

## **APPLICATION REPORT – 23/00530/OUTMAJ**

**Validation Date: 22 June 2023**

**Ward: Euxton**

**Type of Application: Major Outline Planning**

**Proposal: Outline application for the erection of up to 16 no. dwellings, with all matters reserved except for access**

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

**Case Officer: Mr Iain Crossland**

**Applicant: Mr G Brown Chorley Community Trust**

**Agent: Mr Richard Elliott MacMarshalls Ltd**

**Consultation expiry: 16 August 2023**

**Decision due by: 20 December 2023**

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### **RECOMMENDATION**

1. It is recommended that outline planning permission be approved subject to conditions and a section 106 agreement.

### **SITE DESCRIPTION**

2. The application site comprises an open area of grassland that has previously been used as part of a golf driving range. There is a band of protected trees to with west of the site adjacent to West Way, whilst there are individual protected trees to the northern and eastern boundaries. The land is currently unused and the context of the site has altered significantly since it was last used as a golf driving range in response to a series of planning applications for the redevelopment of rugby club site to provide a new club houses, pitches and associated facilities enabled through the development of 50 dwellings.
3. The development progressed and the dwellings were developed, however, the scheme was amended most recently through planning permission 18/00108/FULMAJ, which reduced the size of the artificial grass pitch and left an area of land that was no longer specified for any specific purpose and is now the subject of this application.
4. The residential development occupies the northern portion of the wider site and comprises detached dwellings of a modern design. The rugby club facilities occupy the southern portion of the site and currently comprise a clubhouse with parking area and a grass pitch. Both elements are accessed from Chancery Road. The application site is positioned between the rugby club facilities and residential development and lies to the west of the wider site, adjacent to West Way.
5. The site is located in the core settlement area of Chorley and is allocated for Housing under policy HS1.9 and sport and recreational facilities under policy HW2 of the Chorley Local Plan 2012-2026.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

6. This application seeks outline planning permission for the erection of up to 16 no. dwellings, with all matters reserved except for access. It is proposed that vehicular access is taken from West Way to the west of the site, whilst it is proposed that a pedestrian and cycle link would provide access to Chancery Fields and Chancery Road to the east.

## **REPRESENTATIONS**

7. Representations in objection have been provided from 22 addresses, all of whom are residents of the recent housing development at Chancery Fields. These raise the following issues:
  - Loss of privacy to residents
  - Noise and disturbance during construction
  - Impact on highway safety and capacity
  - This build is purely based on money / financial gain
  - The rugby club site is in poor condition
  - Lack of detail in relations to dwellings, the footpath, fencing, lighting
  - The development would be too high density
  - The proposed path could result in increase crime and antisocial behaviour.
  - No capacity in the area for more dwellings
  - Loss of wildlife and trees.
  - The site should be left as a green space
  - Drainage impacts
  - There are parking issues associated with the existing rugby club site that need to be addressed.
  - Anti social behaviour from the Rugby Club site

## **CONSULTATIONS**

8. Euxton Parish Council: No comments have been received.
9. Greater Manchester Ecology Unit: Have no objections. A Biodiversity Net Gain Assessment should be provided to demonstrate that the development can achieve a net gain in local biodiversity.
10. Lancashire County Council Highway Services: Do not have any objections and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
11. Waste & Contaminated Land: Due to the limited level of ground investigation carried out at the application site it is recommended that further ground investigations are required by condition.
12. Lead Local Flood Authority: No objection subject to conditions.
13. Sport England: Object to the application because it is not considered to accord with any of the Policy Exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF.
14. United Utilities: No objection subject to conditions.
15. Lancashire County Council (Education): An education contribution is not required at this stage in regards to this development.

