and sought to balance the fact that the basis gypsy & traveller accommodation was concentrated in certain

- parts of the region by providing additional pitches in those parts of the region where most gypsies and travellers currently live with broadening the choice available to families by providing some pitches in most parts of the north west.
26. The partial review underwent an examination in public in March 2010, and the panel report was released in August 2010 to comply with a Freedom of Information/Environmental Information Regulations request.
 27. The applicant draws attention to perceived weaknesses within the Lancashire Gypsy and Traveller Accommodation Assessment (GTAA) 2007, considered in the panel report, and in particular to two areas of concern considered by the applicant to be pertinent to Chorley – the risk of undercounting gypsies and travellers in bricks & mortar who wish to move to a caravan pitch; and the difficulties of assessing needs from unauthorised encampments. Recent counts for July 2009, January 2010 and July 2010 show 12, 12 and 10 caravans respectively. It is asserted that Chorley has constrained the choices for Gypsies and Travellers, that an incentive to undercount exists and that Chorley may be a Council that undercounts the presence of Gypsies in order to show a lack of need, and that Chorley is considered a ‘non-tolerant’ council.
 28. While the intention to revoke RSS (dependent on legislation) is referred to, the report comments that *“The Draft RSS and evidence that underpins it remain material considerations and the Panel Report an important and objective summary of the evidence.”*
 29. The report notes that *“the existence of the caravans at this site is evidence itself of clear and immediate need, to which substantial weight should be attached”* and that *‘there is evidence of significant and persistent need in Chorley’*.
 30. The Impact of Circular 1/06 on Gypsies and Travellers in England, Dr Jo Richardson, De Montfort University, 25 April 2011 – provides a history of gypsy planning policy; outlines a research methodology which analyses 405 planning cases in four time periods from 1st November 2005 to 31st December 2010 and presents findings to inform an assessment of the impact of the circular. The document also outlines recent and proposed changes in policy and funding, and makes recommendations.
 31. Paragraph 1.1 of the document refers to this being part of an ongoing analysis of planning appeal data (research activity) and noted that it is intended to form the basis of a journal article; and that the initial findings and thoughts are published early in this report as part of a quick response to the consultation draft “Planning for Traveller Sites” published 10 days earlier on 13 April 2011.
 32. The information contained in this document is not site specific to this site or to the application and so accordingly little weight can be attached to it.
 33. Fenland District Council Presentation: this presentation outlines the steps Fenland Council has taken to provide a mix of Council and private Gypsy sites. The information contained in this document is not site specific to this site or to the application and so accordingly little weight can be attached to it.
 34. Numerous letters and correspondence with Chorley Council –some of these letters are referred to in the needs statement, and this is considered later in this report.
 35. Design & Access Statement: highlights the previous use(s) of the site; that an extant planning permission exists for the land to be used as stabling and exercise area; and that this is a live permission by reason of the tethering of horses and removal of some hardcore in compliance with the terms of the appeal decision 2008.

36. The statement outlines that the proposal is to provide accommodation for the Romani Gypsy extended family for residential purposes only; that no business activities other than the parking of 'work vehicles' are proposed on the site, and only 'personal use vehicles' will access the site on a daily basis.
37. The statement identifies the proximity of the site to the village of Adlington and to Chorley (4.2km) with a farm shop closer to the site. There is also access to a bus service identified at the corner of Hut Lane and Long lane and a train service within Chorley. The statement also identifies provisions for schools and medical facilities.
38. The statement states that the applicant confirms that all occupants come from old established ethnic indigenous 'Romani Gypsy' families and all occupants have always maintained a Gypsy lifestyle and none have occupied a house or other permanent residential dwelling.

PLANNING HISTORY

39. During the 1990s, the land was used to store timber and wood shavings without planning permission and enforcement action was taken. An appeal against the enforcement notice was dismissed and the land was cleared of stored timber and sawdust. The land then regenerated naturally with trees and undergrowth covering the site until 2008 when the trees and undergrowth were removed. In 2008, an application was submitted to erect a stable on the land together with an exercise area for horses. The application accorded with both green belt policy and the Council's supplementary planning guidance on development involving horses and was granted planning permission.
40. In June 2009, the Council received reports that caravans had been moved onto the land and were being occupied for residential purposes. On investigation it was found that 12 caravans were being occupied for residential use on the land and that other vehicles and a catering trailer were parked on the land. The land itself had been covered with hardcore materials to form an area of hardstanding and a utility block had been erected, together with gate pillars, lighting and a new vehicular access formed. As the site lies within the green belt it was considered expedient to issue a Temporary Stop Notice to prevent any further development taking place.
41. A retrospective planning application was submitted to the Council for consideration in respect of the development seeking temporary permission for a period of 3-4 years, and this was considered by Development Control Committee on the 18 August 2009 when members resolved to refuse the application and authorised the issue of enforcement notices in respect of the unauthorised development on the land.
42. Following the issue of enforcement notices, the notices were appealed together with the refusal of planning permission. The appeals were heard at a Public Inquiry in March 2010. On 13 May 2010, the appeals were dismissed and the enforcement notices upheld with variations. Further legal challenges to the inspector's decision were dismissed by the Courts and the compliance period with one of the enforcement notices expired in June this year without compliance with the enforcement notice. Legal proceedings have now been commenced for non compliance with the enforcement notice. The second notice expires in September this year.

PLANNING POLICY FRAMEWORK

43. The Development Plan comprises the Regional Spatial Strategy (RSS); the saved policies of the Lancashire Joint Structure Plan 2005 (JSP), notably policy 29 on gypsy/traveller provision; the saved policies of the Chorley Local Plan Review 2003; and the Sustainable Resources Development Plan Document.
44. RSS adopted in 2008 sets out general principles in policy D1, which include the promotion of sustainability and environmental quality, echoed in subsequent policies DP2-9. It does not include a policy on gypsy/traveller provision, and policy 29 of the JSP was saved accordingly. Policy 29 says that where a local need has been established, Gypsy & Travellers sites will be located according to three criteria - location of services, accessibility, environmental and sustainability considerations, and states that sites should not be located in the green belt.
45. Saved policies of the local plan include policy PS14 which is a criteria based policy for caravan sites for gypsies and other travellers. The eight criteria relate to locational and site specific matters and include criterion (h), a requirement that the site is not included in the green belt.
46. Saved local plan policy DC1 Green Belt reflects the advice in Planning Policy Guidance Note 2 (PPG2) that except in very special circumstances, planning permission will not be given for development other than that falling within specific categories.
47. Both JSP policy 29 and local plan policy PS14 were prepared in the light of the advice in Circular 1/94 Gypsy Sites and Planning, which was replaced by ODPM Circular 01/2006 in February 2006, and therefore where the relevant policies are considered to be in conflict with the circular, more weight should be placed on the circular,
48. **National Planning Policy Guidance**
49. National policy relevant to this appeal includes PPS1 which seeks to achieve sustainable development and outlines the general objectives of planning; PPG2 on Green Belts; PPS3 Housing, which seeks to meet the accommodation needs of the whole community, including gypsies and travellers.
50. **ODPM Circular 01/2006** – requires (inter alia) that Gypsy & Traveller Accommodation Assessments (“GTAAs”) will inform the preparation of Development Plan Documents and RSS; and that where there is clear and immediate need, LPAs should bring forward DPDs containing site allocations in advance of regional consideration of pitch numbers.
51. The circular also details a general presumption against inappropriate development within green belts (para 43); and states that gypsy traveller sites are normally inappropriate development in the green belt; and that national planning policy on green belts applies equally to applications for planning permission from gypsies and travellers, and the settled population; and that alternatives should be explored before green belt.
52. Issues of sustainability are important in terms of transport mode, distance from services, and also the promotion of peaceful and integrated co-existence between the site and the local community; the wider benefits to education, GP and other health services; children attending school on a regular basis; the provision of a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment; and not locating sites in high risk flood areas.
53. The circular also refers to matters concerning personal circumstances, human rights and race relations, and the approach to consideration of transitional arrangements and temporary consents.

54. Emerging Development Plan Policies

55. The Central Lancashire Core Strategy has been through its examination stage in July 2011 but has yet to be found sound. Policy 8 sets out policy criteria relating to proposals for Gypsy & Traveller sites which will replace local plan policy PS14 when adopted. That policy has been the subject of objection, and was a matter for hearing at the examination in public in July – as such limited weight can be applied to this emerging policy.
56. Chorley's Site Allocations & Development Management DPD is at an early stage of preparation and therefore little if any weight can be applied to it. At the issues and options stage, representations were made on gypsy/traveller provision. A preferred options consultation is scheduled for September 2011, and no sites for gypsy/traveller provision have been endorsed for that stage (Full Council 19 July).

MATERIAL CONSIDERATIONS

57. ***Intention to revoke Regional Spatial Strategy*** - The Secretary of State has announced an intention to revoke RSS, and this has been the subject of challenge in the courts. For development control purposes, the intention to revoke RSS is a material consideration. However, given that the adopted RSS does not contain any specific policies in relation to gypsies or travellers, it is considered that the Secretary of State's intention to revoke RSS is of little relevance to the particular circumstances of this application.
58. ***Planning for Traveller Sites - April 2011***. The Secretary of State has announced an intention to withdraw ODPM Circular 01/06 and in April 2011 published this consultation document in which he explains a new approach to planning for Gypsy and Traveller sites, and the consultation period for responses has been extended to October 2011, in line with the deadline for comments on the National Planning Policy Framework.
59. Whilst the current Circular has yet to be revoked, the substance of the consultation document gives a clear indication as to the government's intended direction and is a material consideration. However, the consultation exercise may prompt amendments to the draft guidance and therefore only limited weight can be attached to the consultation draft.
60. ***National Planning Policy Framework – July 2011***. The Secretary of State has published this consultation draft with comments invited by 17 October. The draft seeks to replace the current series of national policy statements with a single shorter document. The presumption against inappropriate development in the green belt is maintained in this draft. However, the consultation exercise may prompt amendments to the draft guidance and therefore only limited weight can be attached to the consultation draft.
61. ***North West Regional Spatial Strategy Partial Review – July 2009*** – Prior to the formation of the present government, progress had been made on a partial review of RSS concerning gypsy/traveller provision and car parking standards, with an examination in public held in March 2010. Draft policy L6 proposed 10 permanent and 5 transit pitches for Chorley.
62. Regional arrangements have since been dismantled in the light of the present government's intention to revoke RSS and the localism agenda. There is therefore very little, if any, prospect of the RSS Review being reinstated. Although never formally published, the panel report was released in August 2010 in response to a freedom of information request, and is annotated as "undated - not issued", with an important note explaining that the report is issued for information

only, and the content does not represent the views of government and does not form any part of the planning system.

63. The regulations at the time of the report would require the responsible regional authority to receive the panel report and decide how to take it forward, and consider a response, and for the Secretary of State to issue any proposed changes for consultation before finalising and publishing the Partial Review. In the light of the intention to revoke RSS, the dismantling of regional administration, and the pending Localism Bill, there is no reasonable prospect of the Secretary of State formally considering the panel report (even assuming that it is ever issued in substantially the same form as that released under the FOI request), nor responding to it formally, nor of the policies within the RSS partial review being amended to address any panel recommendations. It can therefore be afforded very little weight.
64. **Previous Appeal Decision & High Court Challenge**
65. The appeal decision against the previous refusal by Chorley Council for the siting of two mobile homes and up to 14 touring caravans for a temporary period of 3-4 years is considered to represent an relatively recent consideration of the development plan and material considerations in respect of the application site, with the decision issued on 13 May 2010. Account will need to be taken of and new or intended changes to the policy framework since that time, alongside any new material considerations. The decision letter is appended to this report. The inspector's decision was subject to judicial review with a judgement in the Secretary of State's favour on 23 September 2010.

ASSESSMENT

Green Belt

66. The development is for a mixed use of both residential caravans and associated infrastructure and stabling and exercise area for horses. The use of the land for the siting of residential caravans is not listed in any of the categories of appropriate development in the green belt given in Policy DC1 of the Chorley Borough Local Plan Review or in PPG2. The use of the land as a caravan site is by definition therefore inappropriate development. It is for the applicant to show whether there are any 'very special circumstances' which outweigh the presumption against such development. Circular 01/2006 makes it clear that such development is normally inappropriate development in the green belt and alternatives should be explored before green belt locations are considered. It should be noted that the consultation regarding the replacement Circular 01/06 intends to change the emphasis of the acceptability of Gypsy sites within the green belt by removing the phrase 'normally' from the document such that the Circular would read that such development is inappropriate in the green belt. The Inspector in the previous appeal decision determined that the development of this site for a temporary period was inappropriate development.
67. In terms of the provision of stabling and an exercise area for horses this would be appropriate development in the green belt. It should be noted that there is a permission for stabling on the site that the applicant contends has been implemented. However there is doubt about the fact of implementation and the Council has not formally accepted that the permission for stabling has been implemented.
68. The stables permission was for a single access point with a small hardstanding and the stable building was in a different location to the as built utility block. Whilst some works to remove hardcore and soil and grass areas of the site have taken place the approved area of hardstanding has been mostly removed by the

site occupiers. There was limited weight attached to the fall back position by the Inspector at the last appeal.

69. Only appropriate uses of land, which do not harm the character, appearance, and openness of the green belt will therefore be permitted in such areas. The caravans because of their form and appearance together with other works carried out to the land are a prominent feature in this rural area and affect the openness of the green belt.
70. Landscaping, that exists and existed when the inspector previously considered the appeal proposals, would not outweigh the harm that is caused to the green belt by virtue of inappropriateness and the concept of "openness" in green belt terms means freedom from development, which is only partly concerned with the degree of visibility. Additional landscaping to which the agent refers, to mitigate this harmful impact does not overcome the inherent policy failings that the development is by definition inappropriate.
71. Such a situation would have a damaging effect on the areas of green belt within the Borough by facilitating a gradual erosion of the attractive open rural areas that characterise Chorley and are an integral feature of the Boroughs rural attractiveness. As detailed at paras 3 to 5 there are 6 touring vans on site currently, the application seeks two statics in addition to 6 touring vans plus two horse boxes (only one on site currently) and the addition of a stables building. The proposed development, whilst a reduction on the numbers considered at appeal seeks to locate the caravans and the majority of the on site development close to the motorway boundary and in areas where harm to the openness would be at the most significant and cannot be fully mitigated.
72. It has not been evidenced why additional weight should be attached to the potential implementation of the stables permission, above that applied at the previous appeal.
73. Impact of the Site
74. Prior to the unauthorised development, the site was open in nature and had been covered with trees/undergrowth. The approval of planning permission for stables in 2008 would have had a neutral effect on the site's openness and was a form of development appropriate to the green belt.
75. The development subject of this application has an urbanised appearance with views of gated access points, stone pillars and caravans and vehicles on the site when seen from public viewpoints, from Hut Lane to the west and, in particular from the motorway bridge at a higher level, this has a discordant effect on the character and appearance of the area.
76. Existing vegetation outside of the application site serves to screen the development during the summer months from some vantage points and in recent months further planting has been added to the site boundaries although the nature of views into the site particularly from the motorway bridge reduce the effectiveness of any planting. Furthermore during winter months when there is no leaf cover the impact of the development would be more obvious within the locality and more damaging visually to the rural landscape. This fact was considered by the Inspector during the consideration of the appeal and the Inspector could have imposed conditions to require further planting if planting alone would have made the development acceptable which it clearly did not in the mind of the Inspector.
77. The proposed numbers of residential caravans are shown to be reduced compared to the previous appeal however taking the proposed development as a whole the position of the proposed caravans and the scale of the development as a whole remains a visible development during both summer and winter that would

be very difficult to screen. The harm that the Inspector identified at the appeal remains albeit reduced by the reduction in numbers of vans but not to a degree that would make the development acceptable.

Effect on Residential Amenity

78. The properties comprising Olde Stoneheath Court are the nearest residential properties to the site and the nearest property, number 3 Olde Stoneheath Court is about 25 metres from the boundary of the application site.
79. Some of the properties because of distances and trees between them and the site are less affected by the development and in most cases it is not unduly prominent from some of the properties within Olde Stoneheath Court. However, as identified by the Inspector in the appeal decision in 2010, 3 Olde Stoneheath Court because of its relationship to the site the development dominates the outlook from that property to the extent that the enjoyment of their private space would be significantly diminished.
80. The position of the reduced numbers of caravans in relation to number 3 Old Stoneheath Court has been improved by keeping them as far from this property as possible. However it is not considered that the harm to this property has been completely removed by laying the site out as now proposed and the impact remains a material consideration.

Relevant Matters since the Appeal

81. Since the inspector's decision and/or the High Court judgement, the intention to revoke RSS has been tested in the courts and the current position is that RSS remains part of the development plan, while the intention to revoke is a material consideration in the consideration of planning applications.
82. The emerging core strategy has not yet been found sound. On 19th July 2011, the Full Council approved site allocations for the preferred options stage of the Site Allocations & Development Management DPD, and has not allocated any sites for gypsy/traveller provision. The preferred options document has not yet been issued for consultation, but is expected in September 2011.
83. It is therefore considered that there have been no significant changes to the development plan between the inspector's decision and the consideration of this application.
84. There are no changes that would alter the view that this rural site is not sustainable in terms of distances to services and facilities, public transport and proximity to education, health and other services.
85. The promotion of a peaceful and integrated co-existence between the site and the local community is also a relevant sustainability consideration under circular 01/2006. The nature of the representations made on this application offer some insight into the current position. Representations include allegations of intimidation and assertions that there is little or no prospect for successful integration. Whilst this may demonstrate that community integration is unlikely, at least from the perspective of local residents, members should attach limited weight to these allegations, not least because there are also supporting representations which reflect successful aspects of community integration, and this is a material consideration in favour of the applicants. It is perhaps inevitable that over the two years since the occupation of the site, the occupants have become more settled, and the possibility of successful integration is increased. Members may also wish to note the press coverage and letter to the local press which reflect opposite views within the wider community.

