

APPLICATION REPORT – 17/00038/FULMAJ

Validation Date: 13 January 2017

Ward: Astley And Buckshaw

Type of Application: Major Full Planning

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

Location: Chorley Rugby Union Club Chancery Road Astley Village Chorley PR7 1XP

Case Officer: Caron Taylor

Applicant: Mr Chris Gowlett

Agent: N/A

Consultation expiry: 15 February 2017

Decision due by: 14 April 2017

RECOMMENDATION

That the application is approved and the condition is therefore varied.

SITE DESCRIPTION AND BACKGROUND

1. The application site is the grounds of Chorley Rugby Union Club.
2. Planning permission was originally granted on the site in 2013 for the erection of 50 residential dwellings and the redevelopment of the existing rugby club and associated facilities (ref: 13/00082/FULMAJ). It was intended at that time that Persimmon Homes Homes, who were to build the houses, would build the new rugby facilities on behalf of the Rugby Club Trustees.
3. Following this approval the Rugby Club Trustees decided to procure and manage the build of the new rugby facilities themselves. They applied for and received a further planning permission (ref: 14/00429/FULMAJ) for an enhanced two-storey clubhouse building and to make alterations to the parking.
4. A further application to re-plan the layout of 14 of the dwellings was submitted by Persimmon Homes Homes following the discovery that a water main crossing the site was not in exactly the same location as had been advised to Persimmon Homes Homes which affected the siting of some of the properties. This was permitted under 15/00577/FULMAJ.

5. The acceptability of the principle of the development of the site has already been established and it is now under construction. This report will, therefore, consider the acceptability of varying condition 26.

RELEVANT HISTORY OF THE SITE

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

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

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

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

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

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

REPRESENTATIONS

6. None received.

CONSULTATIONS

7. None received.

PLANNING CONSIDERATIONS

8. The current application has been made due to issues that have arisen during the construction of the new rugby facilities. The Rugby Club Trustees were to procure and manage the building of the rugby facilities themselves and appointed a construction management company to manage the build on their behalf. As Persimmon Homes were no longer building the facilities on behalf of the Trustees this was to be funded by Persimmon Homes making payments in line with agreed milestones in the build process. To date these payments have been made by Persimmon Homes as agreed, however the construction management company appointed by the Rugby Club Trustees, due to various issues they have had with them, are no longer involved with the project and there is a funding shortfall for the rest of the build. As a result building work has currently stopped on the enhanced rugby facilities.
9. The planning permission for the whole scheme restricts the number of houses that can be legally completed (through condition 26) in line with the progress of the new rugby facilities. Condition 26 allows 30 houses to be legally completed prior to the construction of the clubhouse and car park (including coach parking) and 40 units to be legally completed prior to its completion.
10. As the rugby club build has currently stopped, this prevents Persimmon Homes from completing any more properties, which they have buyers waiting for, but also prevents any more funding being released to the Rugby Club Trustees, as the funding is linked to house sales, to allow them to continue with the build of the rugby facilities.
11. As a result this application is made by Persimmon Homes to vary condition 26 to allow 40 legal completions prior to construction of the clubhouse building, car park and coach parking and 47 homes prior to its completion. This will allow Persimmon Homes to build further housing on the site, but also allow them to release further funding to allow the construction of the clubhouse etc. to continue.

12. It should be noted that Persimmon Homes have the option as part of the contract they have with the Rugby Club Trustees (outside the planning process), that if the rugby club do not build out their facilities in line with the agreed milestones (therefore limiting the number of homes Persimmon Homes can build on the site), Persimmon Homes can step-in and take over and finish the rugby club build themselves. This would however only be the scaled back facilities (a single storey clubhouse) as originally approved when it was envisaged Persimmon Homes would build it on behalf of the trustees. The site is now at a stage where due to the inactivity on the building of the rugby club facilities this 'step-in' could take place so Persimmon Homes could take over the build. They are however reluctant to do this as it would result in much more scaled back facilities than the rugby club are hoping for and they advise they would prefer to work with the Rugby Club and their associates to try and deliver the enhanced facilities they desire.
13. Persimmon Homes advise that if this application is approved so condition 26 is varied to allow them to build more houses before more rugby facilities are built, it will allow the Rugby Club Trustees, Persimmon Homes and the Council to work out the best way forward to complete the rugby club development.
14. It should be noted that condition 26 was imposed on the original permission for the protection of the rugby club, as the housing was only allowed on the site as a form of enabling development to finance the new facilities for the rugby club. The condition was to ensure that the rugby facilities were completed and that a situation could not arise whereby the houses were built without them being provided.
15. Members should be aware that if more houses are allowed to be built, there is some risk that the rugby facilities will not be completed if they are not built at the same time. This situation has however not come about due the fault of Persimmon Homes but rather due to the issues the Rugby Club Trustees have had with their construction management company which they have now parted company with. Varying the conditions will allow more funds to be released by Persimmon Homes to the Rugby Club Trustees but it should be noted that there will still be a funding shortfall to build out the enhanced two-storey rugby club facilities due to the issues they have had with the construction management company.
16. The rugby club is currently trying to explore alternative options to plug the funding shortfall to enable them to complete the enhanced facilities. The enhanced facilities are in turn hoped to support the further wider strategic aspirations of the Council to form a larger community sports facility incorporating the existing adjacent football fields on West Way owned by the Council.
17. If a solution is not found by the Rugby Club Trustees, Persimmon Homes could still step-in and complete the build to the lower specification originally envisaged.
18. There is an element of risk in approving the application, however the situation has arisen due to problems the rugby club have had with their construction management company. Varying the condition will allow Persimmon Homes to build more houses on the site for which they have waiting buyers and as a result release further finance to the Rugby Club Trustees. Although there will still be a financial shortfall to build the enhanced rugby club facilities, it will allow time to explore the options available. The risk is a factor to be taken into account but this has to be balanced against the fact that it is in Persimmon Homes' interest to see the site developed with rugby facilities as they have made commitments to recent purchasers of their properties on the site who bought properties on the understanding that these would be provided.

CONCLUSION

19. The situation that has occurred on the site with the rugby club is not ideal, however this application seeks to vary a condition that will hopefully lead to a way forward being established. There is a risk to allowing the condition to be varied but this has to be considered in the context of the interests that Persimmon Homes has on the site and commitments it has made to purchasers of its properties on the site.

20. The Council's aim is to transform the Westway playing fields immediately to the north of the site which, along with the rugby Club site, will form a sports campus for local people. The enhanced rugby club facilities will aid this and is a corporate priority.

21. It is, therefore, considered that on balance, the condition should be varied as applied for.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

22. If approved, this application would not be CIL Liable as it is an application to vary condition 26 of planning app 14/00429/FULMAJ, which in itself was also a Section 73 application to the original planning permission which pre-dates CIL. This variation of condition changes the original approval for the redevelopment of the existing rugby club and facilities between occupation of the 30th and 40th dwellings to between the 40th and 47th dwellings only, there is no change in floorspace to any of the dwellings or the rugby club buildings.

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

To follow.