

## APPLICATION REPORT – 20/01238/FUL

**Validation Date: 19 November 2020**

**Ward: Chorley South West**

**Type of Application: Full Planning**

**Proposal: Demolition of the existing petrol filling station and kiosk/shop and the erection of a replacement petrol filling station (including new pumps, forecourt canopy and underground storage tanks) and kiosk/shop, surface level car park, access, servicing and associated works**

**Location: Bungalow Filling Station 117 Moor Road Chorley PR7 2NU**

**Case Officer: Amy Aspinall**

**Applicant: c/o Agent**

**Agent: Mr Rhodri Williams, Mango Planning & Development Ltd**

**Consultation expiry: 25 April 2021**

**Decision due by: 27 May 2021 (extension of time agreed)**

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### RECOMMENDATION

1. It is recommended that planning permission is granted, subject to conditions.

### SITE DESCRIPTION

2. The application site is an existing petrol filling station situated between the residential properties of 103 / 105 Moor Road and 119 Moor Road. The surrounding land use is predominantly residential with some commercial elements. The site falls wholly within the settlement boundary of Chorley, as defined by the Chorley Local Plan Policies Map.

### DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks full planning permission for a replacement petrol filling station and kiosk/shop including associated forecourt area, pumps, underground tanks and car parking. This would follow the demolition of the existing petrol filling station and associated facilities.

### REPRESENTATIONS

4. 1no. representation has been received citing the following grounds of objection:
  - The existing property and forecourt already restrict the amount of light to three windows in the neighbouring property (landing, downstairs hall and dining room)
  - As it is coming so far forward and is so high it will restrict the light to the lounge window and upstairs bedroom where this is their only source of light
  - Placement of the waste/recycling right up to the boundary at the rear – existing problems with mice and are working with environmental health to contain the problem. This will only encourage more.

## **CONSULTATIONS**

5. Lancashire Highway Services: In their latest comments of 10<sup>th</sup> May 2021 confirm that they have no objection, subject to various conditions and highways works.
6. United Utilities: Advise that the submitted drainage strategy is unacceptable to them in principle and recommend various drainage conditions.
7. Health & Safety Executive: Have confirmed that they have no comments as the proposal does not fall within consultation criteria.
8. Regulatory Services - Environmental Health: Have confirmed that they have no objection.
9. Waste & Contaminated Land: Have confirmed that they have no objection. Verification report required upon completion of works.
10. Environment Agency: Have confirmed that they have no objection.
11. CIL Officers - Advise that the development is subject to the CIL Charge for Retail Warehouse, retail parks, and neighbourhood convenience stores and 'All Other Uses' as listed in Chorley Council's CIL Charging Schedule.

## **PLANNING CONSIDERATIONS**

### Principle of development

12. Central Lancashire Core Strategy policy 1 (Locating Growth) seeks to focus growth and investment in certain areas which includes the key service centre of Chorley.
13. Central Lancashire Core Strategy policy MP and Chorley Local Plan 2012 – 2026 policy V1 are the model policies which reflect the presumption in favour of sustainable development as set out in the National Planning Policy Framework (The Framework).
14. Policy V2 (Settlement Areas) of the Chorley Local Plan 2012 – 2026 stipulates 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.
15. The proposal essentially involves a replacement petrol filling station and associated facilities. The development is acceptable in principle, in planning policy terms, subject to compliance with the relevant criteria of policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 – 2026 as set out in this report.

### Impact on the character and appearance of the area

16. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided 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; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.
17. The site already exists as a petrol filling station with a large building situated almost centrally within the site, with smaller ancillary buildings to the rear and the forecourt / pumps to the site frontage. It is a somewhat dated building which lacks architectural merit. The proposed scheme would see a typical flat roof, composite-clad, modern retail unit which would occupy the western part of the site; with reconfigured layout of parking along the southern boundary and to the front of the shop entrance, around the relocated forecourt.

18. In design terms, it is considered that the proposed development would offer a visual enhancement to the streetscene, when compared to the existing development and would not be harmful to the character and appearance of the area. The proposal is considered to accord with Chorley Local Plan policy BNE1 in respect of design.