86. The release of the panel report in August 2010 is a significant material consideration, in that provides information about the matters considered by the panel and their conclusions, and was released after the inspector's decision. However, given the position on RSS above, it can only be afforded limited weight. The detail of the panel report is considered later in this report.
87. In April 2011, "Planning for Travellers" was issued as a draft for consultation to replace Circular 01/2006, which remains in force. The draft indicates the direction of travel for this area of policy, and it does not represent a relaxation of the approach towards gypsy and traveller provision, and in particular seeks to strengthen policy in green belt by removing the word "normally" from consideration of gypsy and traveller sites in the green belt. However, limited weight can be afforded to a draft which is capable of revision before final issue.
88. The National Planning Policy Framework (NPPF) was also issued for consultation in late July 2011, and this has effectively extended the period for consultation on "Planning for Travellers" until 17 October 2011.
89. The evidence relating to need, including that on unauthorised encampments and caravan counts since the inquiry will also be relevant, together with any changes in personal circumstances.
90. There has been a reduction of caravans on the site as existing, with now 6 caravans remaining although it is proposed that two static caravans will included as part of the development in addition to horse boxes and a stable block.

Need

91. The applicant's needs statement has sought to contend that Circular 01/06 is the most relevant policy (rather than the draft replacement for that circular); that the panel report is an 'important and objective summary of the evidence', that the GTAA 2007 is not robust and should not be relied upon as an evidence base and that the presence of caravans on the site is itself clear evidence of immediate need.
92. The appeal inspector considered Circular 01/06, the RSS Partial Review and the 2007 Lancashire GTAA in addition to the evidence of unauthorised encampments, and representations. The Inspector concludes that 'I do not consider that a current need for additional sites has been demonstrated by the submitted evidence'. In connection with the robustness of the GTAA the Inspector concluded that if the Council's objection to the RSS Partial Review was upheld, then there would be no need to identify sites within the Borough or include Gypsy sites within the site allocation DPD process.
93. The panel report addresses issues of soundness. Paragraph 1.14 of that report shows that the panel found the suite of GTAAs to be generally robust and consistent; paragraph 1.15 shows that the panel were satisfied that the preparation of the draft policies included sufficient community involvement; and paragraphs 1.16 to 1.18 deal with other aspects of soundness, found to be satisfactory subject to their recommendations. Paragraph 2.6 shows that the panel found that the background work to establish need had been done very thoroughly in the region. Paragraph 2.17 shows that overall, the panel found the GTAAs to be sound and to be a strong basis from which to assess pitch requirements.
94. Paragraphs 2.18 – 2.27 describe the panel's concerns and considerations about the soundness of GTAAs including those matters raised by the applicant, but in paragraph 2.28 the panel state that taking account of those concerns has a relatively modest effect on the regional pitch total, especially as the largest adjustment is purely a net transfer from the transit category. The panel recommended an increase of 75 pitches for the whole region, and no changes

were recommended in relation to Chorley, and a reduction of 10 units were removed for just one district in Lancashire (Blackburn with Darwen).

95. It is considered that if the panel had found the GTAA's unsound, or to suffer from significant shortcomings, it would have been open to them to recommend further work, or perhaps substantively revise pitch provision, but they did not do so. It remains the case that the 2007 GTAA provides the most recent assessment of need, and no need was found in Chorley.
96. The approach of draft policy L6 was to distribute the need for additional pitches across the region in an attempt to re-balance provision. Given that the partial review was not completed, and that it is unlikely to be taken further, no weight can reasonably be given to its draft policy. There is no other existing mechanism for redistribution, although a duty to co-operate in the delivery of sustainable development is contained in the Localism Bill.
97. The panel report has recently been considered in a recovered decision by the Secretary of State for a site on Fairfield Rd, Hardhorn in Fylde. In his decision letter of 18th August 2011, the Secretary of State stated that he *"has had regard to the unpublished submitted Draft North West Plan Partial Review. However having regard to the Inspector's statement that work on the Review has been suspended, and in the light of his intention to revoke RSSs, the Secretary of State considers it unlikely that the draft will progress to publication, and he has accorded its policies little weight."* This view is also supported in an inspector's decision from Wyre in which the inspector says that *"following the examination in public this document has not been progressed therefore very little weight attaches to it."*
98. The conclusion of the Fylde Inspector was that the GTAA is the best available source of information on need.
99. The applicant's position is that the panel report is that *"The Draft RSS and evidence that underpins it remain material considerations and the Panel Report an important and objective summary of the evidence."* In the light of the above, it is considered that no weight can be applied to the Draft RSS Partial Review.
100. It is further considered that the GTAA provides the best available source of information on need, and while the panel report has no formal status, and no prospect of formal publication, it does provide an independent and objective assessment of the robustness of the GTAA, and no recommendation was made to increase provision in Chorley or Lancashire on the basis of that evidence, nor in the light of any concerns the panel considered.
101. It remains the case that the 2007 GTAA - which concluded there was no need in Chorley - remains the best available evidence of need.
102. Caravan Counts & Recent Encampments
103. The Council's property agent (Liberata) has maintained a record of unauthorised encampments since May 1999, which was considered by the inspector alongside caravan counts and police records. The inspector considered this evidence (para 20) and although he found it limited in terms of the particular circumstances (duration of stay & identity of those involved); he also found that the numbers of encampments were not great and did not demonstrate a continuing history of protracted unauthorised encampment. He did not attach significant weight to this evidence.
104. Since the inquiry in late March 2010, four unauthorised encampments have been recorded by Liberata, and five by the Police. These are significantly less than those recorded in recent years, and it is therefore considered that the inspector's conclusions on unauthorised encampments remain valid.

105. Caravan Counts at January 2009, July 2009 and January 2010 are reported as 12, 12 and 10 respectively. The only records of encampments in the twice yearly caravan count over the last five years are for the site at Hut Lane.
106. The Inspector in the previous appeal on this site concluded that the need was not demonstrated such to outweigh the presumption against granting permission, the evidence submitted with this application places weight on evidence that has previously considered by the Chorley Inspector or the appeal decisions from Wyre or Fylde. There is nothing that has been submitted with this application that is new or can carry significant weight such that a different conclusion on need could be supported.

Personal Circumstances

107. It has been established through case law that personal circumstances are a material consideration in addition to the question of need for gypsy accommodation and in this application matters relating to education and health are most relevant. However, no information on such matters has been submitted within the application. There is no evidence that the families have healthcare or education needs that require them to live on this particular site.
108. These matters were considered at the appeal and the Inspector determined that there were no circumstances or evidence that was of sufficient weight that would outweigh the inappropriateness of the development.
109. The inspector noted that prior to going to this site, the families moved from one encampment to another but were able with no little inconvenience to ensure that the children attended school in Bolton. At that time, he considered that the benefits of a settled base at Hut Lane had benefited their education, and they were attending Adlington Primary School.
110. The Head Teacher of Adlington Primary School has submitted a representation in regard to this application, which notes that the children have made exceptional progress. It is considered that this is further evidence of the benefits of a settled base, and is a material consideration weighing in favour of the applicants. It is not considered that further progress with education is of sufficient weight to outweigh the inappropriateness of the development.

Very special Circumstances

111. The proposal constitutes inappropriate development in the green belt. The main issue therefore is whether harm through inappropriateness, together with other harm caused, is clearly outweighed by other considerations such that very special circumstances exist to justify granting planning permission.
112. In accordance with PPG2, harm through inappropriateness carries substantial weight. In this case, in addition to the harm caused by inappropriateness, officers consider that there is very serious harm to the character and appearance of the area, which carries considerable weight. There is also harm to the residential amenity of neighbours, which carries moderate weight.
113. The applicant's supporting statement relies on the evidence of need, the draft partial review of the RSS and the associated panel report in order to demonstrate very special circumstances. The position in relation to need and the partial review is addressed earlier in this report, and it is considered that there is no need in Chorley.
114. The previous inspector considered the gypsy status of the occupants and the fact that they have a clear nomadic habit of life and strong local connections to this District. It remains the case that there are no alternative sites available in Chorley or the wider area, and that uncertainty would arise as to where the occupants would go if they had to leave, especially as a family group; and the benefits of

access to health and education weigh for the applicant. There is no reason to take a different view on these matters, and therefore these matters are afforded significant weight.

115. However, since the appeal a number of families have left the site, and the evidence on recent encampments since the appeal shows fewer instances of unauthorised encampments than in 2009.
116. The information provided with this application does not identify additional information or evidence of sufficient weight since the previous appeal that would give rise to any circumstances where it would outweigh the harm that arises from the inappropriateness of the development. As such, there is no reason to reach a different conclusion from that of the appeal inspector. Balancing all of the material considerations, the grant of a permanent consent is not justified.

Temporary Permission

117. Under Circular 01/2006, consideration must be given to temporary consent, in that a temporary consent may be justified if planning circumstances are expected to change at the end of any temporary consent. Due consideration must be given where there is unmet need but no alternative sites, but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need.
118. The previous inspector also considered this matter, but against the backdrop of the pending partial review of RSS and draft policy L6. He concluded that if Chorley's objection to L6 failed, there would be no need to consider allocating sites in a DPD. Given the matters detailed earlier in this report, there is no demonstrable case of need in Chorley, the partial review requiring pitch provision is suspended, and there are no alternative sites, then there is no reasonable prospect that a new site will become available. It is therefore considered that temporary permission should not be granted.
119. A temporary permission would mean that the harm arising would be limited in duration, the serious harm caused by this development would remain considerable, and by virtue of PPG2, the harm to green belt policy from inappropriate development is substantial. This is considered to further undermine the consideration of temporary consent.

OVERALL CONCLUSION

120. The proposal is inappropriate development in the green belt, and serious harm is demonstrated. Circular 01/2006 states that new gypsy and traveller sites in the green belt are normally inappropriate development and that national planning policy on green belts applies equally to the applications for planning permission from gypsies and travellers as to those submitted by the settled population.
121. Very special circumstances have not been demonstrated. The GTAA concludes that there is no need for additional gypsy or traveller pitches in Chorley, and other sources of evidence do not demonstrate a significant and persistent demand for sites. There have been no other planning applications received for sites. On that basis, regard has been given to the circular in considering the evidence available, and it is concluded that it does not support the granting of planning permission.
122. The applicant states that there is a lack of alternative sites and limited scope for finding suitable sites not in the green belt. The Circular states that alternatives should be explored before green belt locations are considered. The circular highlights that locations in or near existing settlements with access to local services, such as shops, doctors and schools should be preferred. No evidence has been provided by the applicants to indicate that any alternative sites have actually been considered in more appropriate locations within or adjoining

settlements. Whilst there is no requirement that the applicants should be able to demonstrate that a site search has taken place, the absence of any evidence of such does not count in favour of granting planning permission. No consultation took place with the Council before the land was purchased, as recommended in the Circular.

123. In conclusion, the applicant has failed to demonstrate sufficient grounds to justify this proposal and outweigh the harm caused to the green belt, both by reason of the development's inappropriateness and the other harm which is caused to the green belt.

Human Rights

124. A refusal will give rise to an interference with the applicant's and occupants rights under Article 1 of the first Protocol and Article 8 of the European Convention on Human Rights. Without certainty of alternative and suitable accommodation, the occupants could be required to vacate their homes and the site, which would interfere with their homes, their private and family lives.
125. However, this interference must be balanced against the public interest in pursuing the legitimate aims of protecting the environment under Article 8, which in this case can only be safeguarded by the refusal of both permanent and temporary consent. Such interference is outweighed in this case by the harm caused by inappropriateness and visual amenity of the green belt and the rural landscape, and takes account of the personal circumstances of the applicant and the families, and is considered proportionate and necessary in the protection of the public interest.

Equalities & Race Relations

126. The Council has duties under the Equality Act 2010 which prohibits direct and indirect discrimination because of a relevant 'protected characteristic' - age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity (except for indirect discrimination), race, religion, belief, sex, and sexual orientation. For example, it would be unlawful to treat a person less favourably, in relation to planning matters, because that person is a gypsy, or if the Council applies a provision, criterion or practice (PCP) which puts that person and other members of the same group at a particular disadvantage when compared to others not in the group, and the PCP has no legitimate aim and is disproportionate. For example, through the refusal of an application, or the enforcement of planning control in the green belt might adversely affect gypsies as compared to non-gypsies, it can be lawful for a legitimate reason, such as the maintenance of the green belt, and if it is proportionate, for example where the harm to the green belt outweighs the harm to occupants. It is considered that the Council's equality duty is satisfied if this application is refused.

RELEVANT PLANNING POLICIES

National Planning Policy Statements: PPS1, PPS2, PPS3

Regional Spatial Strategy: Policies DP1-9

Chorley Local Plan Review: Saved Policies: DC1, PS14

Lancashire Structure Plan: Saved Policy 29

DPD: Sustainable Resources into New Development: Policy 1

Supplementary Planning Guidance: Sustainable Resources; Design Guide

Central Lancashire Joint Core Strategy: Policy 8

Circular 01/2006

RECOMMENDATION: Refuse Full Planning Permission

Reasons

1. The site is located within the green belt and the development constitutes inappropriate development and so conflicts with Policy DC1 and Policy PS14 of the Chorley Borough Local Plan Review; Policy 29 of the Joint Lancashire Structure Plan; PPG2 and Circular 01/2006. Very special circumstances must exist therefore in order to justify planning permission being granted. In this case, the material considerations advanced in support of the application are not considered to be of sufficient weight to justify permission being granted.
2. The development by reason of its incongruous and unsympathetic appearance is visually detrimental and harmful to the rural character and appearance of the green belt contrary to PPG2.
3. The development causes significant harm to the residential amenities enjoyed by the occupiers of 3 Olde Stoneheath Court by virtue of its close proximity to the property.

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| Item | 11/00053/FULMAJ |
| Case Officer | Mrs Nicola Hopkins |
| Ward | Astley & Buckshaw |
| Proposal | Change of use of agricultural land, involving levelling the site and drainage, to create 6 playing pitches, changing pavilion, 90 space car park and new access with associated roadway |
| Location | Land 200M South West Of Whinney Cottage 4 Whinney Lane Euxton |
| Applicant | Euxton Parish Council |
| Consultation expiry: | 31 August 2011 |
| Application expiry: | 27 April 2011 |

1. PROPOSAL

- 1.1. The application relates to the change of use of agricultural land to create 6 playing pitches, changing pavilion, 90 space car park and new access with associated roadway. The application has been submitted by Euxton Parish Council on land which is owned by the Homes and Community Agency between Pear Tree Lane and Whinney Lane.
- 1.2. The application site covers 4.9 hectares and is surrounded by mature trees and woodland. The site is located within an area designated as Green Belt and was formally used for agriculture. A row of mature trees and hedgerows divide the application site and there is a pond in a central location on the site.

2. RECOMMENDATION

- 2.1. It is recommended that this application is refused.

3. MAIN ISSUES

- 3.1. The main issues for consideration in respect of this planning application are:
 - Proposals
 - Green Belt and Need
 - Other material considerations
 - Agricultural Land
 - Trees and Landscape
 - Ecology
 - Flood Risk and Sewers
 - Traffic and Transport
 - Public Right of Way
 - Noise
 - Air Quality
 - Earth Works

4. REPRESENTATIONS

- 4.1. **164 letters of objection** have been received raising the following concerns:

- 4.1.1. Proposals and submissions
 - Impact on neighbouring properties
 - Pitches too close to the boundary with the neighbouring dwellinghouse
 - Septic tank of the neighbouring property discharges into the application site
 - Loss of privacy and overlooking
 - Security concerns
 - Concerns that the original description was misleading

- Floodlighting will be required and would be inappropriate
- Abuse of process- submission of additional documents during the application process
- Amended need document is not a more robust document
- Is a full Environmental Statement not required?
- The car park will be very attractive to travellers
- How can 7 games of 14 teams (148 players) be accommodated in 4 changing rooms? Also, 21 Officials in 2 Referees facilities?

4.1.2. Green Belt and Need

- Impact on and the loss of green belt
- Scheme too large and not needed
- Have other sites been considered?- More suitable venues should be explored
- The need is biased towards Euxton Girls Football Club
- The proposals do not support PPG2 objectives
- Failed to undertake sufficient research into the needs of area and the viability of the scheme
- A 2m high fence around the pond will be unacceptable visually
- Euxton Villa are advertising for more girls to play football
- A full survey of residents of Euxton should be undertaken to see what it actually wanted and if they are willing to pay for the upkeep of these pitches- the decision should be deferred until after the elections in 2014.

4.1.3. Trees and Landscape

- Impact on trees by proposed earth works

4.1.4. Ecology

- Damage to wildlife habitats- Impact on biodiversity
- Pond will be a safety hazard
- Fenced newt area will result in vandalism and create a large litter bin
- The continuing survival of newts and the proposed use are incompatible.

4.1.5. Flood Risk and Sewers

- Drainage wholly inadequate

4.1.6. Traffic and Transport

- Increased traffic congestion- narrow country lanes- road safety issues- Roads are in a poor state of repair
- More vehicles and coaches will be generated than estimated
- Risks to users of the lane
- Footballs will be able to be kicked onto the adjacent lanes
- Transport statement is not adequate
- Who proposes a reduction in the speed limit to 30mph?
- “No additional increase in road traffic is predicted between 2011 and 2012.” However the Notice to Tenants of the fields – 1 year from anniversary May 2012 to May 2013. Site construction 2 years and an increase of traffic (plant), 1 years settle and maturing of site takes it to May/June (if completed on time) 2015 at the earliest. Then there would be an increase in traffic.

4.1.7. Public Right of Way

4.1.8. Noise

- Noise and ‘colourful’ language
- The noise levels near to houses are above the World Health Organisations recommendations.
- The noise survey was not taken at the time when Euxton Girls play most of their games
- A comparison survey should have been taken at Greenside on a match day
- Any noise that will derive from this development will be a nuisance.
- ‘Noise levels, if effectively managed, can be controlled’. How and by whom are these levels going to be effectively managed?

