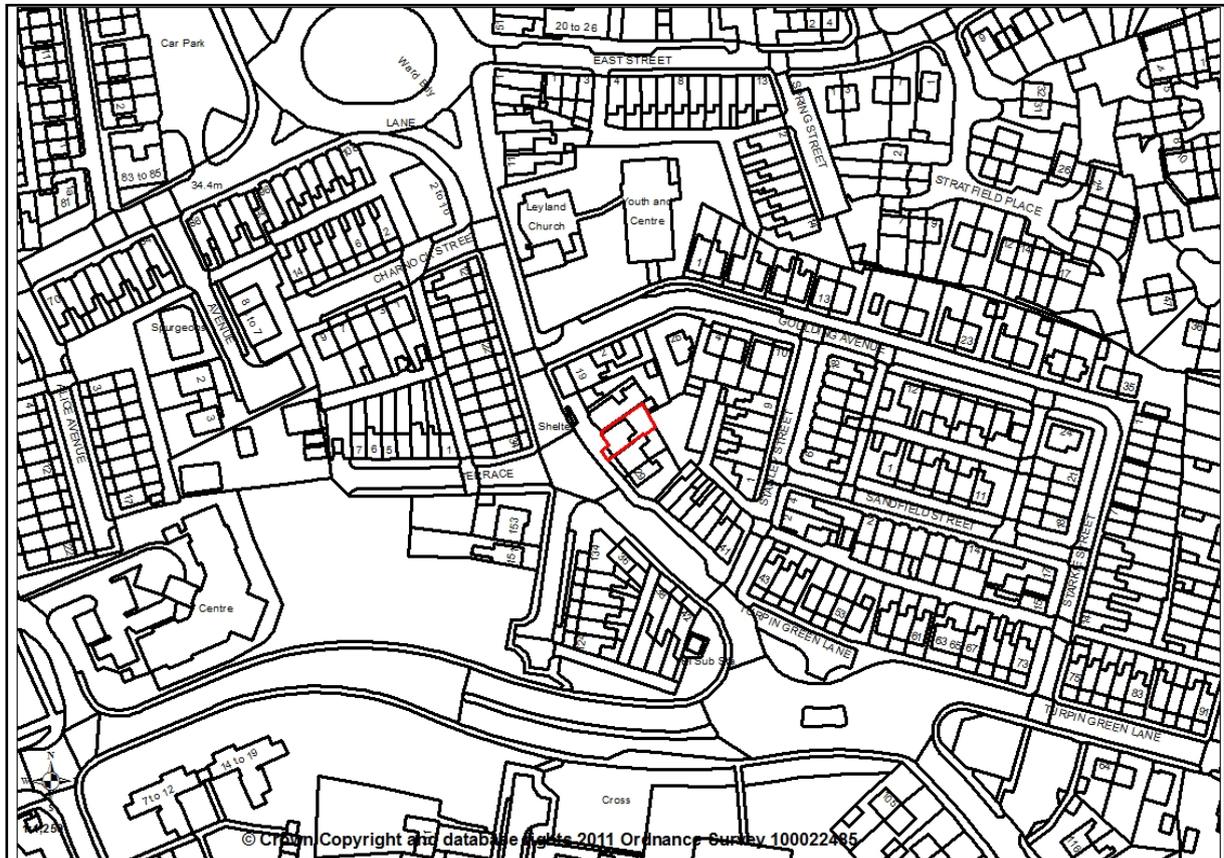


Application Number	07/2019/5054/FUL
Address	25 Turpin Green Lane Leyland Preston Lancashire PR25 3HA
Applicant	Mr S Porter
Agent	Mr Matthew Cross 182 Rawlinson Lane Heath Charnock Chorley PR7 4DJ
Development	Two storey rear extension including division into 2no A1 retail units at ground floor and 1no one bed roomed apartment at first floor, following demolition of existing single storey extension to rear
Officer Recommendation	Approval with Conditions
Officer Name	Mrs Janice Crook
Date application valid	30.05.2019
Target Determination Date	25.07.2019
Extension of Time	

Location Plan



1. Introduction

1.1 The application falls for determination by planning committee as it represents an amended scheme to that of a previous application 07/2018/1821/FUL for a similar scheme which was determined by planning committee at the request of the local ward councillor.

2. Report Summary

2.1 The application proposes the sub-division of an existing commercial premises to form two A1 retail units with a two storey extension to the rear and the formation of two apartments. The application site is within a sustainable location, close to public transport, shops, car parks and services. The area is mixed in nature with residential properties to each side and opposite along with commercial properties. No objections have been received from statutory consultees and, although the proposal does not provide any dedicated parking provision, due to the site's location, County Highways considered it to be acceptable.