## PLANNING CONSIDERATIONS

### Principle of development

16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
17. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
18. The proposal is in Chorley Town, which Core Strategy Policy 1 defines as a Key Service Centre, where growth and investment, including housing growth, should be concentrated.
19. The proposal is located within the settlement area of Chorley, as defined by policy V2 of the Local Plan. Within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within this Plan.
20. The proposal is located within Local Plan housing allocation ref. HS1.9 Chancery Way/West Way, which is also identified as land for sport and recreational facilities under policy HW2. Whilst there is no masterplan for the development of the site or indication of how the site should be divided between the uses it is noted that HS1.9 was allocated in the Chorley Local Plan 2012 – 2026 for 50 dwellings. A total of 50 dwellings have been built on the allocation and the site is identified as 'complete' in the Council's annual Housing Monitoring Report, having been completed during the 2017/18 monitoring period. The total site area provided for housing through the Local plan policy HS1.9 was 1.9ha, which has been exceeded through the delivery of the 50 dwellings.
21. The application site had planning permission for an artificial grass pitch (AGP) as part of planning application ref:13/00082/FULMAJ, which was varied by S73 application ref:14/00429/FULMAJ. The AGP was never built and a subsequent application, ref:18/00108/FULMJ, was permitted, which reduced the size of the AGP and relocated it further to the south of the site. This was in response to the physical constraint provided by the presence of a high pressure water main and easement, which would have divided the AGP in two. In addition to this the development had resulted in a funding deficit for the Rugby Club and the development had stalled, therefore, the reduced scale of AGP and revised facilities were sought on the basis that this would enable the development to achieve practical completion to point at which it would be usable.
22. This alteration to the development resulted in an area of land, between the approved AGP and the dwellings that had been built to the north, with no identified purpose. This land is the subject of the current application.
23. The application site was last used as part of a golf driving range, which falls within the category of outdoor sport and recreation. The amount of residential development anticipated by policy HS1.9 has been delivered, and the land remains as a surplus part of the rugby club redevelopment land. As the site is allocated under policy HW2 – Existing Sport & Recreational Facilities, then any redevelopment of the site must be considered against this policy. Policy HW2 of the Local Plan seeks to protect land currently or last used as open space unless alternative provision is made under criterion a) or all of criteria b) to e) are satisfied. The proposal is therefore assessed against these criteria as set out below.
  - a) *Alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available; or*
24. No alternative facilities have been proposed.
  - b) *It can be demonstrated that the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility; and*

25. The site is an existing sport and recreational facility. Outdoor sports facilities and playing pitches are assessed through the Central Lancashire Playing Pitch Assessment Strategy, which does not identify deficiencies on a settlement or ward basis as it is not considered appropriate. It assesses provision on a Borough basis and identifies that there is a deficit of provision in all three Boroughs. The level of deficit identified for each Borough does not necessarily equate to new provision being required and can be addressed through improvements to existing playing pitches.
26. The Central Lancashire Strategy & Action Plan builds on the Assessment Report to provide a framework for the maintenance and improvement of existing outdoor sports pitches and ancillary facilities. It identifies that rugby union senior pitches in Chorley are at capacity and mini pitches are at capacity.
27. The Chorley Open Space Sports and Recreation Strategy 2020 - 2026 states that 'The existing position for all pitch sports is, either demand is currently being met, or there is a shortfall.' Chorley Rugby Union Club is identified in the Strategy under 'what we need to do' with a strategy to 're-establish two senior grass rugby union pitches with appropriate ancillary provision'.
28. Although the development of the site would technically contribute to the existing deficit the loss of this specific site within the wider context of the redevelopment at the rugby club is unlikely to result in a deficit in rugby union provision because planning permission has already been granted for rugby facilities within the wider Rugby Club site, which does not include the application site and which would be unaffected by the proposal to build 16 dwellings. The applicant states that the land comprising the application site is surplus to the requirements of Chorley Community Trust in this respect, and is also not the correct size and shape for a playing field, and that the site is fallow at present and will continue to be so as it has no purpose and no long term reasonable prospect of this land ever being used for sports.

*c) The site is not identified as being of high quality and/or high value in the Open Space Study; and*

29. This site was not included in the open space study as it is a playing pitch.

*d) It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area;*

30. The applicant states that the application site is surplus to the requirements of Chorley Community Trust and is also not the correct size and shape for a playing field. Whilst the application site formed part of the original full size AGP, a smaller AGP has since been granted permission under 18/00108/FULMAJ and the application site is no longer required for the purpose of delivering a full size AGP.

*e) The site does not make a significant contribution to the character of an area in terms of visual amenity.*

31. The site is an open grassed area and is not visually prominent from public vantage points. Other than the trees to the periphery the site is somewhat featureless, and it is considered that the trees would be capable of being retained and protected as part of any future development, other than in the position of the proposed access. On this basis it is not considered that the site makes a significant contribution to the character of the area in terms of visual amenity.
32. Based upon the above it is considered that the proposal meets the necessary criteria of policy HW2.
33. Although the development is considered to comply with policy HW2 in terms of the release of land that is defined as existing sport and recreational facilities in the Chorley Local Plan

2012 – 2026 it is noted that Sport England objects to the application because it does not consider the development to accord with any of the Policy Exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF.