#### Impact on neighbouring amenity

19. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, 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.

20. The application is accompanied by a Noise Assessment which provides that noise surveys were undertaken between 22<sup>nd</sup> and 23<sup>rd</sup> October 2020 at two locations – to the southern boundary and to the western boundary adjacent to 119 Moor Road.

21. The exact location and details of proposed plant are currently unknown, although the noise assessment suggests that it is likely to be situated to the southern boundary. Refrigeration plant would operate 24 hours per day, whereas air conditioning units are said to operate during trading hours only. Existing background levels are provided in the noise assessment which advises that to prevent significant adverse impacts on the health and quality of life of existing noise sensitive receptors, the “rating noise level” (the predicted noise level plus any penalty for character), should not exceed the typical measured daytime and night time background noise level by more than 10dB and to prevent adverse harm by around 5 dB depending on context. The report advises that noise levels below existing background noise levels, LA90, would be indication of low impact, subject to context. The report makes recommendations in relation to noise levels of proposed plant and advises that it should not exceed the existing background noise levels, which based on the survey data are 48 dB LA90T during the daytime period (0700 – 2300 hrs) and 38 dB LA90,T during the night time period (2300 – 0700 hrs). This could be secured by an appropriate condition.

22. In relation to noise impacts to neighbouring properties from the parking area, which includes the shutting of car doors, the noise assessment advises that these would be below the existing ambient measured noise levels, however, at night there would be an exceedance of 1db which the report considers not to be significant. Noise levels from forecourt activity are assessed as being below existing daytime and night time ambient noise levels.

23. In respect of deliveries to the site, the proposed plan shows the delivery area to be adjacent to 119 Moor Road, with the ‘back of house’ access also being situated to western boundary, adjacent to 119 Moor Road. This has the potential to cause noise and disturbance to this neighbouring residential property as it presents a different delivery arrangement to the current situation. The noise assessment provides noise levels over an hourly period between 0700 and 2300 and is based on the rear garden of 119 Moor Road. The report states that deliveries between the hours of 0700 to 2100 would cause a low impact and recommends that deliveries are restricted to these times as this would not cause an adverse impact to local residents. The report does, however, suggest that daily deliveries of milk and bread would be required at 0600hrs before the store opens and recommends that these are delivered to the front of the store and not the ‘back of house’. Timings of deliveries could be restricted by an appropriate condition in order to safeguard the amenity of affected residential properties.

24. The site already operates as a petrol filling station, with its associated activity and comings and goings. The forecourt and pumps would be relocated closer to 103/105 Moor Road, however the boundary benefits from a close boarded fence and the car wash facility which has generated noise complaints in the past, would no longer exist. This area of the site already functions as parking, and overall, it is not considered that the proposed development would generate adverse impacts on the residential amenity afforded to 103/105 Moor Road, or the closest neighbouring properties of Hodder Avenue or Douglas Close, over and above the existing use.

25. The location of plant and the delivery area does result in a key change to the existing situation, and as discussed above, conditions are necessary to control these aspects to ensure that residential amenity is safeguarded from adverse impacts of noise and disturbance.

26. The application proposes the building to the western side of the site, adjacent to 119 Moor Road for a considerable length of approximately 27.5 metres. There are windows to the side elevation of this residential property, however, the first floor window is a landing window and the side window nearest to front of the house is a hall window. It was noted from the officer site visit that the other window, which is said to be a dining window, has been enclosed with a canopy structure and a shed. It would appear that alterations are being / have been carried out to the property, but Rightmove (2010 sale) shows the rear kitchen to benefit from windows on three sides, although the eastern side facing window appears to have been blocked up. The proposed building would be situated to the east and would restrict light to the side facing windows. However, two of these do not serve habitable rooms, and whilst a dining room is classed as a habitable room, the window is already so enclosed by the canopy structure and the boundary wall, that it is not considered that the proposed building would be detrimental to amenity afforded to occupiers as a result of loss of outlook or overshadowing.