2.2 A previous application, 07/2018/1821/FUL was refused by committee on two grounds relating to residential amenity and parking. A subsequent appeal was dismissed by the planning inspectorate but only relating to residential amenity grounds.

2.3 The applicant has sought to address the planning inspector's reason for dismissing the appeal by reducing the depth of the proposed extension, changing the roof to a hipped roof rather than a pitched roof and altering the location and style of the first floor windows.

2.4 It is officer's view that the proposal is policy compliant and therefore the application is recommended for approval subject to the imposition of conditions.

3. Site and Surrounding Area

3.1 The application relates to the commercial premises at 25 Turpin Green Lane and the first floor flat above, known as 25A. Turpin Green Lane is a busy road and one of the main routes into and out of Leyland with the M6 motorway junction located to the east. The area is a mix of residential properties with some commercial premises along Turpin Green Lane. These include a hairdressers and convenience store. To the north is the Methodist church and its associated hall. The Leyland Town Centre boundary is approximately 80m to the north, adjacent the northern boundary of the Methodist church.

4. Planning History

4.1 Planning application 07/1985/0047 for a change of use from shop/residential to ground floor dental surgery with self-contained flat above was refused. The reason for refusal:

"The proposed change of use of these premises to a dental surgery is likely to lead to increase attraction for vehicles to the premises and standing, turning and manoeuvring vehicles in the carriageway of the classified road.

The site is inadequate to provide any satisfactory facilities for the parking and turning of vehicles clear of the public highways. Any increase in the attraction of vehicles to the premises under these circumstances is likely to lead to increase accident risks and adverse effect to the safety and free flow of classified road traffic."

4.2 Planning application 07/2018/1821/FUL for a two storey rear extension, sub division of ground floor shop into two A1 retail units together with the provision of an additional flat at first floor was refused on 30/5/2019 on the following two grounds:

1) *The proposed two storey rear extension would have a detrimental impact on the residential amenity of the adjacent residential dwelling, 27 Turpin Green Lane, by virtue of its massing, proximity, height, scale and window placement, leading to an overbearing effect and loss of privacy, contrary to Policy G17 in the South Ribble Local Plan*

2) *The application fails to provide off-street car parking, contrary to Policies F1, G17 and Appendix 4 of the South Ribble Local Plan*

4.3 An appeal was lodged with the Planning Inspectorate with the appointed inspector dismissing the appeal, finding:

"In terms of the effect of the lack of parking provision, I find that the proposed development would not result in unacceptable or severe harm to the operation of the local highway network. However, this does not outweigh the harm to the living conditions of the occupants of No 27 Turpin Green Lane in respect of their privacy and outlook".

5. Proposal

5.1 The application proposes a two storey extension to the rear, the sub-division of the ground floor to form two A1 retail units and an additional apartment at first floor. An existing single storey extension to the rear will be demolished.

5.2 The extension is to measure 7.7m wide projecting 4.4m with a hipped roof over to a maximum height of 6.6m. The extension will be constructed in brickwork to match the existing building with concrete roof tiles. Roof lights will be inserted in the three roof slopes. Two first floor windows in the rear elevation facing north-east together with two doors at ground floor and a further door in the north-western side elevation. A garden area will be provided for each apartment.

5.3 The ground floor will be sub-divided to form two A1 retail units with a store room provided for each in the proposed extension, together with WC facilities. Unit 1 will have an additional small store room.

5.4 The existing first floor apartment will be re-configured to provide a better internal layout. The new door to the north-eastern side elevation will provide access to a new internal staircase for access to the two apartments.

5.5 The proposals are similar to the previous scheme with the main changes being that the extension does not project as far. The previously proposed extension was to project 4.87m and had a pitched roof over with a ridge height of 7.2m.

6. Summary of Publicity

6.1 Neighbouring properties were notified and a site notice posted with two letters of representation being received, objecting on the following grounds:

- Parking is a major problem in this area
- The applicant again claims to have one parking space.
- Turpin Green Lane is an extremely busy road with fast moving vehicles.
- The road at the front of the property is covered by Traffic Regulation Order.
- An extra apartment and the provision of two shops will put an additional strain on the significant traffic and parking problems which already exist.
- Extremely poor air quality along Turpin Green Lane leading to the M6 junction, which is an Air Quality Management Area
- The Applicant has not considered or proposed any mitigation in relation to the development within this Air Quality Management Area.