34. Sport England applies its policy to any land in use as playing field or last used as playing field and which remains undeveloped, irrespective of whether that use ceased more than five years ago. They consider that lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality, as such land can retain the potential to provide playing pitches to meet current or future needs. It should also be noted that the playing field does not have to be available for community use to fall within the definition of playing field. Neither the DMPO, NPPF or Sport England Policy make any distinction between private and publicly owned or used nor is there a positive obligation (under planning law) for any playing field to be actively used as such. Both policies are applied by Sport England equally, irrespective of the ownership.
35. Sport England note that the supporting information again suggests that the applicant, Chorley Community Trust requires the proposed residential development to help facilitate works to the pavilion building, car park and playing field. As previously explained, Sport England does not accept enabling development as a justification for the loss of playing field. Enabling development is not an exception set out in paragraph 99 of the National Planning Policy Framework or Sport England's Playing Fields Policy. Therefore, the financial situation of the Trust is not one Sport England considers in the assessment of planning applications as it is not a planning matter and falls outside of our remit.
36. As set out in the assessment above the site was previously part of a golf driving range, which falls within the category of outdoor sport and recreation, and was the last use of the land. The use of the land has since ceased and planning permission granted for the redevelopment of the rugby club facilities, which has left the application site as surplus to this development. Given the last use as part of the driving range it is considered that the lawful use under class F.2 of Town and Country Planning (Use Classes) Order 1987 (as amended) is for outdoor sport or recreation. As such the site could be used for a range of different activities, not only playing pitches, and can therefore be assessed against the provisions of the development plan under policy HW2 of the Chorley Local Plan 2012-2026 as set out above.

#### Other material considerations

37. The National Planning Policy Framework (the Framework) is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). There are three objectives to sustainable development set out at paragraph 8 and it is fundamental that development strikes the correct balance between:
  1. Environmental - the protection of our natural, built and historic environment
  2. Economic - the contribution to building a strong and competitive economy
  3. Social - supporting strong, vibrant and healthy communities
38. Paragraph 10 of the Framework states that; so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
39. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development and states that for decision-taking this means:
  - c) approving development proposals that accord with an up-to-date development plan without delay; or

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [subject to footnote 7], granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
40. Footnote 7 sets out that this includes for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
41. It is therefore necessary to establish whether Chorley has a five year housing land supply (5YHLS) or not to determine whether Paragraph 11(d) of the NPPF is engaged or not (commonly referred to as the 'tilted balance'). When engaged, the tilted balance changes the 'balancing exercise' which the Council must undertake in deciding whether or not to grant planning permission; from a neutral balance where if the harms outweigh the benefits planning permission is usually withheld, to a tilted balance where the harm should significantly and demonstrably outweigh the benefits for permission to be withheld. The tilted balance therefore increases the prospect of planning permission being granted because it 'tilts' the balance in favour of approving an application.
42. At 1st April 2022 there was a total supply of 1,890 (net) deliverable dwellings which is a 3.3 year deliverable housing supply over the period 2022 – 2027 based on the annual housing requirement of 569 dwellings which includes a 5% buffer.
43. Recent appeal decisions concluded that it is appropriate to calculate the housing requirement against local housing need using the standard method, as such the Council can no longer demonstrate a 5-year supply of housing land meaning that the tilted balance, and presumption in favour of sustainable development is, therefore, engaged under paragraph 11(d) of the Framework.
44. The Statement of Common Ground (SoCG) sets out the housing requirement to be consulted on in the Central Lancashire Local Plan and is informed by the Central Lancashire Housing Need Assessment. It has been signed by the portfolio holders responsible for the Local Plan across the three Councils for Chorley, Preston and South Ribble following endorsement by the Joint Advisory Committee on 25th July 2022.
45. Chorley Council adopted the SoCG as a material consideration for use in decision making at the General Purposed Committee on 7th September 2022. The weight to be attached to the SOCG in making decisions on planning proposals is for the decision maker to consider.
46. The SoCG sets out a housing requirement of 334 for Chorley for the first five year period of the Local Plan (2023-2028). The housing supply against this requirement is 5.4 years. Chorley Council is working with Preston and South Ribble Councils to produce a Central Lancashire Local Plan (CLLP). Once adopted, this will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at an early stage of preparation and consultation on Issues and Options closed in February 2020.
47. The emerging CLLP will look at the distribution of new homes and the CLLP will be informed by an evidence base including a Housing Need and Demand Study, the results of which will also help to inform the future distribution of housing across the Plan area.
48. In considering the provision of 16 dwellings in the context of an under supply of housing this is a clear benefit to which significant weight must be attached.

