

**Item 4h**                      **13/00082/FULMAJ**

**Case Officer**                **Caron Taylor**

**Ward**                         **Astley And Buckshaw**

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

**Location**                    **Chorley Rugby Union Chancery Road Euxton ChorleyPR7 1XP**

**Applicant**                    **Mr John Bennett**

**Consultation expiry:** **10 June 2013**

**Application expiry:** **14 June 2013**

**Proposal**

1. Proposed erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities.

**Recommendation**

2. It is recommended that this application is granted planning approval subject to the associated Section 106 Agreement

**Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Housing Development
  - Density
  - Levels
  - Impact on the neighbours
  - Design
  - Open Space
  - Trees and Landscape
  - Ecology
  - Traffic and Transport
  - Contamination and Coal Mines

- Drainage, Sewers and Flood Risk

## Representations

4. Ten letters of objection have been received on the following grounds:

- With the development at Buckshaw and Revolution Park there is already an over provision of housing in this area already creating an increased volume of traffic, particularly on Euxton Lane. This proposed development in Chancery Road will only add to the burden of this already too high volume of traffic;
- There will also obviously be an impact on services including the local hospital, schools etc. The road network in this area cannot support more housing;
- There are already considerable developments in this area leaving little green belt to enjoy leisure activities. A search of Rightmove shows there are currently 379 houses for sale within 1/2 mile of these fields. This suggests there are already plenty of additional housing available within the Euxton area;
- By building on this land this will only add to a deterioration on the natural habit of wildlife in this area and continue the decline of what is still a pleasant area to live in;
- Greenery in the area is disappearing. No-one is looking at the bigger picture here as it seems that we will never be left alone until every scrap of land between Astley Village and Euxton has been used up for housing;
- It is the only Green Area left in the area;
- the Prime Minister talks about the Big Society - if they keep taking away the things that make the Big Society both young and old will be in danger;
- The infrastructure can't cope; just try getting to or from the M61 in the peak hours;
- Ecology - a further survey should be carried out to assess presence of roosting bats as we frequently see bats on the area, i.e. Clematis Close, and evidence of bats has been found on the proposed development site. They have seen both species of woodpecker, amphibians such as frogs and toads, deer, water voles, waterfowl, swifts and many other species. They would not want this biodiversity disrupted by the planned development and investment provided for the protection and encouragement of important species. For example, bat boxes and nesting boxes for swifts and house martins. This should at least include preservation of all trees, hedgerows and wildlife corridors;
- Light pollution from the additional street lighting and astro pitch should be assessed for its impact on wildlife and the area generally. The run off and drainage from the site into Euxton Brook must be considered as this will be impacted during and after the development;
- Safety - Chancery Road has traffic at all times of day and night which rarely complies with the speed limit of 30 mph. The speed limit should be reassessed, speed cameras installed and other traffic calming measures;
- Urban green space for sport, recreation and agriculture are being eroded;
- The brook that runs along the back of our properties already suffers from swelling during rainy periods, the additional run off from the development and the associated tarmacking which will undoubtedly take place will again adversely impact on the community;

A further letter has been received following a re-notification on amended plans on the following grounds:

- There is no need to build more homes on green and open spaces in this area whilst development is still decades off completion on Buckshaw Village;
- Chancery Road is already subject to speeding traffic and the residential development here would add negatively to this;
- They are all for re-developing the Rugby Club and its facilities, so why not expand on that and further develop with other amenities such as a play area and/or small retail premises such as shop/cafe to attract young families?

One representation has been received stating they do not object to the development but they are concerned about it for the following reasons:

- The impact of increased traffic on Chancery Road during the build and after completion, which is already very busy and many drivers do not adhere to the 30mph speed limit;
- The likely negative impact on the wildlife in the area;
- The fact that primary schools in the area are currently up to capacity and unable to cope with demand;
- The potential for three storey houses to be built which are not in keeping with the environment and which could impact negatively on the views and space currently enjoyed by existing residents in the area;
- The current drainage system is not able to cope with the heavy rainfall we experience;
- They would support this development if it is carried out with sensitivity and conserves and enhances the current rugby club facilities for future generations to enjoy, and if the houses are built on the land towards Westway, rather than on the pitch areas adjacent to Chancery Road.

5. Three letters of support have been received on the following grounds:

- A ruin of a club with metal cabins and a road unfit for use strikes them as a project waiting to start that will transform the area into a place of residence and sports area with well needed new equipment, is a far better deal than they already have;
- Extra traffic will be minimal, the build will most likely be the last for many years on Astley Village because no more permission will be granted to take the green areas we have left;
- Mimosa Close residents are complaining about this project but had no objection when their homes were being built which seems hypocritical;
- A brand new sports club is exactly what this area needs. 50 new houses is nothing which represents about 1% of the total houses in this area;
- As they understand, the land on which the proposed development is to take place is private land. As such, claims that it should be used for leisure and enjoyment of the greenery are restricted to walking along the road and enjoying the bushes. Anything else would be trespass and therefore illegal;

- If the development went ahead, it would create a safer environment for members of the community to come together as families and support a local team. As for the argument of it being an eye sore, one should ask themselves whether new houses would be better than a completely unplayable Rugby pitch with rusty posts. It is not exactly as if it is an industrial estate that is being planned, therefore, they support its development and look forward to seeing how it would improve the community.

6. Euxton Parish Council

Objects to this application as it is premature. The public examination of the proposed Local Development Framework document has not been carried out yet.