- The noise generated will, no matter on the type, cause a nuisance and affect our quality of life and proves that this is located in the wrong area.

4.1.9. Air Quality

- The air quality assessment is based on the hours 1600 to 2130 Monday to Friday when during August to May the fields could not be used.
- The air quality assessment assumes that parents will car share and players will be dropped off in small groups

4.1.10. Character

- Spoil nature and feel of the village

4.2. **Parish Council**

- Euxton Parish Council have not conducted open and constructive dialogue with the residents- The Parish Council have ignored local feeling
- No money available for projects of this size- will be paid for by the residents
- The current Community Governance Review would take Buckshaw out of the population of Euxton
- No evidence to justify the expenditure of public money
- What Euxton Parish Council is attempting is ultra virus in providing a base for predominantly one club.
- The parish Council have informed residents that the facilities will be available for everybody to use however both the noise and air quality report state that they will not be open to the general public

4.3. **Petitions of Objection** – 460 and 446 signatures respectively.

4.4. **Euxton Cricket Club** - support the application.

4.5. **Councillor Perks** - has requested to speak at the committee.

4.6. **Objection by Euxton Green Belt Residents Action Group - Steven Abbott Associates and Turner Lowe Associates:**

4.6.1. Green Belt and Need - While PPG2 defines sport and outdoor recreation as appropriate land use in the Green Belt, it does not mean that any such proposals should automatically receive planning permission, as other material considerations apply, and in this case, they warrant refusal. Permission should only be granted if other material considerations indicate otherwise.

4.6.2. PPS1 (para 7, 10-16) – development plan is starting point, refers to specific material considerations - green belt; protection of the countryside (in its own right), environmental impact, traffic impact and road safety.

4.6.3. PPS7 (page 6) - objectives 3 & 4 for sustainable development in rural areas mention the need to enhance the intrinsic qualities of countryside and protect open countryside for the benefit of all. Land is attractive countryside and has intrinsic value in its own right - one of the last remnants of farm land between Euxton and Chorley, enclosed by mature tree lined hedgerows. Account needs to be taken of the impact upon the countryside. PPS7 – Key Principles vii - “all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.”

4.6.4. Ecology – Site contains biodiversity interests, and under PPS9, Council is duty bound to look after protected species and biodiversity. Proposed development would be harmful.

4.6.5. Need - PPG17 makes it very clear that planning for sport and recreation should be based upon a rigorous assessment of community needs, as set out below.

4.6.6. PPG17, para 1, first two sentences - “To ensure effective planning for open space, sport and recreation it is essential that the needs of local communities are known. Local authorities should undertake robust assessments of the existing and future needs of their communities for open space, sports and recreational facilities.” Chorley Borough Council has not

undertaken such an assessment, either as part of the preparation of the local plan or for the Central Lancashire Core Strategy.

- 4.6.7. Euxton Parish Council need report does not follow PPG17 methodology. Instead, it merely refers to NPFA standard of 1.7ha per 1,000 population, adopted by Chorley Council. It is assumed that the figure of 1.7 ha per 1,000 population is derived from the former NPFA standard for Youth and Adult Use facilities, which is expressed as a range of 1.6–1.8ha per 1,000 population. However, Youth and Adult Use facilities relates to more than just playing pitches, including athletics tracks, tennis courts, bowling greens and the like.
- 4.6.8. The NPFA (now Fields in Trust - FIT) has produced guidance on benchmark figures for open space provision (Planning and Design for Outdoor Sport and Play, 2008) – the benchmark for playing pitches for urban local authorities is 1.15ha per 1,000 population or 1.72ha per 1,000 for rural authorities. The figure of 1.15 ha per 1,000 would be the appropriate benchmark standard for Chorley.
- 4.6.9. The use of national standards does not accord with the advice in PPG 17 quoted above, which requires local assessments leading to local standards. FIT Standard was based upon a questionnaire survey sent to all English local authorities that had a response rate of only 38.2% (147 authorities). Of those responding, 61% had undertaken an assessment of playing pitches and only 58% could provide data about their current provision of playing pitches. It is not clear what percentage of the responding authorities were urban and rural.
- 4.6.10. FIT themselves state that “there still remains the need for local assessments.” Clearly therefore, the question of need for the playing pitches in Euxton has not been adequately assessed to date and it would therefore be foolhardy to make a significant capital and ongoing revenue investment in the proposed playing pitches in advance of a robust and PPG17 compliant assessment.
- 4.6.11. PPG17 (para26) expressly states that
- in rural areas those sports and recreational facilities which are likely to attract significant numbers of participants or spectators should be located in, or on the edge of country towns;
 - smaller scale facilities will be acceptable adjacent to villages to meet the needs of the local community;
 - developments will require special justification if they are to be located in open countryside;
 - all development in rural areas should be designed and sited with great care.
- 4.6.12. Despite its proximity to urban areas (Chorley, Euxton and Buckshaw Village) the character of the locale remains rural.
- 4.6.13. PPG17 para 30 - crucially makes it clear that new sports and recreational development in Green Belts should be essential for sport and recreation and maintain the openness of the Green Belt. It must be the minimum necessary. PPG2 para 3.5 - provides some examples of such essential facilities, including “small changing rooms.” It is of some considerable concern to our client that the facilities are not essential as they do not meet a proven local need for the wider community.
- 4.6.14. Noise – Noise generation from football pitches should not be underestimated. Significant impact from shouting by players and spectators in an area where none are present at this time; and impact from cars and associated activity. Application should be informed by a noise assessment, and PPG24 applies. Proposed development will generate unacceptable levels of noise within and beyond the site. This side effect would detract from the relative calm of this area of countryside – and impact on its local residents.
- 4.6.15. PPG24 - para 22, Annex 3 - specifically refers to noise from recreational and sporting activities - a balance has to be struck between the enjoyment of participants as opposed to the nuisance to other people. This is pertinent to the context.
- 4.6.16. Proposed development does not include facilities designed for mass gatherings on a regular basis, but playing pitch complexes are used to stage tournaments, promotional days or competition finals, which can generate significant numbers of people with the attendant side effects – including noise, traffic generation, damage to verges etc.. The Council needs to consider noise and other material impacts – consider how such activity levels will impact on the qualitative aspects of the Green Belt area affected.

- 4.6.17. Council is able to resist the proposed development on the basis of various aspects of national policies, including other elements of Green Belt policy, the intrinsic value of the countryside per se and various environmental impacts.
- 4.6.18. Chorley Local Plan – Policy DC1 preamble (para 3.11) recognizes that Green Belts provide opportunities for outdoor sport and outdoor recreation near urban areas. The site is wholly within a key section of Green Belt which performs a strategic role to prevent the coalescence of Euxton and Chorley. This function is, of course, referable to the objectives behind Green Belts as set out in PPG2. Its status makes any proposal for development particularly sensitive as changes to the character of the land and its ambience can undermine (forever) the rest of the area. This is exaggerated by the fact that the land to the west of Pear Tree Lane is ‘safeguarded land’ and is under pressure for development. The delicacy of the context is further emphasized by the narrowness of the south west – north east axis of the strategic gap and the Buckshaw Village/regional employment developments to the north. This has added importance to the gap which now keeps the three entities apart. The Council has no plans to change the policy status of this area. Although the site is near urban areas, it is separated from them by the rest of the Green Belt gap of which it forms a part. However, the proposals do not meet the other bullet point criteria under para 3.11 as follows:
- They would not retain the attractive landscape which exists now as it would be transformed from an informal ‘natural’ one into a formalized, managed and urban one. Fundamentally, a qualitative metamorphosis would occur which would have a material impact on its character. Such a change would affect its Green Belt appearance – fundamentally by changing its feel from open countryside to private sports facilities. The ownership of the land is immaterial to this point.
 - They would not be able to secure the current nature conservation interest – the Applicant accepts this and the plans are based on a mitigation regime. Again, it is important to bear in mind the extent of the ground works and physical changes needed to form 7 football pitches (one an all weather one), roadways, a car park and a sizeable pavilion. On the same bullet point – the proposals result in the loss of agricultural land - permanently.
- 4.6.19. Policy DC1 (6) – The proposed facilities are not essential, to the extent of justifying developing this site. Other land exists in the area which should have been considered (in concert with the Council as Local Planning Authority) in less sensitive locations. There is no evidence that other sites were assessed or what the conclusions reached were. Because the land is close to urban areas it could be considered that it is ‘urban fringe’ for which a different policy approach is taken. Land is not defined in local plan urban fringe policy GN6 and environmental quality of land does not support urban fringe consideration.
- 4.6.20. Local Plan Chapter 3 - Green Belt will be treated as permanent until at least 2016. There is thus no current prospect of the strategic gap being released, and Parish Council would not want that either.
- 4.6.21. Local Plan Chapter 4 – Environmental Protection - a key material consideration. The overall aim seeks to minimize the detrimental effect of development on the natural environment. The fact that the proposals concern playing pitches and related development should not be under-estimated in terms of what would be involved in their creation or effect.
- 4.6.22. Trees & Drainage - Policy EP4: High quality trees would be adversely affected by the proposed development. No assessment of how the trees would be affected by the earth moving, creation of a new drainage system, the construction of the new pitches, road, car park and pavilion. Relationship between tree trunks, canopies and playing areas is such that it would be impossible to retain them as shown in the masterplan. The proposed development would result in the loss of the existing landscape. Sceptical that satisfactory mitigation for existing surface water features can be provided so that they can continue to provide wildlife habitats, enhance the appearance of the Borough and contribute to local ground water resources.
- 4.6.23. Policy EP9 - proposed development cannot be implemented without affecting the high quality trees on the boundaries of and within the site. Application assesses impact on the trees of the whole development/construction. Impact is harmful to them. Tree Preservation Order should be imposed.

- 4.6.24. Policy EP10 – landscape assessment to demonstrate due consideration character and value of the existing landscape etc. i.e. Landscape and Visual Impact Assessment (LVIA) for which there is a recognized methodology. No such assessment appears to have been lodged.
- 4.6.25. All Weather pitch - to be viable they are normally floodlit. No proposals for floodlights are shown - assume that they would form the subject of a later application; are inevitable as training normally takes place in the evening, and in football season falls in the hours of darkness – likely location would be all weather pitch.
- 4.6.26. Policy EP18 – need to be clear about surface water runoff implications. The complex will need to have a comprehensive, new surface water drainage system for the pitches, roads and car park.
- 4.6.27. Noise - Policy EP20 – must take account of noise impact. Noise will also be generated by cars, car doors and people en route to gathering at the complex. During the football season this will extend over long periods of time when local residents are at home. The seasonal factor, incidentally, should also be noted in the sense that minimum tree and hedge cover will exist in the football season.
- 4.6.28. Air Quality - Policy EP21 - on air quality is also a consideration, especially from emission from cars etc, and that access to the site is via a relatively narrow country lane, trips will be concentrated at certain times and days of the week.
- 4.6.29. Lighting – Policy EP21A - no information appears to have been given about lighting. For the facilities to function viably, securely and safely, lighting is a necessity in such a remote, dark location. Pear Tree Lane is unlit and has no footways. Bearing in mind that the need case cited for the complex involves predominantly junior football, we question whether such a location is wise – both from a personal and road safety perspective. A complex of this sort would clearly be better located in a well lit neighbourhood.
- 4.6.30. Central Lancashire Core Strategy - Whilst of limited weight, emerging Core Strategy is a material consideration. The broad view in 2004 was that the need was for more junior teams' pitches. There is presently no authoritative view of what provision is necessary to meet the respective needs of the various communities in Chorley district or even within Euxton. Policy 24(d) states that sites for major new facilities will be identified through the LDF 'where providers have evidence of need'. The application is, by definition, a major one and would involve considerable public resources and ongoing maintenance costs. Until the necessary analysis has been undertaken and alternative priorities assessed, the release of such a site would be premature. This is even more the case given that the site is in the Green Belt. The district wide assessment for playing facilities has yet to be undertaken and the release of a major complex like this would be premature.
- 4.6.31. Policy 19 – Green Belt - no changes are anticipated to the strategic extent of the Green Belt within Central Lancashire. Recognises the importance of this quality gap by proposing it as an Area of Separation. Consequently, it is right to continue to see the importance of the gap the site forms part of.
- 4.6.32. Policy 21 – Landscape Character Areas - requires new development to be well integrated into the existing settlement patterns, appropriate to the landscape character type and designation within which it is situated and contribute positively to its conservation, enhancement or restoration – or the creation of appropriate new features. Proposal is remote from the urban areas nearby. The intensity of the proposals leaves no space at all to soften their impact in the landscape. Apart from the pond area the whole site will be utilized formally for playing pitches and ancillary areas.
- 4.6.33. Policy 22 - requires the conservation, protection and enhancement of biological assets. The proposed development would compromise those interests on the land involved.
- 4.6.34. In conclusion on the development plan (existing and emerging), there are a number of policies which would enable the Council to refuse the application. This easily outweighs the simple notion that playing pitches are appropriate in Green Belts.
- 4.6.35. Site Specific Allocations Development Plan – no weight yet as a material consideration. Proposal is a suggested site, but is yet to be confirmed by the Council as anything. Seen as a premature application. Submission of the relevant policy document is not programmed until March 2012 and adoption (at the earliest) is not expected until December 2012. To make an ad hoc decision on such a large playing pitch scheme now would clearly be wrong at this stage.

- 4.6.36. Traffic and Transport
- 4.6.37. Car Parking and Traffic- Is the amount of traffic likely to be generated by the proposed pitches and the extent of car parking adequate? Not just about road safety – also about environmental impact in a Green Belt area. Car parking formula used does not appear to take any account of team coaches, officials, spectators or others, likely mode, peak periods, tournaments etc. are played. Playing pitch complexes commonly generate on-street car parking problems.
- 4.6.38. Earth Moving and Ground Works- Substantial earth moving, and infrastructure works (drainage and engineering) are necessary even ahead of constructing grass pitches and an all weather playing pitch, and is not addressed in detail. It is also arguable that the amount of earth moving involved would make this application a County Matter which should be dealt with by Lancashire County Council. Material issues include:
- Traffic generation by construction traffic including HGVs
 - Noise from them
 - Dust from them
 - Air quality issues from them
 - Noise, dust and air quality on site
 - Impact on trees and hedgerows within and beyond the site
 - Impact on biodiversity
 - Finished levels – the real visual impact
 - Surface water drainage – during construction and afterwards
 - Exporting and importing materials – routing
- 4.6.39. Need Statement - 'Greenspace' includes all sorts of open space, not just playing pitches; not clear if Euxton is any better or worse than other parishes in terms of greenspace provision. Publicly available pitches are only part of the total supply, which is also made up of sports club pitches, some of which are not included within the report (e.g. Euxton Cricket Club, which is a short distance to the south of Pear Tree Lane). Report only refers to winter sports pitches and ignores cricket provision. That is clearly incorrect, as the playing pitch standard relates to all sports pitches. Report should include private club facilities within its calculations, not just local authority provision. The pitches at Gillibrands and Buckshaw Village may not be available until the 2011/2012 season, but should nevertheless be included in the calculations as they will clearly be available well before any pitches at Pear Tree Lane could come be used, should planning permission be forthcoming.
- 4.6.40. While general thrust of growth for Euxton is correct, all residential development approved since the Local Plan was adopted should have made provision for open space either on-site or off-site by way of financial contribution. Presumably, there are contributions waiting to be used for schemes locally? However, this should be used only alongside a comprehensive assessment as part of the LDF process to ensure fairness and the best balance for the wider community.
- 4.6.41. The wish to provide facilities for local clubs in the local area is understandable in line with Sport England and FA policy. However, not all players in local sides will come from the local area – the best players tend to gravitate to the better clubs. Consequently, there may be better, non- Green Belt, sites to provide these pitches elsewhere in the borough.
- 4.6.42. In the context of traffic issues, players, officials, spectators and coaches involved with well organized clubs are not necessarily members of the immediate community. The catchment areas often straddle several parishes. The Council should thus be cautious, that the proposals are meeting a local 'Euxton' need. Whilst the Club behind the proposal may take the name of the settlement and be based there, that is very different to a facility designed to meet the essential needs of the immediate local community. Apart from the issue of prematurity we have raised, this also matters in the context of a justification to develop a Green Belt site.
- 4.6.43. In the absence of a PPG17 assessment by the Council it is unable to assess the community's needs properly.
- 4.6.44. From the application documents the impression is given that the whole project is being driven by the stated needs of one particular local football club. This is not to disrespect their needs or achievements which are worthy. The issues are about the appropriateness of the

site and the timing of the application – from a planning perspective. This is, as we have explained, compounded by the lack of key information in certain respects.