27. However, the proposed building would extend for approximately 15 metres in proximity to the garden of 119 Moor Road which is set at a lower level than the application site, with a height of approximately 4.7 metres. Above the height of the boundary, the building would project a further 2.7 metres (approximately) higher. This would result in a considerable change in the outlook from the garden and kitchen window of 119 Moor Road which could be perceived as being overbearing or visually intrusive given the scale and massing of the building. In addition, it would cause overshadowing in the morning, due to the position and height of the building. The relationship of the building with this neighbouring property is not an ideal, however, a balanced judgement needs to be made as there are other benefits associated with the location of the building, such as more privacy for occupiers and a greater level of screening that the building would provide from the wider activities at the site. Whilst this judgment is finely balanced, it is not considered that the impact on the amenity of occupiers of 119 Moor Road would be so adverse as to warrant refusal of the application.

28. The proposed building would be sufficiently separated from other neighbouring properties to avoid any adverse amenity impacts in respect of its siting, scale and overall design.

#### Highway safety

29. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction

30. During the course of the application, a number of amended drawings have been received in order to address the objection raised by Lancashire County Council and to provide necessary improvements as requested by them. The amended plans have also been accompanied by swept path drawings of the various larger vehicles which would access the proposed development, for example fuel tankers and rigid delivery vehicles.

31. The application proposes changes to the site access which currently has 2 no. access points to Moor Road, either side of the forecourt, with a section of footpath in the middle. The site layout would be wholly reconfigured with a change in location of the building, the forecourt and petrol pumps and the parking arrangement. The access would be altered with an 'in' and 'out' with a demarked island between the two, and a separate egress for delivery vehicles only would be provided to the west adjacent to 119 Moor Road. At the request of Lancashire County Council Highway Services this would have demountable bollards to prevent use by other vehicles once deliveries have been made. A new kerb and planting area are proposed to the

boundary in order to create a physical barrier to deter vehicles from driving over the access to 119 Moor Road.

32. The proposed access arrangements require the existing bus stop markings to be altered as the end of the existing markings would project beyond the vehicular access to the site. The markings would be replicated 8 metres further east.

33. The proposed car park would accommodate 18 no. parking spaces, inclusive of 2 no. accessible spaces. Whilst this would fall short of the current parking standards as set out in the Chorley Local Plan at Appendix A which requires 1 space per 14sqm of public floor space, this is an improvement above the existing situation where the spaces are less formalised.

34. Lancashire County Council have assessed the application and the revised plans and have no objection to the proposed development as confirmed in their response of 10<sup>th</sup> May 2021. They do, however, require the off-site highways works to be carried out under a s 278 agreement of the Highways Act.

35. Having regard to the comments of Lancashire County Council Highways, the proposed development is considered to be acceptable in highway safety terms.

#### Land contamination

36. Paragraph 178 of the Framework states that planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

37. Due to the nature of the use of this site, the application is accompanied by a Phase 1 Geoenvironmental Report, a Site Investigation Report and a Remediation Strategy which were submitted over a period of time during the course of the application.

38. The Environment Agency advise that remediation proposals are acceptable and the Council's land contamination officer advises that the proposals and methodology for remediation and verification are acceptable. The Council's land contamination officer also advises that upon completion of the remediation enabling and construction works, that the final works verification report that should be submitted for review and approval. This could be secured by way of condition.

39. Having regard to the above, it is considered that the site would be suitable for its end use and with identified remediation it would not pose an unacceptable contamination risk.

#### Drainage

40. United Utilities have assessed that the submitted Flood Risk Assessment / Drainage Strategy is unacceptable to them in principle. They suggest that evidence is required to disregard the possibility of surface water infiltration at the site by way of ground investigation or infiltration testing in accordance with BRE365. They also state that the drainage strategy attached within the FRA shows surface water connecting to the existing combined public sewer and the foul water connecting to the existing surface water public sewer. United Utilities comment that if evidence is provided showing infiltration as being unfeasible, connection to the existing 225mm surface water sewer within Moor Road will be considered at a restricted rate of 9.8l/s.

41. Having regard to the comments from United Utilities, this is a technical matter which could be dealt with through the imposition of appropriate conditions.