7. Also, it is wrongly listed as being in Astley Village and Chancery Road is mis-named as Chancery Way.

8. County Cllr Mark Perks raises the following concerns:

- The proposal shows just one entrance to the 50 homes along an internal site linear highway. What are the emergency access arrangement should the sole entrance off Chancery Road be blocked?;
- They cannot find any conditions relating to s106 funding being made for the local community in terms of play space, education places or road infrastructure improvements. What if any will be deemed appropriate?;
- There is mention of gated provision should permission be granted this needs to be a conditioned to remove possible future issues of parking on the residential road should the car parking provision be unable to cope with demand;
- The 12 homes on the development back onto Chancery Road and would create in his opinion an unsuitable appearance facing directly onto the highway into Astley Village and not in keeping with the development opposite. These homes should be built side on rather back onto Chancery Rd thus creating the development of a more open appearance and in keeping with the area of open space;
- There appears to be no conditions or details of what local provision would be made available for community use at the sports facilities especially the use of the floodlit artificial pitch. This is unreasonable and conditions need to state an amount of time allocation to provision being provided outside the rugby club;
- The lack of mitigation measures being in place to lessen the impact to vehicles using Westway as a result of the floodlights;
- There does not appear to be adequate car parking arrangements and as a recent event held at the club any overspill results in double parking along Chancery Road blocking this highway is a risk to the community of Astley Village. He would expect parking restrictions to be implemented along Chancery Road to prevent this occurring;
- A lack of adequate screening and separation between the rugby pitches and proposed homes creates issues that he can address at the planning meeting.

## Consultations

### 9. Sport England

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that is allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

10. Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that:

*“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.”*

*Reason: Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.*

11. They state they have studied the planning application and because it affects playing fields, they have therefore assessed the impact against their following planning policy exceptions:

#### Sport England Policy Summary of Exceptions

- E1 An assessment has demonstrated that there is an excess of playing fields in the catchment and the site has no special significance for sport
- E2 The Development is ancillary to the principal use of the playing field and does not affect the quantity/quality of pitches
- E3 The Development only affects land incapable of forming part of a playing pitch and the would lead to no loss of ability to use/size of playing pitch
- E4 Playing field lost would be replaced, equivalent or better in terms of quantity, quality and accessibility
- E5 The proposed development is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field

12. They estimate the area of playing field lost to the housing development is approximately 2.5 hectares. Given the scale and investment of the proposed rugby development, it is my view that the loss could meet our planning policy exception E5, listed above.

13. Both Sport England and the Rugby Football Union (RFU) have had very positive discussions with the applicants. At the end of May the RFU met with the applicants and a number of issues which were of concern were positively resolved. Indeed there was a commitment from both parties to continue the dialogue post planning to work on developing the game in the Chorley area. Sport England welcomes this on-going commitment from both parties.
14. It is their view that the loss of the golfing facilities is acceptable in this case because of the merits of the proposed rugby development.
15. This being the case, Sport England does not wish to raise an objection to this application, subject to conditions being attached to the decision notice if the application is approved.
16. If the Council decides not to attach the conditions Sport England requests then Sport England lodge a statutory objection to the application and should the Council be minded to approve the application then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Planning Casework Unit.
17. If the Council wish to amend the wording of the conditions or use another mechanism in lieu of the conditions, they ask that these are discussed with them. Sport England does not object to amendments to conditions, provided they achieve the same outcome and they are involved in any amendments.

18. **The Environment Agency**

Have no objection to the application provided a condition requiring a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development to be submitted is attached to any permission. The strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.

19. **Police Architectural Liaison Officer**

States it is crucial that the rugby Club is designed to maximise the opportunity for natural surveillance with appropriate security measures so as to reduce the potential for burglary/criminal damage and anti-social behaviour out of hours.

20. The Design and Access statement incorporates security measures. These are supported, in particular the dwellings have been orientated so as to maximise the opportunity for natural surveillance across the site.
21. It is important that pedestrian access between the two sites is restricted so that resident's quality of life is not affected with noise nuisance and excessive footfall through the housing development. The proposed wall arrangement to split the sites is supported.

Residential Dwellings

22. The rear and side of the properties should be protected with a 1.8m fencing arrangement e.g. close boarded or similar. Horizontal supporting posts should be fitted on the private side so as to avoid creating a climbing aid for potential offenders. Access to the rear of the dwellings should be restricted with a 1.8m lockable gating arrangement so as not to provide open access to the vulnerable rear of the dwellings. The gate should be as flush with the

front of the building line as possible. There are a number of green public open spaces on the plans. It is important that the shrubbery and planting on these spaces is well maintained to no higher than 1m so as not to reduce the opportunity for natural surveillance. The dwellings should be protected from potential criminal activity such as burglary with robust physical security measures including PAS 24 front and back doorsets and laminated glazing in the ground floor windows and doors. Should access be gained into the rear gardens of the dwellings e.g. from Chancery Road this would protect the vulnerable rear of the properties from an offender gaining access into the properties.

### Rugby Club Building

23. The rugby club building should be protected with an intruder alarm system. This should be monitored via an ARC (Alarm Receiving Centre) so that the building is protected outside of operating hours. It is important that access is controlled throughout the building e.g. between public and private space. Access to private areas should be controlled with doorsets that have keypad control or similar so as to restrict access from the bar area, function room, changing rooms etc. to avoid unauthorised entry into private space resulting in criminal activity such as theft. The building should be protected by a CCTV camera system. It is recommended that cameras cover the exterior of the building, including the main front entrance, covered canopy area and the interior of the building e.g. the function room and bar area. This is important so as to discourage the club from being vandalised out of hours or from the area being used as a congregation point for youths which may result in anti-social behaviour or criminal activity. Glazing should be laminated so as to provide greater resistance against attack from potential offenders. This is particularly important as this is a method of operating that has been used previously to gain access to the building. Windows along the front, side and rear elevations should be protected with a roller shutter/grille arrangement or similar e.g. security shield. This is particularly important as this area is afforded minimal natural surveillance when the club is not in use. All external doorsets should be doors of enhanced security tested to PAS 24 security standards.
24. Lighting is important at this site so as to discourage anti-social behaviour and potential criminal activity. Uniformed even lighting levels also help to reduce the fear of crime. The exterior of the building should be well lit with dusk till dawn units and the car and coach Parking Spaces should be lit with a uniformed level of British Standard 5489 lighting columns e.g. halogen white light.

