

Our ref: MB/NS/JCG26022

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Date: 20 November 2023

Chorley Borough Council
Planning Services
Civic Offices
Union Street
Chorley
PR7 1AL

Dear Sir / Madam,

APPLICATION BY TESCO STORES LTD FOR THE INSTALLATION OF MECHANICAL PLANT, ASSOCIATED EQUIPMENT AND WORKS AT ST PETERS PARISH CLUB EAVES LANE CHORLEY PR6 0DX

PLANNING PORTAL REF. PP-12617380

On behalf of our client, Tesco Stores Ltd, please find enclosed an application for the installation of mechanical plant, associated equipment and works at the above Site.

Planning permission (ref. 22/00719/FUL) (the "Original Consent") was granted for the *"Erection of single storey building to accommodate a retail unit/convenience store (Use Class E(a)), associated car parking and creation of new access on to Eaves Lane (following demolition of the existing social club building)"* on 10 March 2023.

A Non-Material Amendment application (ref. 23/00535/MNMA) (the "Amended Consent") was then approved on 17 July 2023, which permitted 'minor non material' changes to planning permission ref. 22/00719/FUL. The changes related solely to the elevations to reflect the standard Tesco design to the shopfront as well changes to the goods entrance door, ATM location, removal of side exit door and installation of a window on the rear (east) elevation.

The Amended Consent was for the following:

"Minor non-material amendment to planning permission ref: 22/00719/FUL (Erection of single storey building to accommodate a retail unit/convenience store (Use Class E(a)), associated car parking and creation of new access on to Eaves Lane (following demolition of the existing social club building)) involving external alterations including the installation of sliding doors and installation of ATM on the western front elevation, installation of door and replacement of goods entrance with new steel door to northern side elevation, insertion of window to eastern rear elevation, removal of door within south side elevation and alterations to window frame colouring"

The Amended Consent included approval of a new set of "proposed drawings" which differed from those approved under the Original Consent, with all other conditions remaining applicable to the development. The decision notice of the Amended Consent states *"All conditions associated with the original planning permission reference 22/00719/FUL continue to apply to the development unless otherwise discharged or expressly amended by this, or any other, permission."*

The existing building on Site was demolished following approval of application ref. 23/0047/DEMCON in February 2023, which permitted the demolition works.

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An application to discharge the pre-commencement conditions alongside other relevant conditions was approved in October 2023. The building construction works has been completed.

Tesco Stores Ltd is proposing to occupy the retail unit for operation as a Tesco Express convenience store. This application seeks approval for the installation of mechanical plant and associated works to facilitate the approved retail store.

A separate application for installation of the ATM at the Site has also been submitted.

Site and Surrounding Context

The site is located within Chorley Town, to the east of Eaves Lane and to the immediate west of Smithills Close.

It is located approximately 1.1km north-east of Chorley Train Station. The M61 is located some 260m west of the Site. There are bus stops located on Eaves Lane.

The immediate surrounding area is characterised predominantly by residential dwellings with some commercial and retail uses also present. Chorley St Peter's Church of England School is located immediately north of the site.

There are no listed buildings near the immediate vicinity of the Site. The Site is not located within a Conservation Area.

The Environment Agency's database shows that the Site is located within Flood Zone 1.

The Chorley Council Policies Map shows that the Site is located within the settlement area. There are no other designations / allocations affecting the Site.

Planning History

Chorley Council's Public Access records show a number of applications recorded at the Site. Relevant applications are summarised as follows:

- **23/00047/DEMCON** - Application for prior determination for the proposed demolition of St Peter's Parish Club (no. 332 Eaves Lane). *Approved 14.02.2023.*
- **22/00719/FUL** - Erection of single storey building to accommodate a retail unit/convenience store (Use Class E(a)), associated car parking and creation of new access on to Eaves Lane (following demolition of the existing social club building). *Approved 10.03.2023.*
- **23/00535/MNMA** - Minor non-material amendment to planning permission ref: 22/00719/FUL (Erection of single storey building to accommodate a retail unit/convenience store (Use Class E(a)), associated car parking and creation of new access on to Eaves Lane (following demolition of the existing social club building)) involving external alterations including the installation of sliding doors and installation of ATM on the western front elevation, installation of door and replacement of goods entrance with new steel door to northern side elevation, insertion of window to eastern rear elevation, removal of door within south side elevation and alterations to window frame colouring. *Approved 17.07.2023.*
- **23/00651/FUL** - Installation of an ATM. *Withdrawn 14.08.23.*
- **23/00660/FUL** - Installation of mechanical plant and associated equipment within a timber enclosure. *Withdrawn 14.08.23.*
- **23/00650/ADV** - Application for advertisement consent for the display of 17no. signs including: 3no. internally illuminated building mounted signs, 1no. non-illuminated building mounted fascia sign, 6no. non-illuminated building mounted signs including dibond panels and window vinyl graphics, 4no. non-illuminated wall mounted signs, 1no. non-illuminated fence mounted sign, 1no. non-illuminated pole mounted sign and 1no. internally illuminated double-sided totem sign. *Approved 25.09.23.*
- **23/00315/DIS** - Application to discharge condition nos. 3 (materials), 5 (surface water drainage), 7 (boundary treatments), 8 (landscaping), 10 (biodiversity enhancement), 14 (air condenser/conditioning units), 15 (levels), 16 (construction method statement), 17 (wheel washing), 18 (refuse and waste), 21 (site access), 23 (traffic management plan) and 24 (ground contamination) of planning permission ref: 22/00719/FUL. *Approved 09.10.23.*

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Application refs. 23/00651/FUL and 23/00660/FUL were withdrawn following the case officer's advice given the development approved under permission ref. 22/00719/FUL and as amended under permission ref. 23/00535/MNMA was not close to completion.

The Approved Development

The Original Consent (ref. 22/00719/FUL) approved a retail unit and associated works and parking spaces. The Original Consent included a service yard zone for storage of waste bins and additional delivery stock to the rear of the retail unit, along the eastern boundary of the Site. The approved service yard zone will be accessible from the northern elevation via a set of individual doors, separate from the retail unit itself.

The Proposal

Full planning permission is required for the following:

“Installation of mechanical plant and associated equipment within a timber enclosure”

The proposals comprise installation of a new packaged low noise 2-fan gas cooler and 3no. Daikin AZAS 140 AC units mounted on the ground. The proposed plant will be located within the approved service yard area, to the rear of the approved retail unit. The plant and associated equipment will be sited within a 2.4m high timber fence which will include a separate access gate.

Scope of Application

Please find enclosed the following documents in support of the application:

- Application form;
- This Covering Letter;
- Noise Impact Assessment, prepared by KR Associates (v1 – dated: 14 August 2022);
- Location Plan PLANT (ref. 01_CHOR_01B);
- Existing Plan PLANT (ref. 02_CHOR_02F);
- Existing Site Plan PLANT (ref. 02_CHOR_02E);
- Existing Elevation – 1 ARCH (ref. 03_CHOR_03D);
- Existing Elevation – 2 ARCH (ref. 03_CHOR_03E);
- Proposed Plan PLANT (ref. 02_CHOR_02H);
- Proposed Part Plan PLANT (ref. 02_CHOR_02J);
- Proposed Site Plan PLANT (ref. 02_CHOR_02G);
- Proposed Elevation -1 ARCH (ref. 03_CHOR_03F);
- Proposed Elevation – 2 ARCH (ref. 03_CHOR_03G); and
- Proposed Elevation – 3 ARCH (ref. 03_CHOR_03H).

The appropriate application fee of £462 was paid for the previously withdrawn plant application ref. 23/00660/FUL. This amount has not been refunded by the LPA. It is therefore requested that the fee from application ref. 23/00660/FUL is transferred over to this new application.