#### Affordable housing

49. Affordable housing Policy 7 of the Central Lancashire Core Strategy seeks to ensure on-site affordable housing provision of 30% within urban areas and of 35% in rural areas.
50. The Planning Statement accompanying the application states that the applicant is committed to providing 30% affordable housing which is in line with the Core Strategy requirement and could be secured through a Section 106 legal agreement.
51. The provision of affordable housing would help towards meeting a significant shortfall in the supply of such homes across the Borough and represents a clear benefit to which significant weight must be attached.

#### Design and impact on the character of the area

52. The proposed development would be located to the south of an existing residential housing estate, whilst the wider area is characterised by suburban residential development. This provides a suitable context within which a housing development could be designed. There is adequate space to develop 16 dwellings that respond to the prevailing character and density of the area. The site itself is somewhat featureless other than the protected trees to the northern and eastern boundaries, whilst the band of trees to the west provides a soft buffer between the site and highway at West Way. It is considered that the trees to the northern and eastern boundaries can be retained and protected within any future development of the site, which would be desirable in relation to the character of the area. The buffer to the west is to be retained for the most part, other than where the access would be developed. This would result in the loss of trees and shrubs and would open up the site to the highway. Although this would have some visual impact on West Way, there is no footpath along West Way and, therefore, it is not a particularly sensitive visual receptor, whilst the provision of a junction to a residential estate from this distributor road would not appear incongruous in the context of a suburban location. On this basis it is considered that a development of 16 dwellings with access from West Way could be designed without any significantly detrimental impact on the surrounding area in line with policy BNE1 of the Chorley Local Plan.

#### Amenity

53. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
54. The application proposes up to 16 dwellings on land adjacent to existing residential properties to north at Chancery Fields. The properties on Chancery Fields have rear elevations and rear gardens backing onto the application site. Other than 31 Chancery Fields, which has a side elevation adjacent to the site. As the application is made in outline a reserved matters application would need to ensure that the amenity afforded to all neighbouring residential properties is safeguarded from adverse impacts such as overlooking, overbearing and loss of light by complying with the Council's interface distances and other design criteria. In addition, any proposal would need to ensure acceptable living conditions for future occupiers of the development. It is considered that the shape and size of the site are such that an acceptable scheme can be achieved in consideration of constraints.
55. Any impacts during the construction phase would be temporary and suitable mitigation measures could be imposed by a planning condition, through a Construction Environmental Management Plan.

#### Highway safety and access

56. The proposed development is situated within the settlement of Chorley Town close to its north-western boundary. The proposed development is east of West Way, which is part of

the adopted highway and has a classification of "B Road". West Way has a speed limit of 40mph and no existing pedestrian footways within the immediate vicinity of the proposals.

57. East of the proposed development is the residential road of Chancery Fields, which is currently unadopted and is an unclassified road with a speed limit of 30mph. Chancery Fields has pedestrian footways on either side for its majority and links to Chancery Road, which is part of the adopted highway network. There are existing public transport services available on Chancery Road in the form of bus stops to the north and south of the junction of Chancery Fields and Chancery Road.
58. The existing bus stops to the north on Chancery Road are simple flag post bus stops, the bus stops to the south on Chancery Road have flag posts and existing bus shelters. Neither the northern nor southern bus stops have quality bus stop kerbing, which means they do not promote inclusive mobility.
59. The proposed development is an outline application for up to 16 residential dwellings, with all matters reserved except for access. It is proposed to provide vehicular access to the proposed development via West Way and pedestrian and cycle access via Chancery Fields.
60. LCC Highway Services have assessed the recorded collisions within the vicinity of the proposed development on 12th November 2023, using Crashmap and LCC's internal mapping system "Mapzone". A total of 2 collisions were recorded in the vicinity of the proposals within the 5-year recorded period. A collision was recorded approximately 5 years and 6 months ago, the details of which were checked and have been included for completeness. These collisions were recorded at the junction of West Way and Washington Lane north of the proposed site access.
61. The collisions within the 5-year period were multi vehicle collisions resulting in 1 slight category collision and 1 serious category collision. The recorded slight collision was a 3-car collision caused by a rear end shunt forcing one vehicle into a vehicle in the oncoming direction. The recorded severe collision was a 2-car collision caused by a driver failing to stop whilst the car in front had stopped due to a vehicle waiting to turn right onto Washington Lane.
62. The collision that is no longer within the 5-year period resulted in a slight category collision. The cause of this collision was deemed as due to a medical incident according to the official report and not due to existing highway conditions.
63. Having assessed the recorded collisions within the vicinity of the proposals it is LCC Highway Services opinion that whilst any collision is unfortunate, the proposed site access onto West Way would not cause an unacceptable risk to highway safety. It is LCC Highway Services opinion that the junction of West Way and Washington Lane would generate more vehicle manoeuvres than that of the proposed development. Therefore, it is LCC Highway Services opinion that a dedicated right turn lane into the development.
64. LCC Highway Services are of the opinion that the proposed access onto West Way is acceptable. The proposed red edge boundary has been amended to the back of the adopted highway on West Way. This new site access will need to be constructed via a section 278 agreement.
65. The proposed site access will require the formation of a kerbed junction within the verge of West Way, which is part of the adopted highway. It is LCC Highway Services opinion that the required visibility splays for the new junction onto West Way are fully achievable across the adopted highway. The visibility splays required are based on the speed limit of West Way which is 40mph, the splays are 2.4m x 81m in both directions.
66. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development.



