

## **APPLICATION REPORT – 24/00459/CB3**

**Validation Date: 23 July 2024**

**Ward: Chorley South East And Heath Charnock**

**Type of Application: Chorley Regulation 3**

**Proposal: Removal of existing changing rooms, garage and storage container, erection of new pavilion, resurfacing of car park and refurbishment of existing toilet block to provide a ground maintenance store**

**Location: Gillet Playing Fields Weavers Brow Heath Charnock**

**Case Officer: Mike Halsall**

**Applicant: Chorley Council**

**Agent: Steve Wells Associates Ltd.**

**Consultation expiry: 14 August 2024**

**Decision due by: 18 October 2024**

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### **RECOMMENDATION**

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

### **SITE DESCRIPTION**

2. The application site is located in the Green Belt, to the north of Long Lane, in the rural locality of Heath Charnock. The site forms a south western section of Gillet Playing Fields and currently consists of grassland, hardstanding and five buildings in the form of two shipping containers, a toilet and shower block, a disused garage and changing rooms. The main playing fields are located to the north / northeast of the application site, with trees to the perimeter.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The application seeks full planning permission for the removal of the existing changing rooms, garage and one of the shipping containers and the erection of a new pavilion, refurbishment of the toilet / shower block to provide a ground maintenance store, and the resurfacing of the car park. The existing facilities are in a poor state of repair and the applicant has stated that they do not comply with modern standards for pavilion buildings.
4. The new pavilion would provide WCs, changing rooms, showers, a scorer's room, a plant / cleaning room, kitchen, social space and separate facilities for match officials.
5. The site and surrounding fields are owned by Chorley Council. The cricket ground is leased to Chorley Cricket Club who use the site for third team and junior cricket. The football field has traditionally been used for junior football and whilst this has not been actively used for the last few years, it will be brought back into active use following the improvements to the onsite facilities.

## REPRESENTATIONS

6. No representations have been received.

## CONSULTATIONS

7. Sport England: have responded to state they have no objection to the application as it is considered to meet exception 2 of their Playing Fields Policy and to accord with Paragraph 103 of the National Planning Policy Framework (NPPF). They did note however that the English Cricket Board (ECB) have concerns regarding the size of the shower facilities. The ECB have been contacted by both the applicant's agent and the case officer to discuss their concerns. The ECB are soon to be releasing new design guidance for cricket pavilions that will identify that shower cubicles in all changing rooms should measure 2m x 1m for privacy and safeguarding.

*The applicant's agent has responded to note that: "on Multi sport sites other organisations have design standards which are different and in our case the Junior Football responds to the needs of the Football Foundation. Given the conflict that exists between both sets of design guidance, we have tried to find a compromise that delivers high quality facilities that suit both sports, within the funding envelope that's available. To that end the changing room areas are larger to meet the ECB guidance rather than the FF sizes but the shower areas respond to the FF guidance which is a smaller area. We are spending our budget where it will deliver best value for all sports on site accepting that it will require some compromise along the way."*

8. Greater Manchester Ecology Unit: have responded with no objection to the proposal, subject to an informative notes being attached to any grant of planning permission relating to protecting bats, nesting birds and suggested the red-edged site boundary be amended slightly to match that of the biodiversity net gain plan. The site boundary was subsequently amended by the applicant as requested.
9. Biodiversity Net Gain Officer: has responded as follows:

*"The development proposals suitably achieve at least 10% biodiversity net gain in accordance with the mitigation and biodiversity gain hierarchies. The approach to deliver 10% net gain comprises the planting of fifteen small trees on-site, with target conditions of 'moderate'; this is considered achievable and appropriate. A suitably worded planning condition is recommended to secure the planting of fifteen trees of native species on-site.*

*The planted trees are to be at 'moderate' condition for 10% net gain to be achieved. It is therefore recommended that a Habitat Management and Maintenance Plan (HMMP) is prepared and submitted for approval that demonstrates how the trees will be managed to achieve 'moderate' condition. The HMMP and its implementation to ensure the trees meet the target condition for a minimum of 30 years is to be secured by a suitably worded condition.*

*It is recommended that the decision notice includes an informative to make the applicant aware that the development will be subject to the general biodiversity gain condition and will be required to submit a Biodiversity Gain Plan to discharge the pre-commencement condition."*

10. Tree Officer: has responded to state that there are some high value trees close to the access that could be negatively impacted by the proposal and recommends appropriate tree protection fencing is installed before any construction activity takes place and remains in place throughout the development. This can be secured through a suitable worded planning condition.
11. Lancashire Highway Services (LCC Highway Services): has responded with no objection to the proposal, stating that the formalising of the car park allows for more efficient parking whilst a match and training sessions are being held at the site. They request that all the

construction/ contractor vehicles and materials are accommodated within the site. It is also requested that deliveries are undertaken off the highway. This is to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network. This will be added as an informative note to any grant of planning permission.