Planning Policy Context

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications are to be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

The Development Plan

The adopted development plan for Chorley comprises the following documents:

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- Chorley Local Plan 2012-2026 (adopted 2015); and
- Chorley Local Plan 2012-2026 Policies Map (2015)

Policy V2 (Settlement Areas) of the Local Plan highlights that *“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.”*

Policy BNE1 (Design Criteria for New Development) of the Local Plan highlights that planning permission will be granted for new development, provided that, where relevant to the development:

- *“a) the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.*
- *b) the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing;...*
- *g) the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.”*

Policy EP3 (Development Criteria for Business and Industrial Development) of the Local Plan outlines a number of criteria which new business must satisfy. Of relevance to the proposals are the following:

- *“d) the proposal will not cause unacceptable harm e.g. noise, smells to surrounding uses;...*
- *h) adequate screening is provided where necessary to any unsightly feature of the development and security fencing is located to the internal edge of any perimeter landscaping;”*

National Policy

At a national level, the National Planning Policy Framework 2021 (NPPF) and the Planning Policy Guidance are material planning considerations in the decision-making process.

Chapter 12 (Achieving well-designed places) of the NPPF, outlines at paragraph 126 that *“good design is a key aspect of sustainable development”*.

Chapter 15 (Conserving and enhancing the natural environment) of the NPPF, sets out at paragraph 185 that *“planning decisions should ensure that new development is appropriate to its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site to impacts that could arise from the development”*. Decisions should: *“mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.”*

Emerging Policy

The Council’s website indicates that a new joint Central Lancashire Local Plan for Chorley, Preston and South Ribble is being prepared to cover the period to 2036. The latest Central Lancashire Local Development Scheme (January 2020 – January 2023) sets out that a Stage Three Publication Draft (Regulation 19) was expected in Autumn 2022. To date, a Publication Draft of the emerging Local Plan has not been published and as such, it holds no weight.

Planning Assessment

Design and Impact on Local Character

The proposals are located within the settlement boundary, where development proposals should be focussed in accordance with Local Plan policy V2.

The key element of the proposals is the mechanical plant and associated equipment. The proposed mechanical plant and associated equipment will be sited within a 2.4m timber enclosure, within the dedicated approved service yard area located to the rear of the unit, along the eastern boundary. The plant equipment will not be greater than 1.33m in height, which means it will be fully screened by the timber enclosure.

The timber enclosure itself will not be visible to the street scene due to its siting at the rear and it will be less notable to the core areas of the Site, which is primarily around the western side of the Site, where the majority of the parking spaces are located as well as the customer entrance. In addition, the eastern boundary of the

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Site will include a hedge as approved under the Original Consent ref. 22/00719/FUL, therefore the proposals will have limited impact on the local character. The proposed development is suitably located to reduce the impact on the Site, the approved retail unit and the local character.

In light of this, it is considered that the proposals are fully screened, well sited and of a design which would respect the approved retail unit and the wider Site. Therefore, the proposals are considered to comply with chapter 12, paragraph 126 of the NPPF; part (a) of Local Plan policy BNE1 and part (h) of Local Plan policy EP3.

Noise and Impact on Neighbouring Amenity

The Noise Impact Assessment submitted in support of this application concludes that the resultant noise levels at the nearest residential dwellings, which are located on Smithills Close, are at least 10 dB below the underlying background noise levels when assessed in accordance with British Standard 4142: 2014 + A1: 2019. There are no specific mitigation measures required as the proposed plant has been selected to ensure compliance with the Local Authority criterion.

Overall, noise levels from the proposed mechanical plant are at levels that are very unlikely to warrant a complaint from residents. In light of this, the proposed development is considered to comply with chapter 15, paragraph 185 of the NPPF; parts (b) and (g) of Local Plan policy BNE1 and part (d) of Local Plan policy EP3 which requires proposals to ensure that there are no unacceptable levels of harm arising from noise to surrounding uses.

Conclusion

In summary, the proposals are well positioned on the Site and are sensitively proportionate in scale to surrounding on and off-site features, in accordance with national and development plan policy requirements.

We trust that you have all the information you require to register and determine this application. However, should you have any queries on the application, please do not hesitate to contact either Mark Buxton (mark.buxton@rpsgroup.com) or myself. We look forward to your formal acknowledgement of the application.

Yours faithfully,

for RPS Consulting Services Ltd



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