- Traffic and Parking Survey should be commissioned by the Council to assess the increase parking demands and worsening of the air quality on Turpin Green Lane that would arise from this application
- Design and Access Statement supporting the application is the same as the one previously submitted which was rejected by Planning Committee and the Planning Inspectorate and has not been updated to include the 2018/19 application.
- In dismissing the 2018/19, the Planning Inspectorate agreed that a two storey extension would harm living conditions in respect of outlook and privacy. This application does not alter that position
- While the proposed extension would involve a slightly lower and differently shaped roof than the one in the previously rejected application, its size, height and proximity to adjacent house would still appear substantial.
- By virtue of its proximity, excessive height and projection from the main roof of adjacent property, the extension would be a dominant and overbearing form of development which would harm the outlook from the rear of my house.
- Proposed change to size and relocation of the rear facing windows will allow close overlooking into adjacent property.
- Residential Extensions SPD which requires that any first floor window be located no less than 10 metres from any facing boundary/garden.
- The development totally fails to avoid overlooking the rear area of Number 27.
- Noise during construction works and following the opening of the premises.

7. Summary of Consultations

7.1 **County Highways** make comments based on all the information provided by the applicant to date and after undertaking a site visit. The site does not provided parking in line with South Ribble Borough Councils parking standards. However the site is located within in a highly sustainable location with sufficient waiting restrictions in the vicinity of the site to control on road parking. Taking this into consideration, County Highways are of the opinion that the proposed development would not have a severe impact. Therefore County Highways have no objections to the application.

7.2 **Environmental Health** require conditions be imposed in respect of the submission of a Dust Management Plan; a restriction on the hours of site preparation, construction and hours of deliveries; the submission of noise mitigation measures; the provision of waste storage facilities; and the provision of secure cycle storage.

8. Policy Background

8.1 **Central Lancashire Core Strategy Policy 30: Air Quality** aims to improve air quality through delivery of Green Infrastructure initiative and through taking account of air quality when prioritising measures to reduce road traffic congestion.

8.2 **Policy B1: Existing Built-Up Areas** permits development proposals for the re-use of undeveloped and unused land and buildings, or for redevelopment, provided that the development complies with the requirements for access, parking and servicing; is in keeping with the character and appearance of the area; and will not adversely affect the amenities of nearby residents.

8.3 **Policy F1: Parking Standards** requires all development proposals to provide car parking and servicing space in accordance with the parking standards adopted by the Council. In general, parking requirements will be kept to the standards as set out unless there are significant road safety or traffic management implications related to the development of the site. The parking standards should be seen as a guide for developers and any variation from these standards should be supported by local evidence in the form of a transport statement. Where appropriate, some flexibility will be factored into the standards in relation to the specific local circumstances.

8.4 Policy G17: Design Criteria for New Development permits new development, including extensions and free standing structures, provided that, the proposal does not have a detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect; 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 will provide an interesting visual environment which respects the character of the site and local area; the development 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 Policy F1, unless there are other material considerations which justify the reduction such as proximity to a public car park.

8.5 Residential Extensions Supplementary Planning Document recognizes that, in many cases two storey or first floor rear extensions, without proper consideration, can result in an overbearing impact on neighbouring properties, particularly in terms of loss of light and/or privacy to habitable rooms and private amenity space. Therefore it advises on the 45 Degree Rule. This method of assessment will be assessed on plan with it considered that any proposed extension should not project beyond a 45-degree line drawn from the near edge of the closest ground floor habitable room window on an adjoining/affected property.

9. Material Considerations

9.1 Parking

9.1.1 The application property is an existing commercial premises with first floor residential apartment above. The ground floor has in the past been utilised as a jewellers, bike shop, and grocers. Both the apartment and commercial premises are currently vacant. The property fronts directly onto the pavement of Turpin Green Lane with an existing bus stop towards the western side.

9.1.2 The application form indicates there is one parking space for the premises. None are shown on the site layout plan and therefore this was queried. Although a plan was provided to show the parking space, this was to the front forecourt of the premises in an area where no drop crossing is available. Therefore the applicant was advised that this could not be used as a parking space, as confirmed by County Highways, and therefore it is accepted that there is no existing parking provision for the site and none proposed.

9.1.3 The issue of parking in the general area and the lack of parking for the proposed development forms the main basis of objection in the two letters received. Objectors highlight existing parking problems in the area; that there are traffic regulations orders in the area; that Turpin Green Lane is an extremely busy route from Leyland to the M6 Motorway junction and the increase in parking requirement the provision of an additional flat and additional retail unit would require.