12. Heath Charnock Parish Council: has responded with no objection to the proposal, stating it will enhance the sports facilities and improve access for sporting and informal recreation purposes.

## **PLANNING CONSIDERATIONS**

### Principle of development

13. The application site is located wholly within the Green Belt. National guidance on Green Belt is contained in Chapter 13 of the Framework which states:

*“142. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

*143. Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

*152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

*154. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are a number of exceptions to this including the following:*

- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*

14. The proposal would provide a new pavilion and ground maintenance store, and the car park would be resurfaced to support the existing use of the site for cricket and football matches, the same as the existing buildings that are proposed to be replaced. These are therefore considered to be appropriate facilities for outdoor sport and recreation. In order to meet the above exception there are two considerations in respect of the appropriateness of the development in the Green Belt as follows:

1) Will the proposal preserve the openness of the Green Belt?

15. Whilst the test for sites such as this relates to preserving openness it is important to note that the Framework contains no specific definition of ‘openness’. Whether the proposed building, car park and new site access would preserve the openness of the Green Belt is a subjective judgment that is considered further below. Objective criteria could include the

volume of an existing building although it is important to note that the Framework does not include such an allowance or capacity test. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site and it is important to note that merely the presence of an existing building on the application site currently does not justify any new buildings.

16. As noted above, openness is not defined in the Framework but is generally seen to mean freedom from development. It is largely therefore seen as a spatial designation and whilst it is not a landscape designation in terms of landscape impact, there is a visual component to it.
17. The existing buildings consist of two shipping containers, a toilet and shower block, a disused garage and changing rooms. Only one of the shipping containers and the toilet / shower block would be retained and a new pavilion would be erected.
18. It is considered that in respect of the Framework that the existing building has an impact on the openness of the Green Belt. The buildings are partially visible from the highway to the south, although are mostly screened by vegetation although they are highly visible upon entering the site and there is a spatial impact to openness simply because the buildings exist. The table below provides a comparison of the existing and proposed built floor space and volumes at the site as measured by the case officer, although it should be noted that some of the measurements differ to that of the applicant's measurements.

Building	Existing		Proposed	
	Floor space (m <sup>2</sup> )	Volume (m <sup>3</sup> )	Floor space (m <sup>2</sup> )	Volume (m <sup>3</sup> )
Toilet block / shower room <sup>1</sup>	21	78	21	78
Container 1	30	69.12	30	69.12
Changing room	30	70.10	-	-
Disused garage	15	36.30	-	-
Container 2	15	34.56	-	-
New pavilion	-	-	189	641.61
TOTAL	111	288	240	790

19. The table above shows that the proposal would result in a net increase in built floor space of approximately 129m<sup>2</sup> (116%) and in volume of approximately 550m<sup>3</sup> (174%). Given the increase in built floor space and volume, it would be unreasonable to conclude that the proposal would preserve the openness of the Green Belt, although the limited views into the site and the consolidation of the five buildings into three in a tighter cluster of built form would help to reduce the resultant harm.
20. The proposed resurfacing of the car park would be at ground level and would be replacing the existing hardstanding, thus would preserve the openness of the Green Belt.

2) Will the proposal conflict with the purposes of including land in the Green Belt?  
Paragraph 143 of the Framework sets out the five Green Belt purposes, which the scheme is assessed against as below:

*Purpose 1 (to check the unrestricted sprawl of large built-up areas).*

The proposal is not located within or on the edge of a large built up area and so there would be no conflict with this purpose.

*Purpose 2 (to prevent neighbouring towns merging into one another)*

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<sup>1</sup> Converted to ground maintenance store

Development of the site would not lead to the coalescence of neighbouring towns as the proposal is well separated from Chorley and Adlington.

*Purpose 3 (to assist in safeguarding the countryside from encroachment;).*

It is not considered that the proposal would result in encroachment into the countryside as it would not introduce new development to an undeveloped part of the Green Belt or extend the built form of development in this location.

*Purpose 4 (to preserve the setting and special character of historic towns;).*

This does not apply as the site is not located near a historical town.

*Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land).*

It is not considered that the proposal conflicts with this purpose.

21. In light of the greater impact on openness identified above, the proposal is considered to be inappropriate development in the Green Belt for which very special circumstances are required to overcome the definitional harm to the Green Belt and harm to the openness of the Green Belt.
22. The following sections of this report assess whether there is any 'other harm' from the proposal that could not be adequately mitigated through the imposition of planning conditions.
23. Policy HW1 of the Chorley Local Plan 2012 – 2026 states that ancillary development for an existing open space, sport or recreational facility will be permitted if all of the following criteria are met:
  - i. It is in connection with and will enhance the recreational and/or amenity value of the open space.
  - ii. It is of a size and scale which does not detract from the character of the open space.
  - iii. It will not have a detrimental effect on any site of nature conservation value.
  - iv. It does not result in the loss of any other sporting facility on the site.
24. The proposal demonstrably meets the above criteria, as outlined later in this report.