- 4.6.45. Design and Access Statement – Not in accordance with circular – does not assess the context comprehensively nor show how the design of the development is a function of that analysis, nor address the needs of disabled people.
- 4.6.46. Conclusion: We have comprehensively demonstrated that the proposed development is contrary to national planning policies, the existing and emerging development plan and other, equally as important, material considerations. The essential need for the development has not been proven. The application is premature pending a comprehensive borough-wide assessment in accordance with PPG 17 and the emerging Core Strategy.
- 4.6.47. Additional Comments By Steven Abbott following submission of Need Survey and Ecological information**
- 4.6.48. Need - Essential need has still not been established as it has to be to comply with long established national policy. Reliance on the obsolete NPFA's standard ahead of the necessary broader assessment is inappropriate.
- 4.6.49. The amendments to the document seem to involve only the addition of several screen shots of websites plus an exchange of emails from July 2008 regarding NPFA standard. This includes the following statement from Chorley Council's Planning Officer, Katherine Howarth: *the work in the Greenspace Strategy "did not provide enough information on needs and on what new standards we should use therefore more work needs to be done before we can derive new standards"*. This is hardly the basis on which any decisions regarding the provision of new facilities should be based.
- 4.6.50. Newts- We note that the survey dates from 2009 and wonder whether another one should be undertaken this Spring, to ensure that there have been no significant changes to the situation in and around the pond. A 2m high fence around the pond is undesirable in landscape, practical and safety terms. If such mitigation is needed it is further evidence that the playing pitches and pond are incompatible.
- 4.6.51. The objections set out by Steven Abbott Associates are addressed within the assessment later in this report.
- 4.6.52. Turner Lowe Associates - Traffic Engineering Consultants (on behalf of Euxton Green Belt Residents Action Group) object:**
- 4.6.53. Accessibility & Footways - Guidance on Transport Assessments 2007 states: it is a requirement to identify, and set out, what measures are necessary to ensure the development can be accessed by all modes of travel. PPG13 makes it clear that new development must be accessibly by a choice of modes of transport, and new development should encourage walking, cycling and public transport use.
- 4.6.54. Access on Foot and By Cycle / Public Transport - The Transport Statement and Travel Plan both contain maps showing how large the catchment area for trips on foot and by cycle would be, these covering very large areas of the surrounding population. It could therefore be expected that in good weather conditions a large proportion of the trips made to the proposed development would be on foot or by cycle.
- 4.6.55. The existing situation on Pear Tree Lane is described (Transport Statement para 2.2) as: "Pear Tree Lane has a derestricted speeds limit, varies between 4.3 and 6.2m wide between Euxton Lane and the site, and has no footways." Nothing has been said as to how far below "safe" standards these dimensions are and the consequences of their being no footway. There is no mention of the fact that over much of its length, Pear Tree Lane also has no verge or that where there is a verge it is soft and not suitable for walking.
- 4.6.56. We presume that the 6.2m dimension was measured actually at the Euxton Lane junction (where it is meaningless) and even the 4.3m width seems generous. As can be seen from the last photograph, taken just to the south of the proposed access location and looking north towards Euxton Lane (the access would be on the right just prior to the fence visible in the photograph), and comparing the width of Pear Tree Lane to the north of the access to the width of the vehicle in the photograph, Pear Tree Lane is only just wide enough to accommodate a single vehicle with no place for another vehicle travelling in the opposite direction to pass, or pedestrians or cyclists to take refuge. There are no alterations to Pear Tree Lane proposed as part of the development.

- 4.6.57. As can be seen there are no footways with what may appear to be a verge on the western side being soft with a drainage ditch at the rear.
- 4.6.58. The Transport Statement (para 2.2) says: "Beyond the junction of School Lane, (just to the south of the proposed access) Pear Tree Lane narrows considerably to 3.0m." The Travel Plan sets out how the proposed development will encourage trips to be made to the development on foot and by cycle (and on the final stage of a trip made by public transport also on foot). If the catchment area drawings are to be believed, we therefore have potential for a considerable number of trips to be made to the development on foot, cycle or by public transport, with no facilities for such people to actually get to the site in safety on the final leg of any journey.
- 4.6.59. If it were a case that there were footways but these were in poor condition then this would be bad enough, resulting in any planning application being refused unless there were measures proposed to improve these poor condition footways (using the Advice of PPG13 and the Department of Transport if necessary to justify this), and many planning applications for other developments have only been approved subject to agreements to provide such improvements.
- 4.6.60. Here, however, there are no footways to improve, and worst still the carriageway space that all highway users have to use, whether travelling in vehicles or on foot or by cycle, is not wide enough to enable a vehicle to pass a pedestrian or cyclist in safety.
- 4.6.61. The Transport Statement (para 4.2) concludes however that: "Although there is no footway on Pear Tree Lane, there is a wide footway available alongside Euxton Lane with crossing facilities." That is like saying that a footpath leading up to the Grand Canyon on one side is suitable for serving a development on the other.
- 4.6.62. In the case of trips made by cycle, the Transport Statement (para 4.4) states: "Once players reach Pear Tree Lane there are no dedicated cycle facilities however the reduction in the speed limit to 30 mph (more on this below) with low levels of traffic make the last leg of the journey suitable for cycling". It is clear that the development would not only not be accessible by alternative modes of travel to the car but that it would be unsafe for anyone to attempt to access the development by such alternative modes.
- 4.6.63. Traffic Generation - Over the majority of the length of Pear Tree Lane from the site to Euxton Lane it is not wide enough to allow for the passage of two vehicles without the soft verge being over-run. To the south of the site Pear Tree Lane cannot accommodate two-way traffic other than by using the informal passing places that have been created.
- 4.6.64. The Transport Statement (para 5.2) states: "It is anticipated that the majority of traffic will be from the north via Euxton Lane with a smaller proportion of traffic from School Lane." No details of School Lane are provided in the Transport Statement other than "School Lane links Pear Tree Lane to the A49 in the west".
- 4.6.65. The Transport Statement acknowledges, therefore, that vehicle traffic generated by the development will use either Euxton Lane or School Lane. There is no mention of traffic using the southern section of Pear Tree Lane that provides the most direct route to the A581 Balshaw Lane which would also be a popular route for pedestrians and cyclists coming from / returning to Euxton and Astley Village, presumably because accepting that this route would be used, and having said that it is only 3m wide in places, it would have to be accepted that this route was unsuitable.
- 4.6.66. Unfortunately, however, a planning application cannot be considered on the basis of ignoring factors that make the application unacceptable and only assuming that visitors will use routes which are acceptable (although even that is not possible in this case).
- 4.6.67. The facts of the matter are that the traffic the proposed development would generate can only use roads which are unsuitable and cannot accommodate two-way traffic without soft verges (where they exist) being over-run.
- 4.6.68. We would expect any planning permission to be subject to an acceptable vehicle access route being provided, this involving the widening of Pear Tree Lane at least between Euxton Lane and the site access. This is not proposed, however, may not even be possible due to land ownerships, and even if it were to be proposed the effects on hedgerows etc., would be a material consideration in connection with the application.

- 4.6.69. Visibility - Access Arrangements - The Transport Statement considers the visibility for drivers emerging from the proposed access. No consideration is given to the visibility at the Pear Tree Lane / School Lane junction which the Statement authors consider some of the traffic attracted to the development would use. Visibility at this junction is far below safe standards. Without improvement to the visibility at this junction, and the applicant's advisors accepting there will be increase use of the junction as a result of the development, the application should be refused on simple highway safety grounds.
- 4.6.70. At the site access it is claimed that a visibility splay of 2.4x40m can be achieved to the north which would comply with current standards. The drawings referred to in the Statement which are supposed to be contained in Appendices to the Statement have not been made available on the Public Access website so concerned parties are not able to check this statement. We have doubts that with the fence along the edge of the highway in this location that such a visibility splay can be achieved.
- 4.6.71. We would point out, however, that the 40m distance quoted is the calculated minimum distance based on driver reaction time and typical carriageway / vehicle characteristics. What the standard referred to points out (which has been omitted from the Transport Statement for reasons unknown) is that this would be the appropriate minimum distance from a drivers eye position and whilst a vehicle would be able to stop without using emergency braking, the bonnet of the vehicle would be a further 2-3m beyond this point (or put another way a vehicle would be able to stop if a child stepped into the road but the child would have passed under the front wheels of the vehicle by the time it stopped). This additional 3m stopping distance is not hidden away in the advice but is clearly presented.
- 4.6.72. The proposed access arrangement, even if it could achieve a splay of 2.4x40m (which is questionable) would still, therefore, be unsafe. The dimensions quoted are also on the assumption that a new 30 mph speed limit will be introduced on Pear Tree Lane and that vehicles will comply with the limit. On "rural" roads of this nature we would expect drivers that are familiar with the road to still drive in excess of 30 mph requiring greater visibility distances for the new access to be safe. The 30 mph speed limit would undoubtedly be welcomed but the visibility splay requirements cannot be based on the assumption that sufficiently enough reduced speeds will actually be achieved. We see no measures that would provide for the enforcement of this speed limit or even the provision of automatic signs advising drivers when they were exceeding the limit or what would happen if an access which would only be considered to be safe on the basis of a certain speed reduction was created and the speed reduction not achieved.
- 4.6.73. Car Parking - The proposed scheme provides for 90 car parking spaces. The Transport Statement calculated that on a worst case basis 83 spaces would be required to accommodate the maximum likely activity. This calculation is based on apparent information provided by the promoters collected at existing events undertaken by the intended users of the new facility at the sites they currently use. The Residents Group will be able to confirm if the figures on which the Transport Statement's predictions are based are representative and we make no comment on this. What the Statement then does, however, is not to assume typical, or better still if a truly "robust" assessment of the traffic generation effects was to be presented (which is what the Highway Authority would usually require) the worst case parking needs of the existing activities, but to work out the average number of players per car and apply this to a maximum of 148 players (based on the number of players that would be expected on the different pitch sizes).
- 4.6.74. The information on which this is all based, however, shows that Junior team matches are currently generating 20 cars (assuming there is no off-site parking at the existing locations) and mini-soccer matches attracting 15 cars. The 6 pitches which have been allowed for in the Statement's calculation (the All- Weather pitch being ignored for an unknown reason, other than perhaps because the arithmetic shows there would be insufficient parking if it was allowed for) would on this basis generate the need for 110 spaces. With the All-Weather pitch included the parking need would be 135 spaces.
- 4.6.75. It is true that all 7 pitches may not be in use at the same time, but this type of facility could be used to promote sports events that would not only see all 7 pitches in use but a large number of supporters. Some away teams may use coaches at such times (for which there is little provision within the site) but this cannot be guaranteed.
- 4.6.76. It would not be acceptable to assume (as would have to be the case for the proposed level of parking to be satisfactory, that the pedestrian / cycle accessibility of the site would reduce

the need for car parking. Firstly, as seen above, the pedestrian / cycle accessibility is such that it could actually deter some people who would walk / cycle to the site would it be safe to do so. Secondly, the surveys of existing matches would allow for people arriving on foot and by cycle at those events in any event.

- 4.6.77. In fact the level of parking must be considered questionable by the promoter's advisors as the Travel Plan has a section on monitoring the use of the parking facilities and off-site parking that may occur as a result of the development. The Travel Plan then goes on to talk about how off-site parking would be controlled, but makes no suggestions as to how these off-site parked vehicles would be accommodated within the site. There is no part of the site that could be used for over-spill parking and this could only be accommodated on further land in the vicinity.
- 4.6.78. Lighting - Pear Tree Lane and School Lane have no street lighting. We are advised in the supporting information that the pitches will not be illuminated and, therefore, there will be no matches or training in the hours of darkness, with it being implied that there will be no trips made to / from the development, by any mode, during the hours of darkness. Whilst this may be the case, although we cannot see how this could be controlled by a planning condition, and even if it was to be made clear that illumination of the pitches would not be permitted in the future, it would be perverse to assume that matches and training would be stopped with sufficient enough time for players to change and leave the site before darkness falls, particularly in the winter months.
- 4.6.79. In reality people will be leaving and possibly arriving at the site during the hours of darkness. To have the proposed access used in darkness; the School Lane an increase in activity during the hours of darkness; and pedestrians and cyclists use Paper Mill Lane and School Lane during the hours of darkness would be totally unacceptable and such use cannot be avoided with the development proposals.
- 4.6.80. Construction Traffic - As stated above the application is not for a change of use of existing premises. The proposed development will involve major earthworks operations and construction traffic activity. The effects of construction traffic should be a material consideration in this instance. No information has been supplied to indicate how the special needs of the construction stage can be accommodated
- 4.6.81. Conclusion - We therefore have the situation whereby the development cannot be considered to be accessible on foot and by cycle due to the exiting nature of the routes such highway users would have to follow. The site access would be substandard and the existing carriageway areas of Pear Tree Lane and School Lane are well below standard and should not be subject to an intensification of use as a result of this proposed development.
- 4.6.82. Officers and Members of the Planning Committee may be aware of the case of Kane - v - New Forest Council 2001 where the Planning Authority allowed a development to proceed with sub-standard visibility at one of the site's pedestrian access points. Planning permission had been granted subject to this visibility being improved, but it was not and the Council took no steps to stop the development. An accident involving very serious injuries to a pedestrian occurred. The Planning Authority were found negligent as it had condoned the situation occurring.
- 4.6.83. The objections set out by Turner Lowe Associates are addressed within the assessment later in this report.

4.7. 5 letters of objection following consultation on amended plans:

- 4.7.1. The amended proposals involve widening the road. Even the proposed widening to 4.5m will not allow a bus or coach (typical width 3m) and a small family car (Ford Focus width just over 2m) to pass. This is contrary to guidance contained in Manual for Streets. Given the increase in concentrated traffic which the football matches will create it would be highly likely for traffic to back up to either of the junctions; traffic backed onto Euxton Lane would cause significant traffic disruption and present a danger to other road users.
- 4.7.2. The development will destroy an important area of greenbelt land and the most recent amendment will further harm residents' enjoyment of the countryside – the amendment will increase the number of trees destroyed and will increase the area of concrete with a larger car park. Moreover, the requirement to construct a footpath will further remove wildlife habitat, especially as hedgerows will be removed as part of the construction and for the path's regular maintenance.

- 4.7.3. It is not possible to imagine how this development can be feasible. If permission is granted this lack of viability will preclude the land being used for more inclusive and other recreational uses.
- 4.7.4. Even though the Senior pitches are reduced in size and are at a slightly increased distance away from our property, we still have strong concerns about the 'cut and fill' to be undertaken, (the volume of which has not been altered), resulting in the probable disturbance of our two large (lop-sided) trees which are alongside the pitch in the NE corner of the site, even on the amended plan.
- 4.7.5. In terms of noise the changed position of the Senior pitch adjacent to our property is insignificant.
- 4.7.6. Still maintain the original concerns about the septic tank which currently discharges into the application site.
- 4.7.7. Highway concerns: in recent months there has been flooding under the railway bridge which has created greater volumes of traffic using Pear Tree Lane. LCC Highways mention that some slight widening of the junction of Pear Tree Lane and Euxton Lane would be required to assist vehicles turning into/out of the road which does not seem to have been incorporated-this requirement should still stand, particularly as there is a central pedestrian refuge close to the junction. The proposed footpath goes 'nowhere' in effect, and the highway would have to be crossed at a point close to a busy (and somewhat blind) junction with School Lane to reach the footpath proposed to access the site. Surely the safest option would be to have the footpaths on the same side of Pear Tree Lane? Would the nature of the proposed footpath lend itself to wheelchair users (another vulnerable group)?
- 4.7.8. The proposed highways works indicate that a large section of the ditch alongside Pear Tree Lane will be culverted to form the proposed footpath. This ditch was upgraded in recent years, as part of the works a large interceptor tank was installed for storm water, thereby reducing the sudden surge flow of water into the ditch. At the time, the existing field entrance from Pear Tree Lane was culverted using a 375mm internal diameter pipe and also, situated at the end of the proposed new footpath, across from the proposed site access, a flow restrictor was installed using the same diameter pipe to equal out the water flow in this ditch. There are also two existing drains running under Pear Tree Lane from the fields on the eastern side into the proposed culverted section of ditch which help with natural drainage. These are not shown on the submitted proposed highway works drawing. We feel, therefore, that the proposed culverting with a 300mm pipe would cause a restriction and possibly lead to flooding, which has previously affected the two immediate properties on Pear Tree Lane.
- 4.7.9. Culverting the ditch on Pear Tree Lane would further compromise the natural drainage in the area. We understand that the waterlogging of the fields has restricted one of the farmers from running livestock on them, thereby they are only used for producing silage.
- 4.7.10. The Highways comments in April 2011 are based on opening times of the facility being 9.30am to 4.30pm Monday to Sunday. These times were changed in the recent Noise/Air Quality reports to Monday to Friday 4pm-9.30pm, and Saturdays, Sundays and Bank Holiday 9am-5pm. Does this have any bearings on their calculations?
- 4.7.11. The applicant's revised needs report states: "In the summer months, Greenside accommodates football tournaments run by Euxton Girls, a girls inter primary schools tournament, Gillibrand Warriors junior boys tournament and friendly games, and practice sessions for Euxton Villa FC. It also hosts some ad hoc summer activities run by Chorley Council Play Rangers and Get Up and Go schemes".. We assume that, should the proposed site be developed as planned, most, if not all, of these activities would transfer from Greenside, thereby creating a more or less 'all year round' use of the facilities. We therefore feel that the Highways comments from April 2011 do not truly reflect the intended actual use of the facilities, and thereby the amount of traffic to be generated.
- 4.7.12. The consideration of this planning application would seem to have taken an extended length of time because inadequate details were not submitted initially, and this just adds to our doubts that the applicant would be incapable of undertaking (in their own words) such a 'massive project'.
- 4.7.13. Several people have in the last few weeks had sightings of deer in the fields being considered for football pitches (no comparison!).

4.8. 9 letters of support following consultation on amended plans:

- Will enable all the teams to be based at one venue
- Will only play one match at a time
- Play mainly at weekends with some weekday games which will be at the latest to 8.30p

5. CONSULTATIONS

- **Council's Parks & Open Spaces Manager:** comments addressed later in this report.
- **Lancashire County Council (Highways):** comments addressed later in this report.
- **United Utilities:** No objection subject to various conditions/ informatives.
- **Environment Agency:** initially objected to the scheme however following the receipt of further information they withdrew their objection subject to various conditions
- **Director People and Places** - commented in respect of noise and air quality (revised air quality report dated 4th July 2011) and are satisfied that with reference to air quality the site does not pose a significant risk of exceedence of national air quality objectives.
- **Chorley's Waste & Contaminated Land Officer:** No objection to the proposals.
- **Lancashire County Council (Planning Contributions):** there may be a contribution towards sustainable transport required as part of this application.
- **Chorley and District Natural History Society:** object to the scheme on the loss of the green area, loss of wildlife habitat and plenty of existing underused facilities.
- **Lancashire County Council (Rights of Way Officer):** a public right of way abuts the site and public rights of way must not be obstructed during the proposed development. It is the responsibility of the landowner to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary.
- **Lancashire County Council (Ecology):** originally raised concerns, but following the receipt of additional information, confirms that the Great Crested Newt information is satisfactory subject to a condition requiring the implementation of the method statement.
- **Natural England:** does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species.