## Community Infrastructure Levy

42. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

### **CONCLUSION**

43. The application proposes a replacement petrol filling station with associated shop and forecourt. The proposed development would be acceptable in highway safety terms and would not be harmful to the character and appearance of the area. Drainage matters could be dealt with by way of condition and subject to remediation, the proposed development would not pose adverse land contamination issues. Various impacts on neighbouring amenity could be controlled through appropriate conditions, however, the impact of the proposed building itself on 119 Moor Road, is a finely balanced judgement and the officer recommendation is that the harm would not be adverse to warrant refusal of the application, given the benefits of the scheme as a whole.

**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

44. To follow.

### **RELEVANT HISTORY OF THE SITE**

**Ref:** 5/1/00979                      **Decision:** PERFPP                      **Decision Date:** 2 July 1957  
**Description:** Erection of office and store for car accessories to replace timber shed now used as an office

**Ref:** 5/1/01190                      **Decision:** PERFPP                      **Decision Date:** 4 March 1959  
**Description:** Installation of two 1,500-gallon underground petrol storage tanks and two pumps and improved ingress and egress at bungalow filling station

**Ref:** 5/1/03340                      **Decision:** PERFPP                      **Decision Date:** 5 June 1969  
**Description:** Pair of detached houses on land adjacent to 117, Moor Road, Chorley

**Ref:** 80/00044/FUL                      **Decision:** PERFPP                      **Decision Date:** 11 February 1980  
**Description:** 8000-gallon underground petrol storage tank

**Ref:** 84/00017/FUL                      **Decision:** PERFPP                      **Decision Date:** 13 March 1984  
**Description:** Redevelopment of existing service station by erection of new sales and lubrication buildings

**Ref:** 86/00198/FUL                      **Decision:** PERFPP                      **Decision Date:** 22 May 1986  
**Description:** Erection of garage

**Ref:** 88/01045/FUL                      **Decision:** PERFPP                      **Decision Date:** 10 February 1989  
**Description:** Installation of car vacuum unit and replacement of existing petrol pumps

**Ref:** 94/00048/ADV      **Decision:** PERFPP      **Decision Date:** 7 April 1994  
**Description:** Display of various internally illuminated signage

**Ref:** 94/00817/FUL      **Decision:** PERFPP      **Decision Date:** 15 March 1995  
**Description:** Extension to Existing Shop to form Additional Shop Area, Store/plant room and alterations to existing jet wash facility

**Ref:** 96/00874/FUL      **Decision:** PERFPP      **Decision Date:** 17 September 1997  
**Description:** Car wash and jet wash bays and change of use of ground floor of existing house to office/store, including extension to shop area

**Ref:** 99/00457/FUL      **Decision:** PERFPP      **Decision Date:** 19 July 1999  
**Description:** New forecourt canopy

**Ref:** 03/00650/ADV      **Decision:** PERADV      **Decision Date:** 5 August 2003  
**Description:** Consent to display internally illuminated projecting sign and ATM surround sign

**Ref:** 03/00651/FUL      **Decision:** PERFPP      **Decision Date:** 5 August 2003  
**Description:** Installation of an ATM in the shop front with new external access

**Ref:** 07/00523/FUL      **Decision:** PERFPP      **Decision Date:** 17 August 2007  
**Description:** Demolition of existing bungalow and installation of new fuel tanks

**Ref:** 07/01338/FUL      **Decision:** PERFPP      **Decision Date:** 6 February 2008  
**Description:** Construction of a covered four bay jet wash facility

**Ref:** 10/00347/FUL      **Decision:** PERFPP      **Decision Date:** 29 July 2010  
**Description:** Demolition of existing two storey building, erection of a single storey building to facilitate petrol and retail sales and erection of 4 No open jet wash bays

**Ref:** 13/00443/FUL      **Decision:** PERFPP      **Decision Date:** 10 July 2013  
**Description:** Demolition of existing two storey building, erection of a single storey building to facilitate petrol and retail sales and erection of 4 No open jet wash bays (renewal of application 10/00347/FUL)