#### Design, amenity and access

25. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that (amongst other things):

*“a) The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials;*

*b) The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing;*

*c) The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;*

*d) The residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction;*

*g) The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses;”*

26. The proposed single-storey pavilion has been sympathetically designed to have a traditional appearance with an artificial stone finish to the walls, powder coated aluminium door and window frames with a powder coated steel roof. There would be a veranda area to

the front of the pavilion, facing the pitches. The remodelled toilet / shower block into a grounds maintenance store would involve minor changes to the external openings of the building and internal alterations. The car park would be resurfaced in gravel as it has become overgrown with vegetation in places. The proposal is of suitable design for the proposed use and is considered to be acceptable in terms of design and appearance.

27. The proposed pavilion would be substantially larger than the existing buildings but would still only be single storey and is well screened from the majority of external views by existing vegetation.
28. The ECB have noted the size of the proposed shower cubicles does not meet their forthcoming guidance. However, this is a multi-sport site and so a balance has to be struck between the differing specifications of the various advisory bodies. With this in mind, it is considered that the proposed facilities are acceptable.
29. The nearest dwellings to the application site are located in excess of 100m to the east, south east and west. In addition, it would be unlikely that the proposal would notably increase the noise and activity at the site compared to the current situation. As such, it is not considered the proposal would give rise to any unacceptable impacts upon residential amenity through noise disturbance.
30. The site access would remain as existing and the parking area would be resurfaced, which is supported by LCC Highway Services who have raised no objection to the proposal. It is not considered that the proposal would give rise to a notable increase in highways movements and the proposed 24 parking spaces are considered to be sufficient. The proposal is considered to be acceptable in terms of parking and highway safety.
31. The proposal is considered to be acceptable in terms of its design, appearance, landscaping, impacts upon residential amenity and safe access. The proposal therefore complies with policy BNE1 of the Local Plan.

#### Flood risk and drainage

32. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
33. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
  1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.
34. The applicant states that foul drainage currently exists on site adjacent the toilet block and it is proposed to connect the new pavilion drainage to the existing foul manhole on site. Surface water drainage from the new pavilion would be connected into the existing surface water drain that runs across the site and it discharges into the adjacent River Yarrow, on the opposite side of the road. The applicant has provided evidence of percolation testing at the site that supports the case for ground infiltration not being feasible. The proposed drainage solution therefore complies with drainage policy and is considered to be acceptable.

#### Ecology

35. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting,

safeguarding and enhancing habitats for European, nationally and locally important species.

36. The Council's ecological advisors have responded with no objection to the proposal and have recommended informative notes for safeguarding protected species.
37. Biodiversity Net Gain (BNG) is required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Under the statutory framework for BNG, subject to some exemptions, every grant of planning permission in England is deemed to have been granted subject to the condition that biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the predevelopment biodiversity value of the onsite habitat. Chorley Borough Council have published a Biodiversity Net Gain (BNG) Policy Statement providing guidance on BNG.

#### *Relevant BNG Regulations*

- The Environment Act 2021 (Commencement No.8 and Transitional Provisions) Regulations 2024
  - The Biodiversity Gain Requirements (Exemptions) Regulations 2024
  - The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024
  - The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024
38. As noted earlier in this report, the Council's Biodiversity Net Gain Officer has reviewed the proposals and is satisfied that at least a 10% net gain will be provided in accordance with the mitigation and biodiversity gain hierarchies, comprising the planting of fifteen small trees on-site. As such, the proposal is considered to be acceptable in this regard.
  39. It is, therefore, not considered that any further assessment is required of the proposed ecological impacts of the proposal and it is considered acceptable in this regard. The proposal is considered to comply with policy BNE9 of the Chorley Local Plan (2012-2016).