### 25. **Chorley's Strategic Housing**

The developer, Persimmon, is claiming that to provide affordable homes on this site will render the scheme not viable. Evidence to support this will need to be submitted and appraised by Liberata [the Council's property services provider]. The affordable requirement as per current policy is for 30% ,or 15 affordable homes on site, split 70% Social rent and 30% Intermediate sale (shared ownership). In terms of house types they are looking for the following:

#### **Social Rent (11 homes)**

8 x 2bed 4person houses

3 x 3bed 5 person houses

#### **Intermediate sale (4 homes)**

4 x 3bed 5 person houses

26. All affordable homes should be transferred to one Affordable Housing Provider (Housing Association/Registered Provider) who has an existing presence in the borough /area and is a member of the Select Move Choice based lettings scheme e.g. Adactus and New Progress. The developer has also calculated a commuted sum (£714,605) which represents a fairly accurate estimate but the preference is for the affordable homes to be provided on site.
27. **United Utilities**  
Have no objection to the application provided a condition requiring a scheme for the disposal of foul and surface waters to be submitted is attached to any permission.
28. **Lancashire County Council (Highways)**  
Overall, they have no highway objections to the proposed development subject to conditions but make the following comments:
29. The proposed number of parking spaces for both aspects of development seems above the Standard recommended by Policy ST4 of the Chorley Local Plan 2012- 2026 as set out in Appendix D (Parking Standards) and no provision seems to have been made for disabled parking, storage of cycles and motorcycles.
30. They have no objection to the existing vehicle access being used for both clubhouse/rugby club and the residential development, however, as Chancery Road is subject to 30mph speed limit, visibility required in both directions is 2.4m x 43m. It is possible spectators and other pedestrians would use the access on foot to the pitches, therefore, in the interest of safety and convenience, the left hand side of the access (when facing the site) should also be provided a footway in a similar manner to the opposite side extending up to the coach parking space.
31. The applicant has produced a Traffic Statement which seeks to demonstrate that the development does not have a material impact on the operational performance of the local road network. They disagree with the applicant on the traffic generation calculations as the estimated traffic generation and assignments only took into account the residential aspect of the development. Trips to be generated by the clubhouse/rugby club were not considered. Traffic from the proposed development would enter and leave the site from an access directly onto Chancery Road. It would then have to disperse either northwards, most likely in the case of vehicles coming to the clubhouse and rugby events or southwards mostly by residents of the proposed development to visit shops and other local amenities in Astley. To the north, vehicles would further disperse in all three directions at the roundabout, with the greater number heading towards the M61. It is acknowledged in the Traffic Statement that, the A6 Preston Road/B5252 Euxton Lane roundabout currently has capacity issues, especially during peak hours. Any improvement to this junction would require extensive remodelling works, however this cannot be justified as part of this development as the percentage increase in vehicular traffic from the proposed developments would be minimal when compared to the scale of junction improvement required. In the case of the proposed developments, the impact could be mitigated without the need for improvement to junctions. The developer will be required to reduce the impact through implementation of sustainable measures linking the site to the wider highway network to support a reduction in car journeys. The applicant should consider providing pedestrian/cycle links through the residential development to the north of the site to tie in with the existing facility on the section of Chancery Road between the roundabout and Mimosa Close. To the south, pedestrian/cycle link should be provided from the end of the residential development to West Way to a point somewhere opposite Washington Way. If there is any scope to provide

a pedestrian/cycle link to the pitches from West Way, this should be pursued and the four bus stops close to the site should be improved to DDA Standard.

32. They have no concerns regarding the proposed internal site layouts of both the residential and the clubhouse/rugby club. They appear to have been designed to the principles of the Manual for Streets and LCC's Creating Civilised Streets. As this is a full application, the layout should be to LCC Standard for adoption under the Section 38 agreement of the Highways Act 1980. It would appear that adequate measures have been incorporated in the design and layout of the buildings to control vehicle speeds. However, prior to any commencement of the development, the developer will be required to submit a construction phasing plan, including off-site highways works, for approval by the Local Planning Authority in consultation with the Highway Authority.
33. A developer contribution of £124,800 towards improving walking and cycling opportunities to the site to provide a good pedestrian/cycle link to the wider highway network by continuing the footway from Chancery Road which currently ends at the Euxton Road/B5252 West Way roundabout. The footway should be continued from the roundabout towards the south on West Way and ended in line with the most southerly point of the site boundary. Any amount remaining of the contribution should be used towards developing the proposed off road cycle lane in West Way.
- 34.
35. **Chorley's Waste & Contaminated Land Officer**  
Request a condition in relation to ground contamination.
36. **Lancashire County Council (Education)**  
Seek a contribution for 18 primary school places of £213,848, but state there will be sufficient secondary school places available for this scheme taking into account other developments in the area.