67. The proposed shared pedestrian and cycle access onto Chancery Fields is in LCC Highways opinion is acceptable. As mentioned in the introduction of this report Chancery Fields is not a part of the adopted highway and as such any connection to it and rights of way will need to be agreed with the relevant 3rd party landowner. For the first 5 metres (as measured from the boundary of Chancery Fields) of the proposed pedestrian and cycle link, it is proposed to narrow the link to 2 metres in width. As a private gated access is proposed LCC Highway Services can support this localised narrowing as cyclists would need to dismount to navigate the private gate. If this private gate is not implemented or removed from the proposals, then LCC Highway Services would expect the shared pedestrian and cycle link to be a continuous width of 3 metres.
68. LCC Highway Services have assessed the proposed developments trip generation in both the AM and PM peak periods using LCC Highways internal North West Preston trip rates. The North West Preston trip rates are robust and predict total vehicle movements in the AM peak of 10 vehicles and 11 vehicles in the PM peak assuming the number of dwellings is 16. LCC Highway Services are of the opinion that the trips generated by the proposals are acceptable and would not have an unacceptable impact on highway safety or capacity.
69. As mentioned previously neither of the existing bus stops on Chancery Road have quality bus stop kerbing and thus do not promote inclusive mobility. It is an obligation on all developments as set out in the National Planning Policy Framework (NPPF) 2021 to promote sustainable development. For the development to achieve this in terms of highways, it is requested that the proposed development provides upgrades to the existing bus stops south of the junction of Chancery Fields and Chancery Road. These upgrades would take the form of the introduction of quality bus stop kerbing for both stops and would therefore make travelling by sustainable means attractive and thus promote sustainable development. These upgrades would need to be carried out via a section 278 agreement.

#### Ecology

70. Core Strategy Policy 22 covers biodiversity and geodiversity and reflects the Framework in seeking to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area, through the following measures:
- i. Promoting the conservation and enhancement of biological diversity, having particular regard to the favourable condition, restoration and re-establishment of priority habitats and species populations;
  - ii. Seeking opportunities to conserve, enhance and expand ecological networks;
  - iii. Safeguarding geological assets that are of strategic and local importance.
71. Policy BNE9 of the Local Plan covers Biodiversity and Nature Conservation and states:
- In Chorley, Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced:*
- Priority will be given to:*
- Protecting and safeguarding all designated sites of international, national, regional, county and local level importance including all Ramsar sites, Special Protection Areas, Special Areas of Conservation, national nature reserves, sites of special scientific interest and biological heritage sites, geological heritage sites, local nature reserves and wildlife corridors together with any ecological network approved by the Council;*
- Protecting, safeguarding and enhancing habitats for European, nationally and locally important species;*
- The ecology of the site and the surrounding area (safeguarding existing habitats/features such as but not exclusive to trees, hedgerows, ponds and streams), unless justified otherwise;*
- When considering applications for planning permission, protecting, conserving, restoring and enhancing Chorley's ecological network and providing links to the network from and/or through the proposed development site.*

*In addition development must adhere to the provisions set out below:  
The production of a net gain in biodiversity where possible by designing in wildlife and by ensuring that any adverse impacts are avoided or if unavoidable are reduced or appropriately mitigated and/or compensated;  
The provision of opportunities for habitats and species to adapt to climate change;  
The support and encouragement of enhancements which contribute to habitat restoration;  
Where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs;  
In exceptional cases where the need for development in that location is considered to significantly outweigh the impact on the natural environment, appropriate and proportionate mitigation measures or as a last resort compensatory habitat creation and/or restoration will be required through planning conditions and/or planning obligations.*