#### Green Belt balancing exercise

40. As the proposal represents inappropriate development in the Green Belt, there would have to be very special circumstances to justify the grant of planning permission that would outweigh the harm. It has been demonstrated that there is no 'other harm' and so the benefits of the proposal would have to outweigh the definitional harm to the Green Belt and harm to the openness of the Green Belt, to which substantial weight must be attached.
41. The applicant has put forward a case for the proposal to demonstrate that very special circumstances exist, which includes the following:
  - *"The site of the proposed pavilion is in the corner of the playing field with a backdrop of mature trees. The area of the proposed pavilion is 125m<sup>2</sup>. The area of the existing buildings to be demolished is 63m<sup>2</sup>. The total nett increase in the built form on site is therefore 62m<sup>2</sup> which represents a very small increase in built form in the context of the overall site.*
  - *While compatible with, and supportive of, the existing playing field use of the Sports Ground, the positioning of the proposed pavilion does not obscure or impact on the openness of the site.*
  - *The proposed single storey pitched roof pavilion has been sympathetically designed using materials that reflect those used in the local area: notably reconstituted stone external masonry.*
  - *The proposals do not affect any other area of maintained grass playing field or alter or diminish their use, but rather provide the ancillary facilities that are currently sub-standard supporting these playing pitches.*
  - *The provision of a new changing pavilion constructed to modern standards and to ECB and Football Foundation design criteria is betterment and clearly outweighs the loss of the small section of amenity grassland off playing pitches.*

- *In the context of a wider sporting landscape, this project will support the key objectives of other major national policies, not least ...*
    - *Sport England: Towards an Active Nation (2016-2021).*
    - *Sport England: Playing Fields Policy & Guidance (March 2018).*
    - *The Football Association: The FA National Game Strategy for Participation & Development (2015-2019)."*
42. It is clear that the proposal would result in substantial benefits to the local and wider community in the Borough by introducing a vastly improved public sports facility at this site.
43. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. On the other hand, the Framework aims to increase opportunities for access to outdoor recreation.
44. Policy 24 of the Central Lancashire Core Strategy seeks to ensure that everyone has the opportunity to access good sport, physical activity and recreation facilities.
45. Paragraph 150 of the Framework states that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
46. The material considerations put forward are considered to provide significant weight in favour of the proposal and in terms of the Framework in this case it is considered the social benefits of enhancing publicly accessible sports provision outweighs the environmental dimension of Green Belt harm. In this instance it is considered that very special circumstances exist sufficient to clearly outweigh the harm that would be caused by reason of inappropriateness and harm to the openness of the Green Belt. The proposal is therefore considered to be acceptable.

#### Community Infrastructure Levy

47. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

#### **CONCLUSION**

48. The proposal represents inappropriate development in the Green Belt and is, therefore, harmful by definition. The factors advanced in support of the development amount to very special circumstances that are considered to outweigh the harm to the Green Belt by reason of its inappropriateness and harm to the openness of the Green Belt. The proposal therefore complies with the National Planning Policy Framework with regards to Green Belt policy. There are no other material considerations weighing against the proposal and the application is recommended for approval.

#### **RELEVANT HISTORY OF THE SITE**

**Ref:** 98/00247/FUL **Decision:** PERFPP **Decision Date:** 2 June 1998  
**Description:** Erection of replacement tea room,

**Ref:** 03/00786/CTY **Decision:** PERMIT **Decision Date:** 1 October 2003  
**Description:** To construct a new control kiosk and associated area of hardstanding, a gravel path, retaining wall and temporary construction access,

**Ref:** 5/5/08598 LPA **Decision:** CLO **Decision Date:** 29 March 1972  
**Description:** Temporary Sports Equipment Store



**Ref:** 5/5/06981      **Decision:** CLO      **Decision Date:** 4 November 1969  
**Description:** Hutted Accommodation

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

Suggested Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

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

Title	Plan Ref	Received On
Site Location Plan	205-096-1001 Rev A	3 September 2024
Proposed Site Plan	205-096-1006 Rev A	3 September 2024
Proposed Cricket Pavilion Plans	205-096-1007	6 June 2024
Proposed Cricket Pavilion - Elevations and Section	205-096-1008	6 June 2024
Proposed Toilet Block Remodel	205-096-1011	6 June 2024
Proposed Drainage Layout Plan	205-096-1010	6 June 2024

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

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

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

4. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.

*Reason: To safeguard the trees to be retained.*

5. Foul and surface water shall be drained in accordance with the approved drainage plan, ref. 205-096-1010. The rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertakers prior to connection.

*Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.*

6. Prior to the first use of the approved pavilion building, the existing buildings, other than those identified as 'Toilet and Showers' and 'Container 1' on the approved Site Location Plan ref. 205-096-1001 Rev A, shall be removed from the site.

*Reason: to protect the openness of the Green Belt.*

7. Fifteen native trees shall be planted at the site within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner.

*Reason: in the interests of achieving a 10% net gain in biodiversity at the site.*

8. Prior to the first use of the approved pavilion, a Habitat Management and Maintenance Plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority that demonstrates how the trees will be managed to achieve 'moderate' condition. The HMMP shall demonstrate how the target condition will be met for a minimum of 30 years from the date of tree planting.

*Reason: in the interests of achieving a 10% net gain in biodiversity at the site.*