



Road. As a result of this change the surrounding properties have been amended accordingly, including moving one of the plots to the other side of the access road opposite plots 4/5. This plot will be prominent as the new estate is driven into but its front elevation will face south which is looked upon favourably. The amended layout is considered acceptable.

5. The amended layout will use the same house types as previously approved on the site and materials will be the same as that already approved.
6. In terms of parking there is no increase in overall number of approved bedrooms. All the plots comply with the Council's parking standards as set out in Policy ST4 of the Local Plan 2012-2026. Three of the properties on plots 6, 9 and 44 which have four or five bedrooms rely on a garage for their third parking space (the policy requires properties with four or more bedrooms to have three off-road parking spaces) and therefore a condition is proposed restricting conversion of the garages unless three parking spaces are available (for example if the future owner creates additional hard surfacing prior to converting the garage). Subject to this the parking is considered acceptable.
7. It is not considered that the proposal will have a greater impact on any surrounding properties, the nearest existing properties being on the other side of Chancery Road.

#### Community Infrastructure Levy

8. The original permission was approved prior to the Council adopting the Community Infrastructure Levy (CIL) on 1st September 2013. The original permission on the site secured an education contribution of £213,848 through a Section 106 agreement.
9. The original planning approval for housing on the site pre-dates the levy and as such that scheme was not subject to CIL. However the new application is a full application and proposes new residential development after the levy is applied and as such could be liable for CIL.
10. The CIL regulations only specify that the fall-back position of approved schemes can only be taken into account in respect of CIL when a S73 application is submitted. However in the case of sites within Chorley it is considered that a pragmatic approach is appropriate given that the intention of CIL was never to retrospectively impose CIL charging on approved schemes. Therefore it is proposed that CIL only be paid on any uplift in floor area of the dwelling above that previously approved. The CIL form submitted with the application states there is an uplift of 79.71m<sup>2</sup> of floor area on the proposed scheme compared to the previous one. CIL will therefore be paid on the increase in floor area.
11. This application secures an amendment to the layout of the properties on the site due to a water main and the proposed properties will be constructed at the same time as the rest of the site. It is therefore proposed that the application is approved subject to a supplemental agreement is tying the application into the original Section 106 for the site which secured an education contribution.

#### Sustainability

12. In terms of the sustainability of the proposed dwellings Policy 27 of the Core Strategy requires dwellings to be built to Level 4 of the Code for Sustainable Homes (rising to Level 6 for properties commenced from 1st January 2016). The previous permissions on the site required the dwelling to be built to Level 3 of the Code for Sustainable Homes following the receipt of viability information, however a 21% reduction in carbon emissions was proposed (above 15% required by Policy 27). Since the previous permissions the Government have issued a Ministerial Statement (25th March 2015) which announced that the Code for Sustainable Homes had been withdrawn, however, it also sets out transitional arrangements which includes local planning authorities being able to continue to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations (but not above a Code Level 4 equivalent) until commencement of

amendments to the Planning and Energy Act 2008 (which may be next year when the Building Regulations are updated). From then onwards energy performance requirements will be set in Building Regulations. Compliance with the Code can therefore no longer be required however in accordance with the transitional arrangements the Council will still require an energy efficiency standard equivalent to Code Level 4 which is a 19% improvement over 2013 Building Regulations. The agent has confirmed that the plots the subject of this application will be built to this standard.

### **Overall Conclusion**

13. The amendments to the scheme are considered acceptable subject to conditions and a supplemental Section 106 agreement.

### **Planning Policies**

14. 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 proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

### **Planning History**

The recent site history relevant to the application is as follows:

14/00429/FULMAJ Permitted 28 January 2015

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.

13/00082/FULMAJ Permitted August 2013

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