*The following definition of what constitutes damage to natural environmental assets will be used in assessing applications potentially impacting upon assets:  
Loss of the undeveloped open character of a part, parts or all of the ecological network;  
Reducing the width or causing direct or indirect severance of the ecological network or any part of it;  
Restricting the potential for lateral movement of wildlife;  
Causing the degradation of the ecological functions of the ecological network or any part of it;  
Directly or indirectly damaging or severing links between green spaces, wildlife corridors and the open countryside; and  
Impeding links to ecological networks recognised by neighbouring planning authorities.  
Significant adverse effect on the interest features of a designated nature conservation site.*

72. The application is supported by an ecology survey and assessment (ERAP (Consultant Ecologists) Ltd ref: 2021-386). These have been reviewed by the Council's ecology advisor (GMEU) who considers that this satisfies the requirements for information and analysis to be provided prior to determination of the application. The site is not designated for its nature conservation value, does not support notable habitats and is considered unlikely to support any substantive populations of protected or priority species. The applicant has set out that the site will be delivered to provide an opportunity to secure ecological enhancement for wildlife associated with residential development, and it is intended that the development will provide biodiversity net gain.
73. It is advised that, as part of any Reserved Matters applications for the future development of the site a Biodiversity Net Gain Assessment should be provided to demonstrate that the development can achieve a net gain in local biodiversity. It is also recommended that boundary trees should be retained and protected during the course of any development, although it must be noted that a section of tree belt to the west of the site would need to be removed in order to facilitate access. On the basis that a scheme to achieve a net gain in local biodiversity is provided it is considered that the development of the site could provide an opportunity to secure ecological enhancement for wildlife.
74. The application is therefore considered to comply with policy BNE9 of the Local Plan, policy 22 of the Core Strategy and paragraph 175 of the NPPF.

#### Trees

75. Policy BNE10 of the Local Plan relates to trees and states:

- a) *Development proposals which would result in the loss of trees and/or involve inappropriate works to trees which contribute positively to the character and appearance of a Conservation Area will not be permitted. The removal of such trees will only be permitted in exceptional circumstances and where consent is granted, replacement trees will be required to be planted.*

- b) *Proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted.*
- c) *Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows. Tree planting will be required as part of new development proposals and an associated maintenance scheme. Tree Preservation Orders will be used to protect trees of landscape or townscape significance.*

76. There are trees to the northern, eastern and western boundaries of the site. These are protected by tree preservation orders and contribute to the visual amenity of the area. The application is in outline and does not propose to remove any trees at present, whilst it is considered that the trees can be retained and protected within a development scheme give their position to the periphery. However, it is noted that a section of the tree belt to the west of the site would need to be removed in order to facilitate access. These trees are most visible from West Way, however, given that West Way does not have pedestrian pavements and is a suburban type distributor road it is not considered that the loss of a section of trees to provide access would have a significantly detrimental impact on the character of the area. Tree planting would be required as part of the detailed development proposals within a comprehensive landscaping plan. On this basis it is considered that the harm through the loss of the trees would be limited and that the development would comply with policy BNE10 subject to appropriate replacement planting.

#### Drainage and flood risk

77. A Flood Risk Assessment has been submitted with the application and reviewed by United Utilities and Lancashire County Council as Lead Local Flood Authority (LLFA). The LLFA are responsible for managing flood risk from surface water, groundwater or from ordinary watercourses.

78. The Planning Practice Guidance establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage System (SuDS) approach. The aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

79. The LLFA have no objection to the application subject to conditions requiring that development is carried out in accordance with the submitted Flood Risk Assessment and that details of a final surface water sustainable drainage strategy, construction surface water management plan, sustainable drainage system operation and maintenance manual and verification report of constructed sustainable drainage system are submitted to the local planning authority for consideration in consultation with the LLFA.

#### Public open space

80. A financial contribution is required from this development is as follows:

##### *Amenity Greenspace*

81. Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.

82. There is currently a deficit of provision in Euxton in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.028 hectares. A maintenance cost of £11,200 is also required for a 10 year period if private maintenance is not proposed.

*Provision for children/young people*

83. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.
84. There is currently a deficit of provision in Euxton in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £134 per dwelling.

*Parks and Gardens*

85. There is no requirement to provide a new park or garden on-site within this development.
86. There is no requirement to provide a new park or garden on-site within this development. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019) therefore a contribution towards improving existing provision is not required.

*Natural and Semi-Natural Greenspace*

87. There is no requirement to provide new natural/semi natural greenspace on-site within this development.
88. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019) therefore a contribution towards improving existing provision is not required.

*Allotments*

89. There is no requirement to provide allotment provision on site within this development.
90. The site is not within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site, a contribution towards new allotment provision is therefore not required from this development.