6. ASSESSMENT**6.1. Proposals**

- 6.1.1. The originally submitted application included the change of use of agricultural land, involving levelling the site and drainage, to create 6 playing pitches, 1 all weather practice pitch, changing pavilion, 90 space car park and new access with associated roadway.
- 6.1.2. Following further discussions in respect of need, which is addressed below, and comments from the Council's Parks and Open Spaces Manager the appropriateness of an all weather pitch within this location was queried. As such this element of the proposal has been removed from the application and the proposals now incorporates the change of use of agricultural land, involving levelling the site and drainage, to create 6 playing pitches, changing pavilion, 90 space car park and new access with associated roadway.

6.2. Green Belt & Need

- 6.2.1. One of the main policy considerations in respect of this application is the fact that the site is allocated as Green Belt within the Local Plan. PG2 and local plan policy DC1 provides for a presumption against inappropriate development in the Green Belt. Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, are however considered appropriate development.
- 6.2.2. Key to assessing whether a development of this kind is appropriate development is an assessment as to whether the development is 'essential' to address an identified need within the area/borough. It is established within national policy that material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt (PPG2 para 3.12) which includes to provide opportunities for outdoor sport and outdoor recreation near urban areas (PPG2 para 1.6). However national policy also establishes that in order to achieve the objective of creating mixed and sustainable communities local authorities should provide improved access for all

to jobs, health, education, shops, leisure and community facilities, open space, sport and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car, while recognising that this may be more difficult in rural areas. (PPS1 para 27). National Planning Policy (e.g. PPS1 and PSS3) generally seeks the efficient and effective use of land to deliver sustainable development, in particular by prioritising previously developed land. As such, in principle, the proposed sports pitches are an appropriate use of land provided that need cannot be satisfied in an urban location.

- 6.2.3. Guidance within PPG17 is particularly relevant as PPG17 relates to planning for open space, sport and recreation. PPG17 states In rural areas those sports and recreational facilities which are likely to attract significant numbers of participants or spectators should be located in, or on the edge of, country towns; and smaller scale facilities will be acceptable where they are located in, or adjacent to villages to meet the needs of the local community. PPG17 also states that developments will require special justification if they are to be located in open countryside, although proposals for farm diversification involving sports and recreational activities should be given favourable consideration; and that all development in rural areas should be designed and sited with great care and sensitivity to its rural location.
- 6.2.4. In this regard the onus is on the applicant to demonstrate that there is a need for the proposals.
- 6.2.5. The application was originally accompanied by a 'Report on the Need for the Recreation Fields' dated December 2010. Following concerns raised on the robustness of this document, a revised report was submitted March 2011. :
- 6.2.6. The applicant's Report on the Need for the Recreation Fields March 2011 addresses four aspects of need:
- Shortage of recreation space
 - Population growth
 - Existing recreation provision
 - Analysis of recreation and playing pitches available in the area
- 6.2.7. Shortage of Recreation Space
- The National Playing Fields Association standard adopted by Chorley Council as a guide for playing field/sports pitch provision is 1.7ha/1000 population. Using this standard, Euxton has only 21% of the recommended provision according to the Council's own assessment
 - The Greenspace Strategy produced by Chorley Council has identified that Euxton has an overall provision of 1.1ha/1000 population but only 0.36ha/1000 population of it is accessible.
- 6.2.8. Population Growth
- The Parish Council is conscious of the long term growth of Euxton and its surrounding area and the current shortage of facilities, which has become more acute as a result of the increased numbers of properties that have been built over the last 10 years. Increased house building in the area has not been matched by any corresponding increase in recreation space.
 - The current number of residential properties in Euxton is 4108. This figure has increased in the last ten years by over 800 properties, and may reach 1000 by the end of 2010. The developments in the Parish which already have planning permission but have not yet been built could increase property numbers by over 1600. Once all these properties are occupied, the population of Euxton could increase from its present level of 10,000 to over 14,000.
 - In recent years, the provision of recreation space has not kept pace with the population increase and, if new provision is not made available in the near future, then the already deficient rate of provision of 21% of the NPFA standard will drop to 13% by the end of the next decade.
- 6.2.9. Existing Recreation Provision
- In Euxton there are only three publicly accessible playing pitches available which have changing facilities available to them at Greenside. Greenside cannot be expanded in terms of more pitch space as it is land-locked.

- The facilities at Greenside are adequate for the playing pitches currently in place and have the elements required for league football. However, part of the land at Greenside was until recently shown in the Local Plan for 'potential future housing development' and could still be developed. With this prospect in mind, the lease has a short release clause. If this portion of land were to be developed, this would significantly reduce the playing field provision on this site.
- This portion of land is currently fully used for recreation but does not have the long term security which the rest of Greenside recreation land has i.e. a designation as LT14 Public Open Space.
- Seasonal booking enquiries are made with the Council each year for pitches from teams in the vicinity and beyond which cannot be accommodated. The three pitches are run by Euxton Parish Council and currently host a number of Euxton Girls FC teams and an Euxton male team called Funktion FC.
- In the summer months Greenside accommodates football tournaments run by Euxton Girls, a Girls Inter-primary schools tournament, Gillibrand Warriors Junior Boys tournament and friendly games, and practice sessions for Euxton Villa Football Club. It also hosts some ad-hoc summer activities run by Chorley Council Play Rangers and Get Up and Go scheme.

6.2.10. Analysis of Recreation and Playing Pitches available in the area

- Recreation pitches with changing/toilet facilities: Greenside, Euxton, Astley Park, Chorley, Worden Park, South Ribble
- Recreation space with no changing/toilet facilities: Westway Fields, Astley Village, Kem Mill Lane, Whittle -le-Woods
- Private club facilities, no access for the general public: Euxton Villa Football Club, Runshaw Hall Lane, Euxton, Bolton Wanderers Football Club, Euxton Lane, Euxton, Charnock Richard Football Club, Church Lane, Charnock Richard, Chorley Rugby Club, Chancery Road, Euxton
- Space which is not online yet: Gillibrand playing fields, Buckshaw Village recreation pitch
- The proposed site: Pear Tree Recreation Fields proposed site

6.2.11. Inconsistencies in the Applicant's Report on Need

6.2.12. Analysis summary

- 6.2.13. Chorley Council has in total throughout the borough 16 football and two rugby pitches but only eight football and one rugby pitch are supported by changing facilities (five football at Astley Park, three football and one rugby pitch at King Georges, Adlington). Other areas such as at Westway are informal and do not have any facilities.
- 6.2.14. The other main football facility in Euxton is Euxton Villa FC. This is a private club based off Runshaw Hall Lane, also on Green Belt land, but which has additional facilities such as a social club and license. Being a private club it does not host other Football Club's teams. Euxton Villa FC currently runs 16 teams, of varying age groups, in male football leagues, using its three senior sized pitches and one junior sized pitch. Some of its games are played at other venues. It informs it has capacity to create one Girls team, but could not accommodate all 9 teams from the other large local club, Euxton Girls FC.
- 6.2.15. The relatively new facilities on Buckshaw Village do not lie within the Euxton boundary but within Whittle -le-Woods. There is one senior and one junior grass pitch supported by changing facilities and an astroturf area for practicing. The management company, RMG, are carrying out remedial works on the pitches and they will not therefore be available for anyone to rent during the 2010/2011 season.
- 6.2.16. The football fields which have been created at Gillibrand, as part of the whole development, comprise of two senior sized pitches and one pitch which can be used for senior or junior. These will not be available to be played on, or booked for play until the 2011/2012. Gillibrand Warriors has 10 teams and supports junior boys teams in three different leagues from under 8s to under 16s with a total membership of approximately 150 children. Currently they are spread over four different venues for matches, another for training and others for tournaments

- 6.2.17. Local Demand
- 6.2.18. To be accepted for organised league football, teams are required to have a nominated home ground and secure changing facilities with showers, toilet facilities and referee accommodation. This rules out the use of informal open space and playing areas due to the lack of facilities.
- 6.2.19. Football is now the most popular sport for women in the country with the number of girl's/women's teams dramatically growing over recent years. Euxton Girls FC is a large, local Euxton club which has 9 competition League teams and one development squad with many members coming from Euxton.
- 6.2.20. Euxton Girls FC has grown considerably since it was founded in 2002 and now has 10 teams actively playing in leagues throughout the North West of England. The club caters for girls from the age of 8 through to 17 years of age and has a membership of around 150 players.
- 6.2.21. The need for good quality pitches for match play has always been a problem and is even more of an issue as it has a high number of teams actively competing. This has led to an increased need for pitches with access to toilets / changing facilities to ensure that the girls both from Euxton Girls and the visiting teams have the necessary facilities for a safe and enjoyable game of football.
- 6.2.22. Euxton Girls training for all teams takes place on the astroturf pitches at Buckshaw Village and Holy Cross High School which are outside of Euxton. One of the aims of the club has been to secure sufficient access to pitches to play matches in the village of Euxton where the club was founded.
- 6.2.23. The Greenside facility is shared with a local men's team who use the full sized pitch. The two pitches currently used by Euxton Girls FC can be used for 9 a side or 7 a side matches respectively and therefore can only cater for the teams from Under 9 up to the Under 15 age groups. This requires the under 16 and 17 teams to play outside the area as they are struggling to have match day facilities in Euxton or even Chorley.
- 6.2.24. This problem aside, there are still not enough pitches for all the Euxton Girls FC teams to play matches on Saturdays and Sundays in the village. Matches cannot usually be played on weekdays during the season because the teams are run solely by volunteers who work and the girls are at school and college during the daytime. Matches can only therefore be played during the evenings and as this is a winter sport evening matches are only possible between September and April.
- 6.2.25. The only facility for the older teams playing 11-a-side (like most of the male football clubs) was secured by widening the search to Leyland. The 2010/11 season has two older teams playing on Wellfield High Schools playing fields on Sunday and if they can make a pitch available on Saturday.
- 6.2.26. The proposed facility will ensure that access to sport and exercise for local residents will be readily available and that the future of Euxton Girls FC and its continuing growth can be accommodated.
- 6.2.27. Euxton Girls play on the following facilities currently:
- | | |
|---------------------|---|
| • Under 10s Team | Greenside, Euxton |
| • Under 11s Team | Greenside, Euxton |
| • Under 12s Team | Astley Park, Chorley |
| • Under 13s Team | Greenside, Euxton |
| • Under 13s Team | Greenside, Euxton (occasionally at Primrose Hill) |
| • Under 14s Team | Greenside, Euxton |
| • Under 15s Team | Greenside, Euxton |
| • Under 16s Team | Wellfield High School, Leyland |
| • Under 18s Team | Astley Park, Chorley |
| • Development Squad | Train on Buckshaw Village astroturf area |
- 6.2.28. For the continued development and growth of Euxton Girls Football Club a single base for them to train and play on would be invaluable.
- 6.2.29. The Need Survey incorporates the following table of other venues investigated:

| Enquiry | Availability | Suitability |
|-----------------------------|--|--|
| Balshaw Lane Primary | Will not allow any community use of their playing fields by football teams or other sports providers. | |
| Primrose Hill Primary | Will allow the use of their pitch - suitable for 7 a side matches. | The school will not open for access to toilet facilities. |
| Euxton CE Primary | | Does have small pitches for 7 a side matches but these are poorly drained and cannot be used between October and March. Toilet facilities are not available |
| Euxton RC Primary | | Does have small pitches for 7 a side matches but these are poorly drained and cannot be used between October and March. Toilet facilities are not available |
| Buckshaw Primary, AV | | No toilet/changing facilities |
| Buckshaw Village, BV | Not available for 2010/2011 season due to remedial works on the pitches. | |
| Parklands, Chorley | Refused permission for Euxton Girls FC to use their fields at weekends. | |
| St Michael's, Chorley | Refused permission for Euxton Girls FC to use their fields at weekends. | |
| Southlands, Chorley | Fully booked with boys teams at the weekends. EGFC are on a waiting list for any pitches that may become available at both venues. | |
| Holy Cross, Chorley | Fully booked with boys teams at the weekends. EGFC are on a waiting list for any pitches that may become available at both venues. | |
| Albany High School, Chorley | Refused permission for Euxton Girls FC to use their fields at weekends. | |
| Astley Park, Chorley | Only been able to secure one playing pitch this season for 9-a-side | Has access to toilets and changing facilities. |

6.2.30. Summary

- Euxton Parish Council has been looking to provide additional recreation space in the village since 2000. Since that time the population has continued to grow without any matching recreation space provision. The Parish is now faced with an even larger population increase over the next 5 -10 years (10,000 – 14,000+) which, without new facilities, will leave the area severely deficient in recreation space provision compared with national standards
- This report has analysed the existing recreation provision in detail and highlighted its deficiencies. In particular it has illustrated the strength of demand for girls/ladies football which has no facilities of the required standard available at the present time.
- The Parish Council has been offered two fields (the subject of this planning application) by the Homes and Communities Agency (HCA, formerly English Partnerships) for use a recreation area, subject to planning permission being obtained. It has no other land options available to it at present and in its ten years of searching has found no other possibilities which could be earmarked for the future.
- This offer therefore represents a very significant opportunity. It is the Parish Council's objective to provide as much recreation space as it can for its residents. This project, if approved, will be rolled out over the short-medium term as funds become available to pay for the elements within it.
- The Parish Council is looking to the future with this project. The plans as drawn have endeavoured to maximise the provision of playing fields, changing facilities and parking on the site without damaging the local environment. It is, however, flexible enough to accommodate any grass sports and activities, particularly as alternatives uses during the summer months.

- 6.2.31. As set out above the applicants have relied on the NPFA standard for an assessment of pitch provision. This figure was derived from the 2005 draft Green Space Strategy which was never consulted upon or finalised and as such has limited weight. The 2005 study identified a deficit however it is not clear what methodology was utilised to support this study and it is possible any consultation on this document may have identified any issues with this study.
- 6.2.32. The NPFA standard used to instruct the draft Green Space Strategy relates to more than just playing pitches. The NPFA (now known as Fields in Trust - FIT) and their most recent guidance sets a figure of 1.15ha per 1,000 population for urban authorities or 1.72ha per 1,000 for rural authorities however PPG17 requires open space standards to be set locally.
- 6.2.33. In respect of more recent evidence of need The Central Lancashire Authorities commissioned an Open Space, Sport & Recreation Study as part of the LDF process. This 2010 study was only completed in part due to the company going into administration, however the work done to date has been published. It is acknowledged that this report represents work in progress, and chapter 8 covers outdoor sports facilities including sports pitches. The study concludes:
- Grass Pitches – The current provision of grass pitches is perceived to be adequate. Future improvements should focus on qualitative enhancements.
 - There is no requirement to increase the provision of grass pitches in Central Lancashire at the current time.
- 6.2.34. Whilst it is acknowledged that this document covers the three local authorities it represents more current information than the 2005 draft Greenspace Strategy. In accordance with advice contained in PPG17, the Central Lancashire Authorities have commissioned the completion of the open space study and a playing pitch strategy in line with Sport England's guidance 'Towards a Level Playing Field'. This document is due to be published in January 2012.
- 6.2.35. It is important to note that Sport England have made representations in respect of the Core Strategy. They have confirmed that they regard the core strategy as sound in relation to open space, sport and recreation evidence. Sport England do have some issues however, they consider that these are capable of being resolved through completing the open space study, and the undertaking of an expanded playing pitch strategy.
- 6.2.36. The playing pitch strategy will identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities within the three boroughs. This will provide an evidence base for future provision within the borough(s). The applicant has sought to provide their own assessment of need in the absence of this document as summarised above, but the most recent evidence of the Council contradicts the applicant's assertions in respect of need.
- 6.2.37. Comments of the Council's Parks & Open Spaces Manager:**
- 6.2.38. Current Demand
- I have been either involved, or directly responsible for sports pitch allocations on borough-owned pitches for the last 10 years. During this time the demand on council-owned pitches has stayed relatively stable with only subtle peaks-and-troughs. For the last five years our various sites have seen each of our pitches played on at least once on either a Saturday or Sunday - rarely both.
 - However, when considering this, it should also be noted that outlying pitches at Brinscall (School Lane) and currently Limbrick (Chorley) have been leased to individual teams - in effect reducing the overall offer to other users. For the 2010/2011 season a further pitch has been withdrawn in Coppull (Chisnall) and one of our key multi-pitch sites - Westway Playing Fields (Astley Village) - has not been marked out. Our remaining pitch provision is able to accommodate all requests.
 - Should need demand it the council would be able to provide four additional pitches at Westway, although these would not have changing accommodation. Elsewhere pitches within the Gillibrand development will be available in the near future - providing, as indicated in the application, two 11-a-side pitches plus a smaller facility for juniors/training as desired. These will be served by changing rooms.

6.2.39. Site Design

- Having studied the design proposal I have made the following observations:
- Pitch sizes - if the submitted plans are to scale the pitches then only one full size pitch is provided. This pitch runs underneath the canopy of an apparently fully mature tree - the overhang interfering with play.
- All-weather Pitch - it appears that an astroturf pitch is proposed without fencing. Given the relatively high-maintenance nature of these surfaces, and the cost of installation, it is common for such facilities (as found in Clayton Green, at Southlands and Holy Cross High Schools, plus Buckshaw Village) to be fenced and for the user to incur a hire charge. If this proposal is accurate then the site would expect to be hugely popular - both in terms of correct use and with non-paying players beyond the sites opening times (with little security to deter them). While more robust fencing would prevent this unwanted usage it would, surely, be less accepted in the greenbelt. I feel that it is entirely predictable that non-structured sessions would take place on this free all-weather pitch given its year-round appeal and convenience.
- Such a facility would no doubt be a draw to both organised and informal ball-sport sessions. In the centre is a pond which is certain, at some point, to receive footballs. I am unsure how the children and young people will be prevented from retrieving balls and if any such measures would, like suitable perimeter fencing, be acceptable in the greenbelt.