### **Applicant's Case**

37. The leisure provision at the site is not 'fit for purpose' due to the lack of ability to invest in, improve upon and expand the facilities. These currently comprise a decaying 15.2 acre site consisting of two distinct areas:
38. Current usable area on site
  - One Grass Pitch (65m X 40m) - needs unaffordable drainage and rectification and repositioning of the playing surface;
  - Golf Range - operates in a difficult economic climate with a similar inability to enhance provision. The operator is licensed to operate the golf range but wishes to vacate the site as without investment and improvement it is no longer economically viable as a commercial entity;
  - Access Road from Chancery Road and Car Park – both need surfacing, surface drainage and lighting installed (none of which can be funded);
  - Clubhouse and two changing rooms – need fundamental, but unaffordable - refurbishment.
  - None of the above has a future as a usable and viable community facility without significant investment.
39. Current unusable area on site
  - One grass pitch (60m X 35m) - not been used for play at all in current season 2012/13 due to damaged drainage and consequent inability to get machines on to mow grass due

to waterlogged and swampy ground. Only used twice for play season 2011/2012 for the same reasons;

40. In the view of the club trustees, committee and members, Chorley Rugby Union Club will cease to exist on the site within 4 years thus losing 15.2 acres of land from the leisure and playing surface facilities in the Borough.
41. At the Chorley RUFC AGM 2012 it was unanimously agreed that Chorley Rugby Union Trust be formed in order to 'firewall' Chorley Rugby Union Club from the responsibility of developing and managing a new facility at the site which would continue to be the home of Chorley RUFC – but under a licence from Chorley Rugby Union Trust who would own and manage the new leisure development at the site.
42. The funding for this development would be acquired from Persimmon Homes building 50 houses on 6.4 acres (42%) of the 15.2 acres with Chorley Rugby Union Trust retaining freehold of the remaining 8.8 acres (58%). This process would facilitate sporting facilities being provided at Brookfields into perpetuity under the control of Chorley Rugby Union Trust as follows:
43. The Proposed New Development Concept of the site:  
Chorley Rugby Union Trust (CRU Trust) was formed, as described above, in 2012 to own and operate the whole site and run the new facilities to be constructed. At the 2012 AGM it was also agreed that arrangements be agreed with the operator of the Golf Driving Range to vacate the site under agreeable terms when it became necessary to commence the development. The AGM was informed that the Golf Range operator was comfortable with this process as his operation was becoming untenable.
44. The CRU Trust will have the residual land transferred to its ownership by Persimmon during the phased development by CRU Trust of 8.8 acres of the original 15.2 acres. The remaining 6.4 acres are proposed as a 50 unit housing development by Persimmon Homes. The receipts from the housing development will fund the Sports, Leisure and Conference and Meetings facilities to be constructed, owned and operated by Chorley Rugby Union Trust. These facilities will be operated as a commercial venture by CRU Trust to generate income to fulfil the objectives of its Trust Deed – "...ensure that Rugby Union continues to be played in the Borough of Chorley..."
45. Specification of the proposed development  
This will consist of:
  - One 'state of the art' 130m X 78m new grass playing surface (74% larger than current CRUFC main pitch);
  - One 4G floodlit artificial surface pitch 100m X 75m (65% larger than current CRUFC main pitch) - FIFA and IRB approved for Premiership level competitive matches in both Football and Rugby. The playing surface will be pre-marked for either a full size rugby pitch or a full size soccer pitch or with alternative use as 3 x 5/7-a-side football pitches (also pre marked). These 3 pitches will be used to operate community 5/7 a-side football leagues from throughout Chorley Borough and Chorley Primary and Secondary schools.
46. Within the development Chorley Rugby Union Trust will provide 73% more general community use playing surfaces/ pitches than the existing situation at the site.
47. Utilising their Development the CRU Trust intends to provide – in addition to the enhanced community playing 'field' provision described above – the following:
  - A Leisure Pavilion containing:-

6 changing rooms each with their own integral showers

Twickenham Bar

Seating for up to 70

Flexible multi use for: -

- Further Education/Training courses
- Conferences Seminar Room
- Community Meeting Room
- Audio Visual/CBT Presentations
- Charity Quiz Nights etc.
- Red Rose Function Room and Bar providing:-

Seating for up to 140 at banquets and receptions, or

Seating for up to 200 at conferences and presentations or

Seminar Rooms x 3 each seating up to 25 for Further Education and Training Courses

A Community activities space for Zumba, Pilates and other community sessions/events;

For all of the above activities – provision of full Audio Visual/CBT presentation and conference capability together with a Sound Limiting installation for all events;

- Function Catering Kitchen comprehensively equipped with the capability to cater for up to 200.
- Licensed Patio and BBQ area for outdoor community events

48. Integral to this development the CRU Trust will also be introducing eco-friendly aspects across the site by, for example, utilising:-

- Solar energy collection for both water heating and electricity generation
- Rainwater Harvesting to reduce mains water usage
- Ground Source Heat Pumps
- Self-Cleaning glass for all windows and roof lights

49. Therefore, the Chorley Rugby Union Trust will provide a community, sporting, leisure, further education and training, conference and meetings hub centrally located between Buckshaw Village, Astley Village and Euxton and Chorley with good transport access by road, rail and bus.

50. All of this will be provided by Chorley Rugby Union Trust with neither the capital costs nor the day to day running costs needing to be met by either local or central government. Together with – in perpetuity – circa 9 acres of sport, leisure and community facilities owned and operated by a Trust specifically committed by its trust deed to providing sporting and leisure facilities in the Borough of Chorley.

51. The Trust is also prepared to facilitate the possibility of the following additional benefits as an adjunct to the development [it should be noted these cannot be controlled through the current planning process]:

- Ten newly created employment opportunities for local candidates.
- The possibility of alleviating the on-going car parking problems at Chorley Hospital. The CRU Trust is prepared to discuss with the local NHS Trust the possible use of the car parking spaces at the development on a contract basis as NHS Staff Car Parking Monday to Friday.
- Provide a sustainable centre on the CRU Trust site for the development of wheelchair Rugby – the first ‘new build’ provision in the North West for this established Paralympic Sport.

- Provide a centre on the CRU Trust site for the development of multi-sport all weather training facilities – a need expressed over the last 2 decades by Chorley Sports Council - but not yet realised.