*Playing Pitches*

91. The Playing Pitch Strategy and Action Plan (December 2018) identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements, with borough-level detail provided in the Chorley Open Space, Sports and Recreation Strategy (OSSR) Action Plan 2020 to 2036. The amount required is £1,599 per dwelling.
92. The total financial contribution required from this development is as follows:

Amenity greenspace	= £11,200 (if private maintenance not proposed)
Equipped play area	= £2,144 (if private maintenance not proposed)
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £0
Playing Pitches	= £25,584
<b>Total</b>	<b>= £38,928</b>

93. It is recommended that this be secured through a Section 106 legal agreement.

Community Infrastructure Levy (CIL)

94. The proposal would be liable for CIL, however CIL liability is not calculated at outline application stage. It would be calculated at any Reserved Matters stage.

Planning balance

95. Paragraph 11. d) ii. of the Framework indicates that, where the most important development plan policies for determining the application are out-of-date, planning permission should be

granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; the tilted balance.

96. The adverse impacts of the development relate to the loss of trees to the west of the site, between the site and West Way. These trees form part of a belt of protected trees that provide a buffer between the land and West Way, as section of which would need to be removed to enable access. This would have some impact on biodiversity and some impact on the character of the area, although these impacts are considered to be limited in their level of harm as the impact on biodiversity can be off set through a suitable scheme to be considered at reserved matters stage and that West way is not a sensitive visual receptor, whilst the development of an access would not be incongruous in this location.
97. There would be some adverse impact through the loss of land identified for open space and recreation, however, this harm is limited as the land is surplus to the rugby club redevelopment, has not been identified for any specific purpose and the applicant has stated that the site is not the correct size and shape for a playing field, and there is no long term reasonable prospect of this land ever being used for sports.
98. In relation to the benefits of the proposed development the provision of 16 dwellings in the context of an under supply of housing this is a clear benefit to which significant weight must be attached.
99. The provision of affordable housing would help towards meeting a significant shortfall in the supply of such homes across the Borough and represents a clear benefit to which significant weight must also be attached.
100. The provision of new housing would support construction and supply chain jobs, places for the economically active to live, and increased local spend. These benefits have not been quantified and would apply to any housing development of this scale but are still considerable and should be afforded moderate weight. Some limited weight can be attached to the benefits of open space provision and improvement through an off-site contribution from the development of the site.
101. There are no adverse impacts of the proposed development that would significantly and demonstrably outweigh the significant social benefits associated with the proposed development when assessed against the Framework taken as a whole. The scheme therefore benefits from the presumption in favour of sustainable development, and as such it is recommended that Members be minded to approve the application.

#### Other matters

102. *This build is purely based on money / financial gain:* This not a material planning consideration. The proposed development is a market development and would not be delivered without a viable profit margin.
103. *The rugby club site is in poor condition:* This is not a matter that can be addressed through the assessment of this application.
104. *Lack of detail in relations to dwellings, the footpath, fencing, lighting:* The application is in outline only at this stage and these details would be provided at reserved matters stage and would be assessed as part of a further such application.
105. *The proposed path could result in increase crime and antisocial behaviour:* The applicant is proposing that the footpath and cycle path is gated and for residents only.
106. *No capacity in the area for more dwellings:* There is no maximum limit to the number of dwellings that can be provided within an area, and it is noted that there is currently an under supply of dwellings within the Borough.

107. *There are parking issues associated with the existing rugby club site that need to be addressed:* This is not a matter that can be addressed through the assessment of this application.

108. *Anti social behaviour from the Rugby Club site:* This is not a matter that can be addressed through the assessment of this application.

## CONCLUSION

109. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. In this instance it is considered the proposal is considered to comply with the policies of the development plan. Notwithstanding this the tilted balance must be applied and the benefits of providing housing and affordable housing must be given significant weight. Given such circumstances and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework, it is recommended that outline planning permission be approved.