6.2.40. Direct Responses (to the Need Report)

- A2 - Astley Park - Currently five pitches, has previously housed up to 9 pitches.
- B1 – Westway - These are formal playing fields that are currently underused.
- D1 – Gillibrand - Although no date for adoption is in place, the pitches are in a usable state at present.
- Para 3.3 - Analysis - Westway may only be considered informal as it is unmarked due to lack of demand.

6.2.41. In conclusion the Parks and Open Spaces Manager considered that there is available pitch space within the Borough which could be provided if demand dictated. Gillibrand Playing Fields will be available in the near future and lack of demand has resulted in Westway retained as informal provision. As such it is not considered that there is a demonstrated demand within the borough for additional playing pitches and therefore the proposed development would not fall within the definition of 'essential facilities' for outdoor sport and recreation.

6.2.42. Other Inconsistencies within the Applicant's Submitted Information:

6.2.43. There are also a number of inconsistencies within the submitted information. As set out above the applicants assert that "*The proposed facility will ensure that access to sport and exercise for local residents*" (Local Demand section of Report on the Need for the Recreation Fields – revised March 2011). However the submitted Noise Assessment states "*The pitches will be provided for registered clubs only and not the general public.*"

6.2.44. This contradiction has been queried with the agent for the application who has confirmed "*a club has to be 'registered' in some way to play on any local pitch with changing facilities otherwise how could these be managed. Your definition of 'public' seems to be based on a 'free for all' when people just turn up. That cannot happen in this situation when the facility needs to be properly managed and controlled. That does not mean it is not a 'public' facility. It is obviously not a private club. The applicant considers that a 'registered' club should also include those teams that are sufficiently well-organised to book to play on the pitches and use the changing facilities.*"

6.2.45. The applicant's proposition appears to be based on the 'local' relationship with Euxton Girls. However Euxton Girls is the only recognised girls football club within the borough and as such it is assumed that the members are from all over the area. The applicants have confirmed that the membership is as follows:

| | |
|---------|----|
| Euxton | 40 |
| Chorley | 43 |

| | |
|--------------------------|------------|
| Leyland | 32 |
| Eccleston/Croston | 9 |
| Adlington/Coppull | 15 |
| Whittle/Clayton-le-woods | 16 |
| Total | 155 |

- 6.2.46. It is considered that the information demonstrates that less than a third of the players actually live in Euxton which brings into question the fact that the proposals are based on 'local' need.
- 6.2.47. Further contradictions are that the applicants assert Euxton Villa does not have the capacity to accommodate Euxton Girls. However Euxton Villa, within their objection, have stated that they have capacity to accommodate several girls teams. This contradiction has also been raised with the applicant. The applicant considers that as Euxton Villa is a private club and cannot be compared with this application. However Euxton Villa have stated within their objection letter that they are willing to provide pitch space for Euxton Girls.
- 6.2.48. Assessment Summary - Green Belt & Need**
- 6.2.49. It is not considered that there is a demonstrated demand for the proposed development within this Green Belt location and it is considered that it would not be possible to demonstrate a need taking into account the fact that other existing sites are available within the area. Additionally the proposed development would impact on the rural character of the area as it involves the levelling of the land and earth movement to create the pitches, the provision of a vehicular access, parking area and changing facility.
- 6.2.50. The applicant was advised of this and the fact that within case law it is established that without a proven local need it cannot be demonstrated that there is sufficient circumstances to outweigh the urbanising effect the proposals will have on the rural character and openness of the area. As such, need is required to be robustly demonstrated to outweigh the impact the development will have and as such be considered 'essential' facilities within the Green Belt.
- 6.2.51. The applicant contests the case officer's assertion in respect of the above comments and a meeting was held along with various e-mail exchanges in this regard. The applicant considers that the only evidence Chorley has in respect of pitches is the 2005 draft Greenspace Strategy; concerns have been raised about the quality of the existing facilities and the lack of welfare facilities; and that it is Chorley Council's lack of evidence in respect of pitches. The applicant has also confirmed that they have a waiting list of people for pitch space.
- 6.2.52. It is considered that there is more recent evidence in respect of pitches in the form of the 2010 Central Lancashire Open Space, Sport & Recreation Study which indicates that there is sufficient provision of grass pitches in the borough. This, along with the comments made by the Council's Parks & Open Spaces Manager contradicts the assertion that there is a need which would justify the release of Green Belt land.
- 6.2.53. It is acknowledged that there may be some issues with the quality of the existing pitches available. However in accordance with PPG17, the playing pitch strategy will audit the existing open space, sports and recreational facilities; the use made of existing facilities; access in terms of location and costs (such as charges); and opportunities for new open space and facilities. This will assess both the quantitative and the qualitative elements of open space, sports and recreational facilities. The quality audit will enable the local authorities to identify potential for increased use through better design, management and maintenance.
- 6.2.54. The applicant considers that there is a proven need in Euxton for the proposed pitches with their associated welfare facilities because of the lack and shortage of the equivalent in the Chorley area. However, if it cannot be demonstrated that there is a need for additional pitch space, then it cannot be demonstrated that welfare facilities associated with any pitches are essential facilities in accordance with PPG2.
- 6.2.55. The Council's Parks & Open Spaces Manager has confirmed that he could accommodate any requests for pitch space in the Borough currently. A copy of the applicant's waiting list

has been requested in order to identify why these people are not contacting the Council. The applicants have confirmed that the following clubs have contacted them:

- Ribble Wanderers
- St George's XI FC
- Euxton Corinthians
- Gillibrand Warriors
- Funktion FC

- 6.2.56. The Council's Parks & Open Spaces Manager will contact these clubs to identify the issues - his comments will be reported on the addendum.
- 6.2.57. It is considered that the most appropriate way forward in respect of the proposals would be to await the results of the local assessment. This local assessment may support some type of provision within this area however it may demonstrate that there is a quantitative provision however quality is an issue. In this case there is the potential for any interested parties to work with the Council to improve existing space for the benefit of the local residents.

6.3. Other Material Considerations

- 6.3.1. Central Lancashire Core Strategy
- 6.3.2. Chorley Council is preparing a Core Strategy jointly with Preston and South Ribble Councils. This sets out the strategic context for Central Lancashire and general locations for development to cover the period to 2026. The Core Strategy is at an advanced stage and has been subject to previous public consultation and is a material consideration when assessing planning applications. A Publication version of the document was independently examined by a Planning Inspector in July and formal adoption is scheduled for November 2011.
- 6.3.3. The following policies are relevant to this planning application, although prior to the Inspectors report and adoption only limited weight can be afforded to these policies:
- 6.3.4. Policy 19: The pre-amble to this policy confirms that no changes are anticipated to the strategic extent of the Green Belt. The Policy specifically relates to Areas of Separation and Major Open Space. This Policy seeks to protect a small amount of open countryside between certain settlements to help maintain openness and to protect those places at greatest risk of merging together. This Policy identifies the area between Chorley and Euxton however does not include the area of land subject to this planning application.
- 6.3.5. Policy 20: relates to Landscape Character Areas and states that new development will be required to be well integrated into existing settlement patterns, appropriate to the landscape character type and designation within which it is situated and contribute positively to its conservation, enhancement or restoration or the creation of new features.
- 6.3.6. Policy 22: relates to biodiversity and geodiversity and seeks to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area. This issue is addressed below within the Ecology section.
- 6.3.7. Policy 24: relates to Sport and Recreation and seeks to ensure that everybody has the opportunity to access good sport, physical activity and recreation facilities by developing minimum local sport and recreation standards and identifying sites for major new facilities where providers have evidence of need. This is addressed above within the Green Belt and Need section.
- 6.3.8. Policy 25: relates to Community Facilities and seeks ensure that local communities have sufficient community facilities provision by encouraging and coordinating new provision at locations that are accessible by all modes of transport.
- 6.3.9. Policy 31: relates to agricultural land and seeks to protect the best and most versatile agricultural land (grades 1, 2 and 3a). This is addressed below with the Agricultural Land section.
- 6.3.10. Design & Access Statement
- 6.3.11. Concerns have been raised in respect of the quality of the Design and Access Statement. DCLG Circular 01/2006 requires the submission of a Design and Access Statement with this type of application. A design and access statement is described as *a short report*

accompanying and supporting a planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way. This document can be used by developers to demonstrate their commitment to achieving good design and ensuring accessibility in the work they undertake, and allow them to show how they are meeting, or will meet the various obligations placed on them by legislation and policy. The level of detail required in a design and access statement will depend on the scale and complexity of the application, and the length of the statement will vary accordingly. Statements must be proportionate to the complexity of the application, but need not be long.

- 6.3.12. A Design and Access Statement was submitted with this application when the application was validated. Although these types of documents can be utilised to explain the process of the development, in this case it is considered that the more pertinent issue is the Green Belt 'need' issue addressed above.

6.4. Agricultural Land

- 6.4.1. The existing use of the land is agricultural. Local plan Policy LT12 - Golf, Other Outdoor Sport and Related Development, criterion (c) stipulates that development should not result in the loss of the best and most versatile agricultural land.
- 6.4.2. Additionally, PPS7 (para 28) advises: *The presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification), should be taken into account alongside other sustainability considerations (e.g. biodiversity; the quality and character of the landscape; its amenity value or heritage interest; accessibility to infrastructure, workforce and markets; maintaining viable communities; and the protection of natural resources, including soil quality) when determining planning applications. Where significant development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations. Little weight in agricultural terms should be given to the loss of agricultural land in grades 3b, 4 and 5, except in areas (such as uplands) where particular agricultural practices may themselves contribute in some special way to the quality and character of the environment or the local economy. If any undeveloped agricultural land needs to be developed, any adverse effects on the environment should be minimised.*
- 6.4.3. As set out above agricultural land is split into 5 categories with class 3 split into sub grades 3a and 3b. Grades 1, 2 and 3a are considered to be the most versatile types of land. This system of classification was introduced in 1966. However, since 1976, only selected areas of the country have been graded and the Natural England Technical Advice Note TIN049 confirms that there are no plans to survey all areas in detail and that consultations to DEFRA are only required when proposals are not consistent with the Planning Policies and involve the loss of 20ha or more of the best and most versatile land. It is stated that it is for local planning authorities to decide how significant agricultural land issues are and the need for field information as DEFRA will not normally become involved with specific development proposals unless they raise issues of more than local importance.
- 6.4.4. The application site is classified as grade 3 land but there is no more information available as to whether or not it falls with sub-grade 3a or 3b. For the Council to ascertain this information, the land would have to be surveyed. The application site is currently tenanted by a farmer on a lease from the HCA and it is understood that they are only used for producing silage as problems with drainage restricts the use for livestock. Given the land only extends to approximately 4.9ha, it is considered in this case that it would be difficult for the Council to justify refusing the application on the basis of the loss of this area of agricultural land in the absence of definitive survey data on the actual grade of the land.

6.5. Trees and Landscape

- 6.5.1. The application site is located within a rural area of the Borough and is sited between Pear Tree Lane and Whinney Lane which are highways which are very rural in nature bordered by trees and vegetation without standard footways/ pavements. The application site is two large fields intersected by a row of trees and pond. The trees are mature trees which provide a valuable contribution to the visual amenities of the area.

- 6.5.2. The Council's Arboricultural Officer has visited the site and placed a Tree Preservation Order [TPO 2(Euxton) 2011] on the trees which provide a valuable contribution to the amenities of the area. It is proposed to remove six trees to accommodate the proposed vehicular access and these trees are not included within the TPO as the Arboricultural Officer does not consider that the loss of these trees would have a detrimental impact on the character of the area.
- 6.5.3. In respect of the proposals and the impact on the trees, the Arboricultural Officer initially raised the following concerns:
- The site is surrounded by rows of mature trees, mainly Oaks. Some of the proposed football pitches would be partially under the canopies of the trees. This would inevitably lead to requests to remove the branches to facilitate play.
 - Also, most of the feeder roots of a tree are in the top 45cm of the soil, as this is where the oxygen is. The sometimes substantial changes in ground level required to give a level surface for the pitches would be very detrimental to the trees due to this changing level.
- 6.5.4. In response to these concerns the applicant confirmed:
- The Arboricultural Officer's concerns have already been assessed in the site design process. We engaged ADAS specifically to advise on the laying out of the site with a brief to minimise the impact on the pond, trees and existing levels (has he read the report?).
 - The cross sections confirm the minimal level changes. Section B-B shows no level change in the vicinity of the larger pitches. Section A-A is the more relevant in that there is some cut at the eastern end but this only relates to the pitches themselves.
 - The tree/hedge belt is retained in its present form and will be sufficiently wide to allow the roots to remain undisturbed. Appropriate protection can of course be introduced during construction. We have already indicated at last Thursday's meeting that there is sufficient tolerance in the pitch widths to ensure the protection of the roots and the 'overhang'.
 - Given the amount of trouble we have gone to survey, assess, retain and protect the 123 trees identified within the site (ex. those removed for the access), it does seem like 'overkill' to introduce a TPO at this stage - particularly as the Parish Council will be the ultimate custodians of the site (does the Council TPO its own trees?) - but that is the Council's prerogative.
 - Would the Arboricultural Officer like to use our topographical and tree survey information?
- 6.5.5. In response the Arboricultural Officer confirmed:
- Please assure the agent that I have indeed read the report and made extensive use of the supplied topographical and survey information. It is this very data that prompted my concerns.
 - On the matter of the levels, the section A-A is a problem for me. As the agent admits, there is 'some' cut at the eastern end. This cut is 900mm, almost a metre. This raises a concern. A football match needs a larger area than the pitch itself. If there is a 900mm step at the end of the field, it would be almost impossible to take a corner without moving the levelling further back. Also the goal and nets sit behind the line of the pitch, but this is not mentioned on the plans. Again this enlarges the area needed. The larger trees along the Eastern end of the senior pitches are already having any Root Protection Areas (RPA) encroached upon. Taking the line back would exacerbate this.
 - The tree line running between the two senior pitches again has large trees, T606 and T607 in particular. The RPA of these trees is a circle of just over 10 metres radius. Both pitches encroach significantly into these areas.
- 6.5.6. Following receipt of these comments the plans were amended reducing the size of the senior pitches. Following receipt of these amended plans, the Arboricultural Officer has confirmed: *"Taking into account the increased distances from the relocated pitches to the tree lines, I am now happy that the proposed works could be carried out with minimal disruption to the surrounding trees. Given this, I now find the application acceptable from an arboricultural standpoint."*

- 6.5.7. As set out above a number of concerns have been raised by neighbours about the impact on the trees. It is however considered that by the introduction of the TPO and the amendments to the size of the pitches the development will not adversely impact on the trees.
- 6.5.8. The receipt of the amended plans, which includes a new footway along Pear Tree Lane discussed below, has raised further concerns by neighbours in respect of the impact on the trees in the location of the proposed footpath. The Council's Arboricultural Officer has revisited the site to assess these trees and has confirmed:
- The trees on the stretch of Pear Tree Lane running from School Lane up to Euxton Lane are mainly Oaks growing within the hedgerow also made up of Ash, Sycamore and Hawthorn.
 - I have concerns for the trees here because the proposal to pipe the drainage channel and backfill it to give a wider road/verge will be detrimental to this hedge line. A lot of the hedgerow and trees within it are growing from within the walls of the ditch so filling it in will essentially put the base of the hedge and trees underground. This will have the knock on effect of putting the trees under stress and possibly sending them into decline.
 - This hedgerow is an important part of the overall environment of Pear Tree lane and anything that could impact it in a harmful way should be avoided if possible.
 - If the intention is to go ahead with this proposal, I can only recommend that the hedge line along this stretch be protected by a Tree Preservation Order so that proper consideration will be given to it by the developers."
- 6.5.9. In this regard, a TPO has been progressed for this stretch of Pear Tree Lane which will ensure that any tree removal will require permission and replacement trees can be required.

6.6. Ecology

- 6.6.1. The planning application was originally supported by an Ecological Assessment undertaken by TEP dated November 2008. This document was sent to Lancashire County Council Ecology and the Environment Agency. Lancashire County Council initially raised concerns in respect of the lack of Great Crested Newt information. Following receipt of these comments further information in respect of newts was submitted including a Great Crested Newt Mitigation Proposals dated March 2011. Following receipt of these documents Lancashire County Council have confirmed:
- I am now more satisfied that the document presented can be considered as a method statement to satisfy the favourable condition requirement in the three tests. You should therefore condition the implementation of the method statement.
 - I would also further condition a management plan, to implement the management of the pond and hedgerow and other features appropriate to maintain the population of Great Crested Newts and Common Toad on the site into the future - and which will include activates likely to be detrimental to protected species, i.e. dumping of grass cuttings along the hedge and near the pond.
- 6.6.2. The Environment Agency also initially objected in respect of the impact on Great Crested Newts and requested the submission of a hydrological assessment and details of the proposed ditch improvements. Following the receipt of the additional information the Environment Agency withdrew their objection but recommended conditions in respect of a fenced buffer zone surrounding the pond and the continued maintenance of the habitat to ensure that the pond is protected from this disturbance.
- 6.6.3. Neighbours have also raised concerns about the impact of the proposals on bats and the introduction of a fence around the pond. The LCC Ecologist has confirmed:
- I must confess I had not thought that there would be an issue over bats and fencing. Most fencing would be picked up by bats and the mesh avoided. I was under the impression that the fencing would be fairly standard security/palisade fencing, however, if fine mesh fencing is used it may act as a mist-net and trap bats. I am of the opinion that fencing is not an issue but the type of fencing may be a cause for slight concern.
- 6.6.4. Clearly the erection of a fence around the pond has the potential to adversely impact on the visual amenities of the area along with bats, as set out above, however it is considered that appropriate fencing could be addressed via condition on any positive recommendation.