## Assessment

### Principle of the development

52. The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. It says existing open space, sports and recreational building and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
53. It is considered that the proposal complies with the last bullet point above as the proposal will enhance the sports facilities at the site. Sport England originally objected to the application however following further information and amended plans being submitted by the applicant they have withdrawn their objection (subject to conditions). They consider the proposal is an exception to their policy as it is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field.
54. The site is allocated in the existing Local Plan as within an area of safeguarded land covered by Policy DC3. This policy has been found to be out-of-date in appeal decisions in the Borough so can be given little weight. The site is also covered by Policy LT14 – Protection of Parks and Recreational Open Space.
55. Policy LT14 states:
- Land currently or last used as, or ancillary to, a park, recreation ground, playing field, bowling green, tennis court (except within a residential curtilage), play area and other areas of open space, in private, educational or institutional ownership or available for public use and including those identified on the Proposals Map, unidentified or newly created, will be retained for its recreation and amenity value.*
- Development which involves the loss of any parks, recreation grounds, playing fields, bowling greens, tennis courts (except those within residential curtilages), play areas and other areas of open space, in whole or part, will only be permitted where it will not have a detrimental effect on any site of nature conservation value or historic interest and either:*
- it can be demonstrated that the retention of the site is not required to satisfy a current or future recreational need and there is a clear excess of this type of facility for the catchment and the site has no special significance in the interests of sport; or*
  - an equivalent or enhanced new facility is provided in a convenient location to serve the catchment before the existing facilities cease to be available; or*
  - in the case of proposals to develop part of the facility, the development will not affect land capable of forming, or forming part of, a playing pitch, bowling green or tennis court (outside a residential curtilage) including any safety margin and does not result in the loss of, or inability to make use of any playing pitch, bowling green or tennis court or the loss of any other sporting/ancillary facility on the site.*
56. The proposal is for the redevelopment of the existing rugby club facilities and includes a new clubhouse facility, new grass rugby pitch, new artificial grass pitch and associated

parking. It is considered that the proposal would meet criterion (ii) of the above policy as it would enhance the existing sporting facilities on the site.

57. The emerging Local Plan was submitted in December 2012. The Examination in Public hearings for the emerging Local Plan took place in April/June. It is anticipated that further hearing sessions specifically into the matter of the Gypsy Traveller Accommodation Assessment and Traveller's site allocations will be held in January/February 2014.
58. The Council will proceed with its consultation on the Inspectors proposed main modifications to the Plan. This will begin on 1 July 2013 for an eight week period. Following receipt of the responses to the consultation, the Inspector will issue an interim report on her findings into the soundness of the Plan on all matters other than those relating to Travellers (October). Whilst this will not enable the Council to proceed to final adoption of the Plan until the Travellers issue has been considered, such a document would attract weight in the decision making process.
59. In the emerging Local Plan the site is allocated for mixed use as housing (under policy HS1.9) and as an existing sport and recreational facility under policy HW2. The more advanced the stage of preparation of the emerging plan the greater weight that may be given. The extent to which there are unresolved objection to relevant policies also affect its weight as does the degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework (NPPF).
60. The emerging plan is at a very advanced stage, so can be afforded weight in this respect. There were 141 objections at the Preferred Option stage of the emerging Local Plan to the Rugby Club site mixed use allocation. At Publication stage it received 9 objections. Therefore it cannot be said that policy HS1.9 is non-controversial and the weight that can be given to its proposed allocation is reduced. In terms of consistency with the NPPF, the Council consider the emerging policies on housing are consistent with the NPPF so the emerging Local Plan can be afforded weight in this respect.
61. The emerging Local Plan has a proposed phasing policy (Policy HS2) which states that development will be permitted in order to achieve the general sequence of development as it sets out to deliver the annual rate of supply under Core Strategy Policy 4: Housing Delivery. The site is allocated for the second phase of 2016-2021. Although if permitted the site is likely to be completed prior to this, it is only likely to be slightly before this date, and this is without including any delays that may occur. It is not considered that the proposal will therefore undermine this policy for the duration of the Plan.
62. In terms of playing pitches a Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The existing Rugby Club site is identified in the Action Plan.
63. Taking into account the benefits of the application in terms of improving the facilities of the Rugby Club and the weight the NPPF gives to sporting facilities, on balance the proposal is considered acceptable in terms of the emerging Local Plan and the application is therefore considered acceptable in principle.
64. Sport England has removed their objection and it is considered that it meets their policy exception E5. This is subject to conditions they proposed being imposed on any permission.

They are open to changes to the wording of their conditions providing they are discussed and agreed with them. The applicant has raised issues with the proposed conditions Sport England require as it affects the phasing of the development – the funding of the new rugby facilities are being financed by the housing development. Discussions are on-going between the applicant, Sport England and the Council to try and reach a mutual agreement on conditions. The outcome of these discussions will be reported on the committee addendum.

#### Viability

65. Policy 7 of the adopted Core Strategy requires sites of over 15 dwellings (or 0.5 hectares) in urban areas to provide 30% affordable housing. The application is not proposing any affordable housing but a viability assessment has been submitted with the application, which has been sent to the Council's property services provider for review.
66. Viability is a material planning consideration. Paragraph 205 of the NPPF states that where obligations are being sought, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The response of the Council's property services provider will be reported on the Addendum.

#### Housing Development

67. The proposal includes 50 no. detached two and two-and-a-half (due to rooms in the roof space) houses.

#### Density

68. The proposal results in the equivalent of 19 dwellings per hectare. This is considered acceptable as the density is in keeping with the surrounding residential areas, most notably Mimosa Close and Clematis Close opposite the site on the other side of Chancery Road. The proposal is therefore considered to comply with Policy 5 of the Core Strategy (housing density).