## RELEVANT HISTORY OF THE SITE

**Ref:** 93/00081/FUL                      **Decision:** PERFPP                      **Decision Date:** 30 March 1993  
**Description:** 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

**Ref:** 92/00540/FUL                      **Decision:** PERFPP                      **Decision Date:** 1 September 1992  
**Description:** 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

**Ref:** 92/00352/FUL                      **Decision:** PERFPP                      **Decision Date:** 9 June 1992  
**Description:** Use of land for Sunday market and other events

**Ref:** 91/00572/FULMAJ                      **Decision:** PERFPP                      **Decision Date:** 18 February 1992  
**Description:** Use of land for car boot/market on Thursdays

**Ref:** 89/00634/ADV                      **Decision:** PERFPP                      **Decision Date:** 20 September 1989  
**Description:** Display of internally illuminated signs on building and access

**Ref:** 89/00067/FUL                      **Decision:** PERFPP                      **Decision Date:** 27 February 1989  
**Description:** Alterations and provision of external boiler house

**Ref:** 88/00228/FULMAJ                      **Decision:** WDN                      **Decision Date:** 16 May 1988  
**Description:** Use of land for general market to operate on Saturdays commencing 7/5/88

**Ref:** 88/00679/FUL                      **Decision:** PERFPP                      **Decision Date:** 18 October 1988  
**Description:** Use of land as a Golf Driving Range

**Ref:** 85/00179/ADV                      **Decision:** PERFPP                      **Decision Date:** 2 April 1985  
**Description:** Display of illuminated signs across gable of club house

**Ref:** 81/00934/FUL                      **Decision:** PERFPP                      **Decision Date:** 1 December 1981  
**Description:** Club House

**Ref:** 80/00892/FUL                      **Decision:** PERFPP                      **Decision Date:** 20 October 1980  
**Description:** Use of land for recreational purposes (rugby pitches, car parking, changing pavilion, and new access to Chancery Road)

**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:** 14/01250/ADV      **Decision:** PERADV      **Decision Date:** 13 February 2015  
**Description:** Proposed erection of two signs and two flagpoles advertising future housing development. One of the signs (flanked by two flagpoles) is proposed on West Way and the other (with no flagpoles) is proposed on Chancery Road.

**Ref:** 15/00137/DIS      **Decision:** REDISZ      **Decision Date:** 17 September 2021  
**Description:** Application to discharge conditions 3 (carbon reduction statement), 6 (levels), 9 (lighting), 10 (landscaping), 12 (foul and surface water drainage), 15 (scheme of parking for contractors), 16 (hours of clubhouse), 19 (contamination report), 22 (Design Stage Assessment), 23 (cycle and motorcycle parking), 28 (grass pitch specification), 29 (artificial pitch specification), 30 (clubhouse noise attenuation) and 32 (clubhouse external materials) of planning 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 8 x 15m floodlighting columns).

**Ref:** 15/00164/ADV      **Decision:** PERADV      **Decision Date:** 29 April 2015  
**Description:** Proposed stacker board sign flanked by two flagpoles (advertising future housing development) at entrance to Rugby Club.

**Ref:** 15/00577/FULMAJ      **Decision:** PERFPP      **Decision Date:** 9 September 2015  
**Description:** Re-plan of 14 no. dwellings, including associated landscaping and parking (part of larger scheme of 50 dwellings previously approved under ref: 13/00082/FULMAJ and 14/00429/FULMAJ), to avoid water main that crosses the site.

**Ref:** 15/00667/MNMA      **Decision:** PEMNMZ      **Decision Date:** 10 August 2015  
**Description:** Application for a minor material amendment to change the external materials of the dwellings (due to supply issues) previously approved under ref: 14/00429/FULMAJ (which was for 50 dwellings and redevelopment of the rugby club).

**Ref:** 15/00742/MNMA      **Decision:** PEMNMZ      **Decision Date:** 21 August 2015  
**Description:** Application for a minor non-material amendment to planning permission ref: 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 alter the design of the canopy of the 'Hatfield' house type previously approved.

**Ref:** 16/00550/MNMA      **Decision:** PEMMAZ      **Decision Date:** 22 July 2016  
**Description:** Minor non-material amendment to change the brick type (of dwellings) previously approved.

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

**Ref:** 17/00413/FULMAJ      **Decision:** PERFPP      **Decision Date:** 5 December 2017  
**Description:** Section 73 application to remove conditions 25 and 26 of permission ref: 17/00038/FULMAJ (which was a variation of condition application relating to the erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities

including floodlighting columns) to allow the phasing of the development to be changed - so that the dwellings can be built prior to the provision of the sports facilities.

**Ref:** 18/00108/FULMAJ      **Decision:** PERFPP      **Decision Date:** 18 March 2020  
**Description:** Section 73 application to vary condition 6 (approved plans) attached to planning approval 17/00413/FULMAJ to allow alterations to the details of the rugby clubhouse building.

**Ref:** 23/00728/FUL      **Decision:** PCO      **Decision Date:** Pending  
**Description:** Change of use of land to form an exercise area and installation of associated equipment including exercise frames, covered area, and the siting of a container for storage of the equipment; and the creation of a vehicle parking area

**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