- 6.6.5. Following a recent supreme court ruling (Morge vs. Hampshire County Council – Supreme Court ruling Jan 2011) the Local Authority now have a responsibility to consult Natural England on proposals which may affect protected species and ask the following questions:
- Is the proposal likely to result in a breach of the Habitats Regulations?
 - If so, is Natural England likely to grant a licence?
- 6.6.6. Natural England's response is set out above. Natural England confirm that "With respect to your specific queries, it would be inappropriate for Natural England to tell LPAs how to do this as LPAs are the decision-making body and must make the decision themselves and not appear to be fettering their discretion in any way. In considering the tests LPAs however should properly have regard to Government Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System."
- 6.6.7. Following a high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
- a) the activity must be for imperative reasons of overriding public interest of for public health and safety;
 - b) there must be no satisfactory alternative; and
 - c) favourable conservation status of the species must be maintained.
- 6.6.8. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority is required to engage with the Directive.
- 6.6.9. As set out above the LCC Ecologist considers that the submitted information meets the requirements of the three tests, subject to suitable conditions, and as such the Local Authority has discharged its responsibilities in this regard.

6.7. Flood Risk and Sewers

- 6.7.1. A number of neighbours have raised concerns about the ability of the fields to accommodate the proposed pitches as it is understood that clay is present within the area which is not conducive with certain drainage arrangements. The residents have also contacted the Environment Agency in this regard. The Environment Agency has reviewed the submitted information and have confirmed that *any increase in surface water run-off from the proposed development could increase flood risk off site. In accordance with PPS25 Development & Flood Risk, development should not lead to an increase in flood risk elsewhere.*
- 6.7.2. To ensure that surface water is managed so that the ecological value of the site is not detrimentally affected and that surface water is attenuated to ensure there is no increase in flood risk off-site. The Environment Agency have recommended conditions in respect of the provision of surface water drainage works and a scheme for the provision and implementation of a surface water regulation system. This could be adequately controlled by condition.
- 6.7.3. United Utilities were also consulted on the application and they have no objection to the proposed development. As such it is considered that the proposed drainage arrangements and surface water arrangements can be adequately controlled via condition.
- 6.7.4. There is no drainage or connection to sewers within the application site presently and as such the application proposed a Kiargester Biodisc waste treatment system. Concerns have been raised about the adequacy of this system however United Utilities have confirmed these treatment systems, which are an underground facility "*are perfectly fine and acceptable, in many cases they work better than our systems.*" Full details of this system can be controlled by condition.
- 6.7.5. The Bungalow, Whinney Lane, which is immediately adjacent to the site has a septic tank which has an outfall in the application site and would be affected by the proposed development. Due to the age of the property there is no documentation to establish the legal rights of this outfall however the owners understand that they have 'historical rights' regarding outfall onto the land. The agent for the application has been made aware of this

situation and has commented that appropriate arrangements can be made for this outflow into the proposed new system. The neighbours are not convinced that this is feasible however this is a private issue which will be addressed between the developers and the neighbours.

6.8. Traffic and Transport

6.8.1. The application is accompanied by a Transport Statement July 2010 undertaken by Singleton Clamp. This document along with the submitted Travel Plan has been reviewed by the LCC Highway Engineer who has made the following comments:

1. Pear Tree Lane from the junction with School Lane down to Washington Lane is approx only 3.5m wide. This section of the road is very tortuous with sharp tight bends with steep sections. In addition there are high verges with limited forward visibility at various points. There are ditches on either side of the road for the best part and with few passing points. The character of the road is such that it is unlikely to be used other than by local drivers. Whinney Lane runs parallel with Pear Tree Lane and is very similar in character. Lancashire County Council has also recently carried out a signing and lining highway improvement scheme on Pear Tree Lane at the locality and also on Whinney Lane to encourage drivers to drive sensibly.
2. Pear Tree Lane has a National speed limit however from site observations it is evident subjectively that actual speeds are significantly reduced and around 30mph. Lancashire County Council has undertaken a 7day traffic count on Pear Tree Lane by means of an electronic counter. The count was carried out over the week of 22-28/03/2011 at a point approx 50m south of the proposed new access, which would be representative of the visibility envelope. The recorded 5day & 7day average 2 way volume counts for the period were 1144no vehicles & 988no vehicles respectively. The recorded 85%tile speed was 31.2mph in the southbound direction and 31.0mph in the northbound direction.
3. The applicant has proposed a visibility sightline of 40m in the lead southbound direction and 46m in the corresponding northbound direction from School Lane. The applicant has proposed the sightlines on the basis of a subjective assumption that existing speeds at the location will in this instance be below 60kph in which case MfS will be applicable and that a change in the speed limit to 30mph will be introduced. Based on the traffic count, the recorded speed count would indicate visibility sightline requirements of 47m in the lead southbound direction and 45m in the corresponding northbound direction.
4. The proposed access on Pear Tree Lane will generate additional traffic movement which will justify a reduction in the existing speed limit. Whilst the change of speed limit, which is proposed as part of the planning application, cannot be conditioned to any grant of permission as it is not guaranteed, the proposed visibility sightlines together with a change in the speed limit will satisfy MfS design guidelines.
5. Whilst a narrow carriageway width of 4.2m is normally sufficient to enable 2 cars to pass each other slowly, it is over a long length and therefore the over-riding is very much a clear indication of vehicles travelling in opposite directions experiencing difficulties in passing each other, and more so if any vehicle is large the type of a van etc. It was also noted at the time of site visits that any pedestrians caught up on the same stretch of the road with 2 vehicles trying to pass each other which can happen as the road is approx 90m long along this narrow section, were seen to take evasive action by either going on to the grass verge or to line up against the fencing.
6. The existing situation is not ideal for pedestrians and cyclists and therefore cannot support this application in its present format.
7. There are concerns for the safety of both existing and potentially new vulnerable road users along this section of Pear Tree Lane from Euxton Lane to School Lane and also for the general operation of the highway.
8. The distribution of traffic generated by the new development is likely to be both left turn/right turn directions at Euxton Lane junction. It is likely that some traffic will use School Lane, however it is unlikely that any significant level of traffic will want to use the southern section of Pear Tree Lane from Washington Lane. There would also be little

reason for development traffic to use Whinney Lane. The existing field access on Whinney Lane may be retained for maintenance purposes only.

9. Pear Tree Lane has 4.5m radii with Euxton Lane. The normal provision would be for 6m radii and there is some evidence of vehicles overriding the grass verge on the corners therefore some slight widening of the junction will be required to assist vehicles turning into/out of the road. If you are minded to grant permission, I would require the developer to fund in full the costs of improving the radii and junction/cycleway markings and will ask for a condition to this effect.
10. Highway improvement measures are needed to reduce the level of hazard and these need to be implemented to make the application acceptable from highway safety view point. The measures that would be required prior to the start of construction are set out below:
 - Provision of a footway along one side of the road leading from Euxton Lane down to the proposed site access. The normal minimum requirement is for a 2m footway width, but due to site constraints on available width within the public highway a sub-standard width of 1.5m would be considered acceptable. Even this would require part culverting of the ditch and trimming or removal of existing trees/vegetation. Standard 100m high kerbs will be essential to discourage over-running of the proposed footway.
 - The carriageway to be widened to a minimum width of 4.5m except at the narrowings in 3 below and this will enable a van/mini-bus and a car to pass each other slowly without having to mount the new footway.
 - Priority Give Way system with road narrowings introduced at 2 locations to traffic calm this section of the road. The proposed change in the speed limit from National to 30mph would also be a recommendation. The reduced speed limit and the traffic calming measures together with the provision of the footway will significantly reduce potential road hazards in the area and make the application acceptable. The above measures would also have the benefit of improving the existing on-site traffic situation for all vulnerable road users and vehicle traffic alike
 - Improve the Pear Tree Lane/Euxton Lane junction to include 6m radii on both sides.
11. The Accessibility score for the site was 23 (transport statement) which is at the low end of medium accessibility. Euxton Lane has off-street cycle routes on both sides in the area however the site is generally not well accessible by foot as there are no footways on School Lane and Pear Tree Lane and with the nearest bus stop on Euxton Lane being 380m away. On the balance of probability it is likely that much of the travel to and from the proposed facility will be car orientated.
12. The RSS standards are short of guidance on car parking requirements for playing fields however some guidance can be found within the former JLSP standards which were previously adopted and still accepted as best practice in the absence of other guidance, which give an allowance of up to 12no spaces per playfield hectare. In this instance this would equate to 60no spaces therefore the 90no spaces is a 50% over provision.
13. In terms of the car park it is noted it is detailed as having a porous surfacing in which case consideration will need to be given to provide a tight close sealed surface at the disabled and cycle and motorcycle areas to enable safer and easier access over.
14. A safe pedestrian access path will need to be provided for and marked out leading from the public highway at the access/gate up to the pavilion. At the moment it would appear pedestrians and vehicles would share the access, which will create conflicts, possibly to the detriment of the safety of vulnerable users of this facility.
15. The coach turning facility will need to be proved through vehicle swept path analysis. I would also not want to see the vehicle turning around any pedestrian walkway areas.
16. Disabled spaces must be 5% of the total provisions, at the moment only 2no spaces are indicated. The spaces are to be marked out by lining and sign posted.
17. We would request that a Full Travel Plan should be developed along the timescales stated within the ITP as a condition of planning approval:

1. Travel Plan Co-ordinator appointed and LCC's Travel Plan Advisers informed of contact details at least 1 month prior to occupation.
 2. The first travel survey carried out within 6 months of occupation.
 3. The Full Travel Plan submitted to the Planning authority within 6 months of occupation.
18. The provision of Team Travel Information Packs has been proposed in the ITP this is an effective way of making users aware of all their travel options but there needs to be appropriate funding for this, and other initiatives, to be implemented
 19. A contribution of £6,000 is required to enable Lancashire County Council Travel Planning team to provide a range of services as described in 2.1.5.16 of the Planning Obligations in Lancashire paper dated September 2008
 20. Suitable contingency arrangements for dealing with traffic implications of Special Events/Completions Day when the centre is likely to be at its busiest will be required.
 21. I will require also a commuted sum set aside to enable carriageway repairs to be undertaken following any damage to Pear Tree Lane by construction traffic. Allow a sum of £8,000.
 22. The access is also conspicuous to a point however the footway nearest to the fence line at Pear Tree House Farm will need to be better aligned to aid pedestrian/vehicle inter-visibility.

Recommendation

23. Although the above application is not acceptable in its current form for reasons of road safety and operation, if the issues commented on above can be addressed to my satisfaction then I would feel above to support the application. If you are minded to grant permission, I will ask for the following conditions:
 4. £4,000 monies secured through a S106 agreement to enable the traffic regulation order (Change in speed Limit) to be made.
 5. £6,000 monies secured through S106 agreement for Travel Plan.
 6. £8,000 monies secured through S106 agreement to carry out carriageway repairs on Pear Tree lane in the event of damage by construction traffic.
 7. Total S106 monies in the sum of £18,000
- 6.8.2. Following receipt of these comments a number of queries were raised which are addressed below:
- 6.8.3. Comment 4 relates to the visibility splay and the change in speed limit. The Highway Engineer considers that the 47m visibility splay can be achieved by moving the access further up the road however he does not feel that this will be necessary. The 47m is based on the above 85%tile speed of 31.2mph however a reduction of 1.5mph may be applied to account for wet weather which would in turn bring the sightline down to 43m. It would then only take a further reduction in speed of 1mph to bring the sightline down to the 40m. This small reduction in speed could reasonably be achieved with the use of enhanced road markings at the locality. As such the visibility splays at the proposed access are considered to be acceptable.
- 6.8.4. In respect of traffic calming the Engineer has confirmed that normally you would reduce the speed limit on the road before implementing traffic calming. This is because you are more likely to clip a build out kerb or fail to give way etc at a fast speed. However, the proposed traffic calming measures are at the beginning of the speed limit change and the traffic count has established that the speeds are already low (only just above 30mph) therefore it should be acceptable.
- 6.8.5. In respect of the suggested reduction in speed limits to 30mph along Pear Tree Lane this could only be done via a Traffic Regulation Order with the Highway Authority. The need for this reduction has been queried particularly in respect of the recorded speeds along this stretch of road and other highway alterations proposed. The Highway Engineer has confirmed that in my opinion I would say No, the reduction in speed limit is not necessary as such to enable the Development scheme to go ahead. Is it justified (or desirable as I would like to put it) - I would say Yes because the Development will change the character of this section of the road that would justify a change in the speed limit. I feel it is unreasonable to expect the Highway Authority thereafter to pay for the change in the speed limit therefore

my recommendation for S106 monies be set aside, and be made available for a period of 5 years, to enable the process to the change in traffic regulation would still apply. As per any S106 monies – any under spend would obviously be returned to the Developer.

- 6.8.6. Taking into account the comments made by the Engineer above it is not considered that the imposition of a Grampian style condition to reduce the speed limit would meet the conditions tests set out within Circular 11/95 (i. necessary; ii. relevant to planning; iii. relevant to the development to be permitted; iv. enforceable; v. precise; and vi. reasonable in all other respects) and as such will not be imposed. Nor would it meet the CIL tests in respect of S106 Contributions as the Engineer states that the money will be set aside if it is necessary and as such cannot be considered necessary now.
- 6.8.7. Comment 9 relates to road improvements. The Highway Engineer is happy for the junction improvements to be carried out as part of the S278 Work. However due to the rural nature of this highway it is considered necessary to incorporate any alterations to the highway on a plan at this stage so that all the residents are fully aware of the proposals and the impact on the rural character of the area can be fully assessed.
- 6.8.8. Comment 10 similar to comment 9 in that the Highway Engineer considers that these works can be addressed via a S278 agreement however it is considered that any alterations should be incorporated in plan form at planning application stage to enable a full assessment of the proposals.
- 6.8.9. Comment 13 relates to the proposed car park. The Highway Engineer considers that as only 60 spaces would usually be required for a scheme of this size then the remaining 30 proposed could be surfaced in an alternative material more sympathetic to the surrounding i.e. grasscrete or similar approved proprietary material (concrete blocks with grass infill) to act as an overspill car park. This can be controlled via condition.
- 6.8.10. Comments 19 and 21 relate to requests for S106 contributions. In order to justify requests for contributions the following tests have to be met:
- d) necessary to make the development acceptable in planning terms
 - e) directly related to the development; and
 - f) fairly and reasonably related in scale and kind to the development.
- 6.8.11. The Highway Engineer considers that these requests are justified as the travel plan was agreed at pre-application stage is therefore directly related to the development. It is however considered that a travel plan could be requested via condition and there is no justification for the request for £6000. In respect of the request for carriageway repairs the engineer has confirmed that *Pear Tree Lane is historical rural country lane the construction of which will have been built up over time and is unproven and unlikely to support the proposed level of traffic. Any repairs will be fundamental to ensure the road is maintained to a safe standard for all road users. The bond for the S278 Works will not cover the road repairs in this instance. Any under spend of the S106 monies will be returned.* The fact that any underspend would be returned confirms that this contribution request is not reasonably related in scale to this development and as such this request is not justified.
- 6.8.12. Comment 20 relates to contingency requirements. The Highway Engineer has confirmed that this relates to a coordinated response, that is, in full liaison with the Traffic Police and Local Authority to ensure the events are properly planned, managed and marshalled at all times. Including well published through the media and local advertisement on site and area etc. This could be addressed via conditions.
- 6.8.13. Comment 22 relates to suggested highway amendments. As above it is considered that this should be detailed in plan form.
- 6.8.14. Proposed Amendments to Pear Tree Lane**
- 6.8.15. Following receipt of these comments, a meeting was held with the LCC Highway Engineer, the planning agent and Singleton Clamp.. Following these discussions an amended plan was submitted detailing the proposed amendments to Pear Tree Lane, as discussed above, which include widening the highway and incorporating a footway.
- 6.8.16. From a visual perspective it is not considered that the proposed amendments will adversely impact on the rural character of the lane. The road widening is only minimal and the

proposed footway is a non-standard construction using plastic cellular modules filled with seeded topsoil which will allow grass to grow through respecting the rural character whilst still creating a useable footway.