#### Levels

69. The site is relatively flat to look at however there is approximately a 5m difference in levels across the site from Chancery Road down to West Way. However, this is level change takes place very gradually across the site and it is considered that acceptable levels for the houses and Rugby Club building can be achieved through a planning condition.

#### Impact on the neighbours

70. There are no neighbouring properties immediately bounding with the site. The nearest properties are those on the other side of Chancery Road on Mimosa Close and Clematis Close. There will be over 30 m between the windows of the proposed properties and the existing properties and over 18m to the boundaries with these properties. Both these distances exceed the Council's interface guidelines of 21m and 10m respectively.
71. Within the site, the relationship between the properties also comply with the Council's interface guidelines.
72. The proposal is therefore considered acceptable in relation to neighbour amenity.

#### Design

73. The design of the properties are modern detached dwellings with features including front gables, canopies over front doors, integral garages and off road in-curtilage driveways.

Amended plans have been received at the request of the case officer altering the layout of a number of properties that previously backed onto Chancery Way. The property on Plot 1 has been amended so it faces outwards rather than into the site to avoid the views of the rear of a property on what will be a prominent corner at the entrance to the site. The properties on plots 6-8 inclusive have also been amended so that they are side onto Chancery Road rather than back onto it. This will avoid views of the rear of the properties as Mimosa Close is exited. Although plots 2-5 inclusive still back onto Chancery Road, the properties opposite on Clematis Close do also, so it is considered the proposed plots will mirror this layout. Plots 10 and 11 also still back onto Chancery Road, however there are trees on either side of the boundary at this point, so views of them will largely be limited to when they are viewed directly onwards. The site will mainly be viewed in the context of the existing modern properties opposite and their design is therefore considered appropriate and acceptable to the surrounding area in accordance with Core Strategy Policy 17.

### Open Space

74. Policy HS21 of the Local Plan covers Playing Space Requirements on new housing developments. The Council's Planning Policy team have advised the commuted sums that should be payable for the development.
75. In terms of amenity green space Policy HS21 sets a standard of 0.45 hectares per 1000 population. There is currently a surplus of provision in the Astley and Buckshaw ward in relation to this standard and a contribution towards new provision is therefore not required. There are however several areas of amenity green space within the accessibility catchment (800m) that area identified as being of either low quality and/or low value. A contribution towards improving these rather than on-site provision is required of £4,250.
76. In terms of equipped play areas the standard is 0.25 hectares per 1000 population. There is currently a deficit of provision in the ward and a contribution of £21,300 is required from the development.
77. In terms of playing pitches a Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The existing Rugby Club site is identified in the Action Plan. It is considered that as the development involves the improvements of the pitch on-site then a further contribution towards playing pitch improvements is not required.
78. The developer does not propose payments towards amenity green space and equipped play areas due to viability issues which are to be reported on the Addendum. Subject to this being accepted this is considered acceptable on the grounds of the positive weight being given to the upgrading of the existing pitch site. They are however, providing a small area of amenity green space on site.

### Trees and Landscape

79. A tree survey report accompanies the application in accordance with the British Standard. There are a number of mature trees on the site, mainly on the site boundaries, but there are also a number along ditch lines. All existing trees on the site are to be retained apart from one tree (a moderate quality Oak) that is located in the middle of where the new pitch will be situated and so its loss is unavoidable, and a small group of five Ash trees. The Ash trees

are situated close to the boundary with Chancery Road but are categorised as low quality in the tree survey and therefore loss is therefore considered acceptable. Other trees of high or moderate quality on the site have been protected by Tree Preservation Order 5 (Euxton) 2013.

80. A condition requiring a landscaping scheme to be approved and implemented will be applied to any permission to cover new planting at the site.

#### Ecology

81. An Ecological Assessment accompanies the application. As a sports ground the site is short mown grassland and therefore is likely to have limited value for wildlife. The features of the site important to wildlife are mainly located along the boundaries of the site and include the existing trees and hedgerows and scrub. These are to be retained within the development. Subject to conditions regarding tree protection during construction and works outside the bird breeding season unless surveys have been done the proposal is considered acceptable in this respect.
82. The existing clubhouse is to be demolished as part of the proposal. The ecology survey accompanying the application recommends further bar surveys to be undertaken to ascertain the presence/absence of roosting bats and inform mitigation measures if roosting bats are confirmed. The applicant has been asked for this information (as these can be undertaken mid-May – August) as the presence/absence of bats and any necessary method statement needs to be produced prior to determination of the application. This will be updated on the addendum.

#### Traffic and Transport

83. The site will be accessed from the existing, but upgraded access point to the Rugby Club from Chancery Way.
84. 103 marked parking spaces are provided for the Rugby Club. The Council's parking standards do not give clear guidance on the number of spaces for playing pitches, however the number of spaces has been based on the number of visitor vehicles attending current matches with additional provision. The Council would not wish to encourage parking on Chancery Way and so an additional 29 space grasscrete overspill car park has been added to the southwest of the clubhouse building at the request of the case officer. The number of coach parking spaces adjacent to the entrance has also been increased from 1 to 2. The parking provision for the Rugby Club is therefore considered acceptable.
85. As requested by LCC Highways the left hand side of the access into the site has been provided with a footway extending up to the coach parking space.
86. In terms of parking for the residential part of the site, the Council's parking standards are two spaces for three bed properties and three spaces for properties with four or more bedrooms. The three bed properties on the development have two off road parking spaces and the four bed properties without integral garages benefit from three off road spaces in line with this. However, some of four bed properties fall short of the three spaces guideline as their integral garages do not meet the internal size dimensions to be counted as a parking space. The case officer has discussed this with the applicant and in this case the proposal is considered acceptable. There is some scope for on-street parking in the development notably at those properties near the access point (plots 2-5) as there are no properties opposite. In addition six visitor spaces have been added adjacent to the amenity

open space. With these being secured the proposal is considered acceptable in terms of parking.