- 6.8.17. The LCC Highway Engineer has been consulted on these amended plans and the comments will be reported on the addendum. However it is understood that Singleton Clamp, on behalf of the applicants, discussed the proposals with the Highway Engineer prior to formally submitting the amendments.
- 6.8.18. Neighbours have raised concerns in respect of the proposed culverting of the existing ditch to create the footway. They have confirmed:
- The proposed highways works indicate that a large section of the ditch alongside Pear Tree Lane will be culverted to form the proposed footpath. We would like to bring to your attention that this ditch was upgraded in recent years when the road widening scheme was undertaken on Euxton Lane to service Buckshaw Village. As part of the works, at the western side of the junction of Pear Tree Lane with Euxton Lane, a large interceptor tank was installed for storm water, thereby reducing the sudden surge flow of water into the ditch. At the time, the existing field entrance from Pear Tree Lane was culverted using a 375mm internal diameter pipe and also, situated at the end of the proposed new footpath, across from the proposed site access, a flow restrictor was installed using the same diameter pipe to equal out the water flow in this ditch. There are also two existing drains running under Pear Tree Lane from the fields on the eastern side into the proposed culverted section of ditch which help with natural drainage. These are not shown on the submitted proposed highway works drawing.
 - We feel, therefore, that the proposed culverting with a 300mm pipe would cause a restriction and possibly lead to flooding, which has previously affected the two immediate properties on Pear Tree Lane. We have, over recent years, become aware that the fields in question, and adjacent ones, have become more waterlogged, lasting for prolonged periods, even in dry weather. The two ponds in these fields appear to be turning stagnant and our concerns are that the proposals to culvert the ditch on Pear Tree Lane would further compromise the natural drainage in the area. We understand that the waterlogging of the fields has restricted one of the farmers from running livestock on them, thereby they are only used for producing silage. The land agent/owner is aware of this problem.
- 6.8.19. These concerns have been forwarded to the Environment Agency and their comments will be addressed on the addendum.
- 6.8.20. As set out above the Euxton Green Belt Residents Action Group have appointed Turner Lowe Associates to object to the application on highway grounds. Their concerns can be summarised and addressed as follows:
- Accessibility and footways: It is clear that the development would not only not be accessible by alternative modes of travel to the car but that it would be unsafe for anyone to attempt to access the development by such alternative modes.
Response: It is acknowledged that the site will be mainly accessed by the car, which is the predominant mode of transport for most football pitch locations, however the proposals have been amended to incorporate a footway which will assist in providing alternative, safe ways of accessing the site.
 - Traffic Generation: the traffic the proposed development would generate can only use roads which are unsuitable and cannot accommodate two-way traffic without soft verges (where they exist) being over-run. We would expect any planning permission to be subject to an acceptable vehicle access route being provided, this may involve the widening of Pear Tree Lane at least between Euxton Lane and the site access.
Response: The proposals now include widening of Pear Tree Lane in accordance with the Highway Engineers advice.
 - Visibility: The proposed access arrangement, even if it could achieve a splay of 2.4 x 40 m (which is questionable) would still, therefore, be unsafe. The 30 mph speed limit would undoubtedly be welcomed but the visibility splay requirements cannot be based on the assumption that sufficiently enough reduced speeds will actually be achieved.
Response: As set out above the highway engineer considers that the visibility splays are adequate and even though he initially suggested that the access should be relocated he no longer considers that this is necessary. The reduction in speed limit could not be secured via condition as set out above however it is considered that the

visibility splay is adequate taking into consideration the actual speeds recorded along Pear Tree Lane. Additionally the Highway Authority has the ability to introduce a reduced speed limit in this location via a TRO if it is justified in the future from a safety perspective.

- Car Parking: With the All-Weather pitch included the parking need would be 135 spaces.

Response: The Highway Engineer considers that the level of parking is acceptable.

- Lighting: In reality people will be leaving and possibly arriving at the site during the hours of darkness. To have the proposed access used in darkness; the School Lane an increase in activity during the hours of darkness; and pedestrians and cyclists use Pear Tree Lane and School Lane during the hours of darkness would be totally unacceptable and such use cannot be avoided with the development proposals.

Response: it may be reasonable to expect that the access and connecting road network will be utilised during the evening although the hours will be restricted by condition. The Highway Engineer has raised no concerns in respect of use in darkness.

- Construction Traffic: The effects of construction traffic should be a material consideration in this instance. No information has been supplied to indicate how the special needs of the construction stage can be accommodated

Response: Full details of the construction period along with traffic and parking can be controlled via condition.

6.9. Public Right of Way

6.9.1. There is a public right of way (PROW) along the southern boundary of the application site (footpath 21)- the LCC PROW Officer and The Ramblers have been consulted on the application.

6.9.2. The PROW Officer has confirmed that the granting of planning permission does not constitute the diversion of a Definitive Right of Way and the development must not commence until the necessary procedures are in place. It is not considered that the proposals will affect the route of the right of way however the applicants were advised of these comments.

6.9.3. In response the applicant has confirmed that the footpath is in a serious state of disrepair as it has collapsed in the middle and this has been reported to the PROW officer and I haven't had acknowledgement or a note to say this has been repaired. The PROW officer has acknowledged this concern which is being addressed.

6.9.4. The Ramblers Association have not commented on the application. However as the proposals do not affect the route of the right of way this is not considered to be an issue.

6.10. Noise

6.10.1. As set out above the noise implications of the scheme are a serious concern of residents. In this regard the applicant commissioned a Noise Assessment which has been submitted. This document was forwarded to the Council's Environment & Neighbourhoods Manager for comment, who has confirmed that *"overall from the information in the report and based on the recommendations, there appears to be no reason to believe the development would result in a nuisance to the neighbours, Although I have concerns that if the pitches are used as a more general community facility, and therefore will be in use significantly more than the periods when Euxton Girls will be practicing and playing, this could make the issue of duration and frequency more significant."*

6.10.2. A resident has contacted the manager directly in respect of their concerns with the report and a response has been sent via planning, please see below, however the manager was seeking clarification a number of issues, including the duration and frequency of use. In this regard the manager has confirmed that she has spoken with the consultants and *"they clarified the issues that were raised by the resident and I am satisfied that the assessment they carried out was sufficient. Unfortunately the main issue with noise is not something that either you, I or noise level restrictions will resolve, and that is the nature of players and supporters and the likelihood of colourful or offensive language, which is the same issue faced by all our neighbouring authorities dealing with similar sites and what they all get complaints about."*

- 6.10.3. One resident has made the following comments in respect of the submitted noise assessment, and these are reported with the response of the Environment & Neighbourhoods Manager as follows:
- I am not sure that you could log the results and decamp then drive several hundred yards. Set up again, check the settings and all other prep in 4 Minutes do you?
 - Why was the survey of Pear Tree Lane and Whinney Lane carried out less than 1 hour before Sunset (sunset was 9.08pm BST on the 19/05/2011) and on a Thursday night instead of about midday at the weekend when Euxton Girls FC play most of their games?
Response: This is an acceptable time to carry out comparison background readings with regard to potential ambient noise levels- the information suggests that matches will take place evening and weekends.
 - Why was a comparison survey not carried out on a Tournament Day at Greenside (Euxton Girls Home Ground) that would have yielded a more accurate comparison of the likely impact of the proposed plan instead of having to rely so heavily on mathematical models.
Response: The use of an alternative supported, multi-match event as a comparable noise source is considered acceptable for use in the report.
 - The results of the Under 10s and 14s (table 5, page 10) show that the average readings were 60.78dB and 56.6dB. BS 8233.1999 clearly states that "sporting activities should be between 45 & 55dB and no more.
Response: The results in the report have then been calculated out to an internal level in the nearest property as 32dB. BS8233.1999 is not necessarily an appropriate BS to use as it is for the insulation of buildings. However the internal recommended levels are used to inform WHO guidelines and PPG24. The calculated levels in the report would be acceptable when compared to WHO guidelines.
 - It is also a fact that a Referees Whistle has a very loud (120dB) piercing sound (annoying I would say). Can you imagine what your life would be like living that close to somebody blowing a Referees Whistle intermittently throughout the day every weekend on both humans and pets? Not to mention the additional noise generated by the vehicles and Buses using the proposed 90-space car park. For some reason the writer of the report does not consider this worth reporting on, or including in his calculations (strange).
Response: The issue of annoyance is not a matter for Environmental Health, audibility and annoyance are not measures of statutory nuisance. I am unable to comment on the absence of vehicles noise in the report and will ask for clarification from the author.
 - The writer of the report states that "the pitches will be provided for registered clubs and not the general public". This project is supposed to be for the Residents and Ratepayers of Euxton and the proposed pitches would only be leased (along with the changing rooms) to Euxton Girls FC for certain days. Residents will still be allowed to use all other parts of the recreational space even on match days, possibly creating more noise. Then you have the noise generated by upwards of 100 spectators who will stand where they want regardless of any designated Quiet Areas unless these are physically fenced off (you would even have to put a fence through at least one of the goals).
Response: This is a legitimate concern and one that has not been fully addressed within the planning application information passed to Environmental Health, including the noise report.
- 6.10.4. In response to the specific comments raised the agent for the application has confirmed that there was delay in moving the equipment as the assessor was asked a couple of questions by a spectator. In respect of the readings for Whinney Lane and Pear Tree Lane. The final reading at Whinney Lane was started at 20:32, however the assessor moved the meter straight after the recording started, paused the meter, drove round to Pear Tree Lane and restarted the meter at 20:36. So the 20:32 reading was actually only for 1 second. It is difficult to stop a meter at exactly 5 min intervals.
- 6.10.5. Further queries have been raised in respect of the noise assessment by a member of the public which have been passed on the agent for the application and will be reported on the addendum.
- 6.10.6. A number of residents have raised concerns in respect of noise from spectators. The submitted noise assessment states: "if the site is not effectively managed there is the

potential for noise disturbance to local residents. This assessment has therefore proposed mitigation measures which would include: Limiting the area where spectators are allowed to stand and support their teams.”

- 6.10.7. As set out above the nature of players and supporters and the likelihood of colourful or offensive language cannot be controlled via condition however the main consideration in respect of the noise impacts of this development is the management of the site. It is considered that by limiting the area where spectators are allowed to stand and support their teams this would ensure that there is sufficient distance between the local residents and the spectators and limiting the playing of football on the 2 pitches to the North East and South West when other pitches are available would limit the time when activities are occurring closest to residential properties would ensure suitable management of the site and reduce any impact created by noise. Some of the neighbours have raised concerns in respect of how enforceable restricting where spectators could stand would be however as long as any condition meets the test set out within Circular 11/95 this would be enforceable.
- 6.10.8. Queries have also been raised in respect of the suggested opening hours and the noise implications as the application forms state 9.30am-4.30pm, 7 days a week. However the noise assessment states that the proposed hours of use are weekday evening uses and weekend uses, daylight hours only. This assessment has based the hours of use on:
- Monday to Friday 16:00-21:30
 - Saturday, Sunday and Bank Holiday 09:00- 17:00
- 6.10.9. Opening hours could be controlled via condition on a positive recommendation however this inconsistency was raised with the agent for the application. He has confirmed that: “very limited demand is expected for 9:30 - 4:00 usage during the winter months but there could be a demand for daytime tournaments during the summer months (school holidays etc). The noise survey assessment of 16:00 – 21:30 Monday - Friday is of course a maximum and will only apply to summer months (daylight hours). The weekend assessment of 09:00 – 17:00 seems reasonable (again with the exception of up to 21:30 during summer months). Please modify the hour’s definition accordingly.”
- 6.10.10. The Environment & Neighbourhoods Manager considers that 9pm is reasonable a couple of evenings a week. “I don’t think there should be anything before 10am or after 4pm on a Sunday or bank holiday, but 9am and 4pm on a Saturday. This could be controlled via condition on a positive recommendation”.
- 6.10.11. In respect of noise, local plan policy EP20 and PPG24, it is considered that the development will not result in a nuisance to the neighbours. The noise assessment does conclude that if the site is not effectively managed there is a potential for noise disturbance to residents. However conditions in respect of where spectators can stand, which pitches should be utilised whenever possible and an hour’s condition can be imposed to ensure that the potential for noise disturbance will be reduced to an acceptable level.

6.11. Air Quality

- 6.11.1. Following concerns raised by neighbours in respect of air quality the Council’s Environment & Neighbourhoods Manager was consulted. It was considered that because of the close proximity of sensitive receptors in this area there is a potential for increases in traffic related air pollutants, particularly at peak times. Therefore, further data on traffic flows, usage and air quality impacts is necessary in order to determine whether there are likely to be any significant changes to air quality due to the proposed development.
- 6.11.2. In this regard an Air Quality Assessment dated 25th May 2011 was submitted in support of the application. This has been reviewed by the Council’s Environmental Health section who initially asked for consideration of the potential for exceedence of the hourly NOx levels associated with peak time traffic/congestion from the site.
- 6.11.3. This resulted in the submission of a revised Air Quality Assessment dated 4th July 2011. The Council’s Environment & Neighbourhoods Manager has confirmed that the issue set out above is considered within the updated report and she is satisfied that with reference to air quality the site does not pose a significant risk of exceedence of national air quality objectives.
- 6.11.4. As such the proposals are considered to be acceptable in respect of Policy EP21.

6.12. Earth Works

- 6.12.1. Several concerns have been raised in respect of the extent of earth works required and the impact of these works. The potential impact on trees has been addressed above. The agent for the application has confirmed that substantial earth works will not be required to facilitate the development. The earth works involved will be a cut and fill exercise with most changes involving between 250-350mm with a maximum of 900mm. The 'cut' materials will be used on the site as part of the 'fill' operations which avoid the need to import and export material.
- 6.12.2. These works are not considered to be a concern in respect of noise and air quality and full details of the construction process can be secured via condition with hours of operation condition to minimise impact on neighbours.

7. **OVERALL CONCLUSION**

- 7.1. PPS1 requires local authorities to *improve access to facilities including sport facilities* to assist in the objective of creating mixed and sustainable communities. This site is allocated as Green Belt which has a rural character.
- 7.2. PPG17 para 30 - establishes that "planning permission should be granted in Green Belts for proposals to establish or to modernise essential facilities for outdoor sport and recreation where the openness of the Green Belt is maintained. Development should be the minimum necessary and nonessential facilities (e.g. additional function rooms or indoor leisure) should be treated as inappropriate development. Very special circumstances which outweigh the harm to the Green Belt will need to be demonstrated if such inappropriate development is to be permitted"
- 7.3. PPG2 para 3.4-3.5 - states that essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it" and includes some examples of essential facilities which include small changing rooms or unobtrusive spectator accommodation for outdoor sport (PPG2, para 3.5).
- 7.4. It is not considered that there is a demonstrated demand for the proposed development within this Green Belt location and it is considered that it would not be possible to demonstrate a need taking into account the fact that other existing sites are available within the area.
- 7.5. Additionally the proposed development would impact on the rural character of the area as it involves the levelling of the land and earth movement to create the pitches, the provision of a vehicular access, parking area and changing facility. As such it is not considered that the proposals constitute **essential** facilities for outdoor sport and are therefore inappropriate development within this green belt location.

8. **OTHER MATTERS**

- 8.1. Public Consultation - It is understood that in accordance with the Council's Statement of Community Involvement (Adopted March 2006) Euxton Parish Council have carried out some public consultation which concluded with Euxton Parish Council Committee and Full Council agreeing, on 21 October 2010, to progress the Pear Tree Recreation Project and submit a planning application to the Local Planning Authority. The submitted 'Report following Public Consultation process June to August 2010' however only states that *the methods, details and evidence materials used for the Consultation Process for the Pear Tree Lane recreation project is contained in a separate document entitled 'Communication History', with examples in the Appendices*. A copy of this document has been requested from the agent and further details will be reported on the addendum.
- 8.2. Non- Material Planning Considerations - A number of residents have raised concerns about the potential for erecting flood lights/ lighting at the site in the future for additional use of the pitches. The current proposals do not incorporate lighting and as such this is not a material planning consideration in respect of this application. Any proposals for lighting in the future would require planning permission and the applicant could be advised, via informative, that any permission does not imply or grant permission for the provision of any form of external illumination to the football pitches, car park or access road or any other part of the site. Due to the green belt location of this site floodlights are not considered to be appropriate development as they can

create a visually intrusive feature particularly when located within large area of open countryside and as such very special circumstances would be required to be demonstrated for any future application.

- 8.3. Land Ownership - Some neighbours have stated that the tree row and some of the land along the northern boundary of the application site are not within the ownership of the HCA. A land registry search indicates that the HCA do own the entire site however the neighbours still contest this. In respect of the planning application the applicants are required to serve notice on the land owners and completed Certificate B. This has been done for this application in respect of the HCA however the applicants will be required to seek the permission of all land owners before commencing the development.

9. PLANNING POLICIES

National Planning Policies: PPS1, PPG2, PPS3, PPS7, PPS9, PPG13, PPG17, PPG24, PPS25

Adopted Chorley Borough Local Plan Review: DC1, EP4, EP9, EP20, EP21, TR4, LT12

Emerging Planning Policy

National Planning Policy Framework, July 2011 – Consultation Draft – little weight can be applied as a whole to this document, which seeks to consolidate and simplify national guidance into one policy statement. However, it does propose to continue key policy positions on green belt and outdoor sport and recreation.

Central Lancashire Core Strategy: - currently at examination stage, and therefore can only be afforded limited weight. Policies 19, 22, 24, 25, 31 are relevant. There are no proposals to alter the strategic extent of the green belt. The Central Lancashire Open Space Study 2010 provides evidence for the core strategy. Sport England have no objection to matters on open space and recreation, but acknowledge a more detailed study and playing pitch strategy is required.

Site Allocations & Development Management Policies DPD: - The site was suggested by Euston parish Council as a site suitable for protection as public open space. (Site Suggestion Reference CH0300- Land adjacent Pear Tree Lane). Sites have been formally selected for the preferred options stage at Full Council 19 July 2011, and this site was not proposed for allocation, as it lies within the green belt, and the detailed open space and recreation work is not yet completed.

10. PLANNING HISTORY – n/a

11. RECOMMENDATION: Refuse Full Planning Permission

Reasons:

1. The proposed development would be located within the Green Belt. It is not considered that there is a demonstrated need for the proposed development within this Green Belt location and as such it is not considered that the proposals constitute essential facilities for outdoor sport and recreation in accordance with Planning Policy Guidance note 2 and reiterated by Chorley Borough Local Plan Review Policy DC1.
2. Additionally the proposed development would impact on the rural character of the area as it involves the levelling of the land and earth movement to create the pitches, the provision of a vehicular access, parking area and changing facility. The proposals are considered to be inappropriate development within this green belt location contrary to Government advice contained in PPG2, PPG17 and Policy DC1 of the Adopted Chorley Borough Local Plan Review.
3. Pear Tree Lane (from the junction with Euxton Lane to the application site) is currently a single track road with no footway and bounded by two properties to the east and a ditch & hedgerow to the west. The highway works proposed would create a carriageway of 4.5metres together with a footway. The scale of these highway works would result in harm to the rural character of Pear Tree Lane and the need to pipe the ditch would in addition harm the historic character of the hedgeline in addition to being contrary to Policy EP10 of the Chorley Borough Local Plan Review.

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