87. Floodlighting is proposed to the artificial pitch. A LUX level plan has been provided with the application showing the light spillage and this is considered acceptable in relation to surrounding roads, notably West Way.

#### Contamination and Coal Mines

88. The site is in a low risk area in terms of former coal mining and therefore an informative note will be added to any permission as required by the Coal Authority
89. A condition is proposed in relation to land contamination requiring a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures to be agreed.
90. The proposal is therefore considered acceptable in relation to these aspects.

#### Drainage, Sewers and Flood Risk

91. United Utilities and the Environment Agency do not object to the proposal. Their suggested conditions are proposed requiring details of surface and foul water drainage to be agreed with the Council.
92. The site is not within Flood Zone 2 or 3 as identified by the Environment Agency, however as the site is over 1 hectare the application is accompanied by a Flood Risk Assessment. This has been reviewed by the Environment Agency and they do not object subject to a condition being applied to any permission requiring a surface water drainage scheme to demonstrate run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Subject to these conditions the proposal is considered acceptable in terms of drainage and flooding.

#### Section 106 Agreement

93. The applicant has agreed to the education payment of £213,848 requested by LCC Education towards primary school plans and this will be secured by a Section 106 agreement to be spent within the area of the development.
94. Given the viability issues on the site it is not possible to pay the highways contribution of £124,800. Any contributions (obligations) must meet the three tests as set out in the Community Infrastructure Levy Regulations 2010 (as amended). One of these tests is that the obligation must be necessary to make the development acceptable in planning terms, however it is not considered that the development is unacceptable without this obligation and so therefore it would not meet this test and cannot be required by the Council.

#### Other Issues

95. It is noted that Cllr Perks queries the single access point to the site. However, there is no requirement for residential schemes to have more than one access point and Lancashire County Council Highways have not raised this as an issue. Many residential areas in the Borough have single access points and it is not considered the scheme could be refused on these grounds.

96. The Council cannot secure parking restrictions on Chancery Road through the planning process as these are subject to separate Traffic Regulation Orders that are subject to their own consultation process.

#### Community Use

97. The application submission details the level of facilities to be provided and that this will be available for community use (see applicant's case). Representations have been received asking the Council to condition that the facilities are available for community use for a set time allocation. However, it is not considered that this could be controlled via a condition in practical terms and there are no such planning conditions on the current facilities. The Rugby Club have every intention of the facilities being available for the community and it will generate income for them.

#### Code Level

98. The viability assessment includes the costs associated with achieving Level 4 of the Code for Sustainable Homes as required by Policy 27 of the Core Strategy. This also requires a 15% reduction in carbon emissions of predicted energy use through decentralised, renewables or low carbon energy sources or through additional building fabric insulation measures. Due to viability issues the applicants are only proposing to meet Code Level 3 but they are proposing a 21% reduction in carbon emissions. Viability is an issue in terms of policy and this is therefore acceptable. Code Level 3 and the carbon reduction will be secured by conditions.

#### **Overall Conclusion**

99. The proposal is considered acceptable. Although there are some viability issues (which will be updated on the Addendum) with the site affecting affordable housing and commuted sum payments it is considered that significant weight can be given to the upgrading of the Rugby Club facilities securing its future that outweigh these issues. The application is therefore recommended for approval subject to a Section 106 agreement securing a contribution to primary school places.
100. This is subject to conditions being agreed with Sport England and the presence/absence of bats being established along with any necessary mitigation measures being provided. Both of these will be reported on the Addendum.

#### **Other Matters**

##### **Planning Policies**

##### National Planning Policies:

The National Planning Policy Framework (NPPF)

##### Adopted Chorley Borough Local Plan Review

Policies: DC3, LT14, HS21

##### Central Lancashire Joint Core Strategy

Policies 1, 5, 17, 27

##### Emerging Local Plan

Policies HS1.9, HS2

#### **Planning History**

The site history of the site is as follows:  
93/00081/FUL Permitted 30 March 1993

Use of land for car boot sales of 100 pitches Sundays 4.4.93 to 10.10.93 and Saturdays 1.5.93 to 25.9.93 inclusive for a period of one year  
92/00540/FUL Permitted 1 September 1992  
Modification of condition no 3 on 9/91/572 to amend hours of opening to 10.00am to 4.00pm instead of 2.00pm to 8.00pm  
92/00352/FUL Permitted 9 June 1992  
Use of land for Sunday market and other events  
91/00572/FULMAJ Permitted 18 February 1992  
Use of land for car boot/market on Thursdays  
89/00634/ADV Permitted 20 September 1989  
Display of internally illuminated signs on building and access  
89/00067/FUL Permitted 27 February 1989  
Alterations and provision of external boiler house  
88/00228/FULMAJ Application withdrawn 16 May 1988  
Use of land for general market to operate on Saturdays commencing 7/5/88  
88/00679/FUL Permitted 18 October 1988  
Use of land as a Golf Driving Range  
85/00179/ADV Permitted 2 April 1985  
Display of illuminated signs across gable of club house  
81/00934/FUL Permitted 1 December 1981  
Club House  
80/00892/FUL Permitted 20 October 1980  
Use of land for recreational purposes (rugby pitches, car parking, changing pavilion, and new access to Chancery Road)  
79/00453/FUL Application withdrawn 11 November 1111  
Use of land for recreational purposes (Rugby Club) including rugby pitches, changing room/pavilion, car parking and new access (Outline)  
79/00452/FUL Application withdrawn 11 November 1111  
Land for Recreational Purposes (Rugby Club)

**Recommendation: Permit (Subject to Legal Agreement)  
Conditions**

- 1. The floodlights hereby permitted shall not be used before 14:00 or after 21:00 on any day of the week.**  
*Reason: In the interests of the amenities of neighbouring properties and in accordance with EP21A of the Adopted Chorley Borough Local Plan Review.*
- 2. Prior to the commencement of the development a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 21% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level rating.**  
*Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Central Lancashire Joint Core Strategy.*

3. 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.*

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

| Title                               | Drawing Reference  | Received date   |
|-------------------------------------|--------------------|-----------------|
| 1.8m high brick screen wall detail  | SDW08 SDW08A       | 7 June 2013     |
| 2.1m high timber acoustic fence     | ACOFEN08           | 7 June 2013     |
| Planning Layout                     | JB/CRC/PL1 Rev B   | 7 June 2013     |
| 1.8m high timber screen fence       | SDF05              | 7 June 2013     |
| External Floodlighting Chorley RUFC | UK58788/2          | 20 May 2013     |
| Sports Pack: HL250 15m Lighting     |                    | 20 May 2013     |
| Leisure Pavilion Sections           | CRUFC/LP/P14 Rev A | 17 May 2013     |
| Leisure Pavilion Elevations         | CRUFC/LP/P13 Rev A | 17 May 2013     |
| Leisure Pavilion Plans              | CRUFC/LP/P12 Rev B | 28 June 2013    |
| Plans and Elevations                | CONS-01            | 30 January 2013 |
| Location Plan                       | CRC/LP1            | 30 January 2013 |
| The Hatfield                        | HAT                | 30 January 2013 |
| The Roseberry                       | ROS                | 30 January 2013 |
| The Cranthorne                      | CRA                | 30 January 2013 |
| The Cherryburn                      | CHR                | 30 January 2013 |
| The Winster                         | WIN                | 30 January 2013 |
| The Barrington                      | BAR                | 30 January 2013 |
| They Newby                          | NEW                | 30 January 2013 |

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

5. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy 17 of the Central Lancashire Joint Core Strategy.*

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

***Reason: To ensure provision of adequate off-street parking facilities within the site and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review and Policy ST4 of the emerging Local Plan.***

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

***Reason: To ensure provision of adequate off-street parking facilities within the site in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review and Policy ST4 of the emerging Local Plan.***

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

***Reason: To safeguard the amenities of the area and to minimise the possibility of inconvenience to nearby residents and in accordance with Policy EP21A of the Adopted Chorley Borough Local Plan Review.***

9. A scheme for the soft and hard landscaping of the development shall be submitted prior to the commencement of the development. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped (including details); and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

***Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design and in accordance with Policy 17 of the Central Lancashire Joint Core Strategy.***

10. The external facing materials, detailed in the Materials Schedule (Ref: May 2013 – CRC-MS-01), shall be used and no others substituted.

***Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy 17 of the Central Lancashire Joint Core Strategy.***

11. Prior to the commencement of any development, plans and particulars showing a scheme of foul and surface water drainage, shall be submitted to, and approved in writing by, the Local Planning Authority.

The surface water drainage scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The drainage strategy should demonstrate the surface water run-off

generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The foul and surface water drainage schemes shall subsequently be implemented in accordance with the approved details before the development is completed.

*Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding and in accordance with and in accordance with Policy 17 of the Central Lancashire Joint Core Strategy.*

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

*Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards and inconvenience caused by on-street parking and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review and Policy ST4 of the Emerging Local Plan.*

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

*Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials which may create a potential hazard to road users and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

14. No site clearance, site preparation or development work shall take place until details of parking for contractors and visitors to the site throughout the construction of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall then only be carried out in accordance with the approved details.

*Reason: To ensure there is sufficient parking provided within the site and to discourage parking on Chancery Road to the inconvenience of surrounding residents and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

15. The club house/pavilion building hereby permitted shall be restricted to the hours 08:00 to 23.00 Monday to Thursday; 08.00 to 00.00 (midnight) Saturday; and 08:00 to 23:00 on Sundays.

*Reason: To safeguard the amenities of local residents and in accordance with Policy EP20 of the Adopted Chorley Local Plan Review.*

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

*Reason: The conservatories would be classed as the 'original dwelling' for Permitted Development purposes and therefore to protect the amenity of adjoining properties and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*

17. Prior to the Natural Grass Rugby Pitch (identified as per the approved site layout plan) hereby permitted being brought into use, full details of the alignment, height and appearance of the ball protection netting shown on the approved plans (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority and then erected in accordance with the approved details. The ball protection netting shall thereafter be retained in accordance with the approved details at all times.  
*Reason: To prevent balls entering the housing element of the scheme and to protect the amenities of occupiers of the residential properties in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.*
18. Due to the scale of the development and proposed sensitive end-use the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.  
The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.  
The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.  
*Reason: Please note it is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework).*
23. The land shown on the approved plan for amenity open space shall be provided before occupation of the 40<sup>th</sup> dwelling and shall be retained for this and no other purpose in the future.  
*Reason: To enhance the environment created by the new development and in accordance with Policy HS21 of the Adopted Chorley Borough Local Plan Review.*
24. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.  
*Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents and in accordance with Policy 17 of the Central Lancashire Joint Core Strategy.*
25. The dwellings hereby permitted shall meet Code Level 3 of the Code for Sustainable Homes. Prior to the commencement of the development a 'Design Stage' assessment and related certification shall be submitted to the Local Planning Authority showing it will meet Code Level 3. No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the Code Level 3 has been issued by a Code for Sustainable Homes Assessor. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.

***Reason: Weight has been given to the viability assessment submitted with the application. In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Central Lancashire Joint Core Strategy.***

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

***Reason: To ensure adequate on site provision for cycle parking and in accordance with policy TR4 of the Adopted Chorley Borough Local Plan Review.***

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

***Reason: To protect Protected Species and in accordance with the NPPF.***