9.1.4 Policy F1 requires all development proposals to provide car parking and servicing space in accordance with the parking standards. That is 1 parking space for each 1-bed apartment and 1 parking space per 22 square meters of non-food retail in the Town Centre or 1 per 16 square metres for food retail. However, the policy also states that the parking standards should be seen as a guide for developers and where appropriate, some flexibility will be factored into the standards in relation to the specific local circumstances, for example, proximity to public car park and location of development. Policy G17 at criteria c) requires that the development does 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 Policy F1, unless there are other material considerations

which justify the reduction such as proximity to a public car park.

9.1.5 County Highways make comment on parking and highway safety in their consultation response, stating: *“The site does not provided parking in line with South Ribble Borough Councils parking standards. However the site is located within in a highly sustainable location with sufficient waiting restrictions in the vicinity of the site to control on road parking. Taking the above into consideration LCC Highways is of the opinion that the proposed development would not have a severe impact. Therefore LCC Highways has no objections to the application.”*

9.1.6 The ‘Severe’ test is within the National Planning Policy Framework which states at paragraph 109. *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be **severe**.”*

9.1.7 Furthermore, the NPPF advises at paras 105 and 106: *“If setting local parking standards for residential and non-residential development, policies should take into account:*

- a) the accessibility of the development;*
- b) the type, mix and use of development;*
- c) the availability of and opportunities for public transport;*
- d) local car ownership levels; and*
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.*

106. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.”

9.1.8 Additionally, the Planning Inspector fully considered the issue of parking and its impact on the safe operation of the highway network during the appeal to the previous scheme. The Inspector’s decision was clear that the lack of parking provision would not result in an unacceptable impact on the operation of the highway, stating:

“16. Taking account of the particular local circumstances, the proposed absence of parking provision for the additional 1 bedroom apartment and modest retail unit would not result in an unacceptable impact on the operation of the highway in the vicinity of the appeal property. I therefore conclude that a deviation from the Council’s parking standards, which suggests 1 space for each 1 bedroom dwelling, is justified in this particular case. There is no conflict with the development plan, including policies F1 and G17 of the South Ribble Borough Council Local Plan Adopted July 2015. These require amongst other matters car parking provision in accordance with the Council’s parking standards, standards which can be relaxed depending on local circumstances.

17. In terms of the effect of the lack of parking provision, I find that the proposed development would not result in unacceptable or severe harm to the operation of the local highway network.”

9.1.9 It is therefore considered that this current proposal, which is effectively the same in terms of parking as the previous scheme, is acceptable in terms of parking provision, recognising its sustainable location; proximity to the Leyland Town Centre and its associated car parks; proximity to public transport and the view of both County Highways as Highway Authority and the planning inspector and with reference to the NPPF.

9.2 Residential Amenity

9.2.1 The rear proposed two storey extension faces towards a car parking area relating to Balcedar House, a small office complex consisting of single storey office units. The extension is set between 4m and 4.5m off the common boundary and the office units are set between 11 and 14m off the boundary and have an angled relationship to the application property. Although a 21m separation distance is normally required between facing windows, as set out in the Residential Extensions Supplementary Planning Document, this relates to residential properties to prevent overlooking/loss of privacy. Additionally, the SPD identifies a minimum of 10m from any facing neighbouring boundary/garden to protect the privacy of any facing private amenity space. In this case there is no private amenity space with the area to the rear of the boundary being a parking court. Therefore the relationship to Balcedar House is considered acceptable given the relationship between windows is an angled one, first floor to ground floor and the fact that they are commercial properties to the rear, not residential with a parking court adjacent the boundary.

9.2.2 To the north-west, the neighbouring property, 23 Turpin Green Lane, is a residential property with two storey rear outrigger and single storey extension. There is a 0.8m separation distance and the proposed extension will project 0.9m beyond the rear of No 23. No facing windows exist in the rear outrigger to 23 and none are to be introduced in the proposed extension. It is therefore considered that there will be no undue impact on No 23.

9.2.3 To the south-east, 27 Turpin Green Lane has a single storey rear extension adjacent the boundary with the application property which has a sloping roof extending from the main roof downwards. The proposed extension would project 4.4m immediately adjacent the extension, projecting 0.5m less at ground floor, but 2.5m beyond at first floor due to the sloping roof of 27's extension. There is a 0.3m separation distance between the outrigger and proposed extension. The proposed extension will be 2m higher at the rear elevation than the adjacent extension and 2.5m higher at ridge height. In the appeal decision for the previous scheme, the Planning Inspector considered that:

“Although the proposed extension would join the roof of the appeal property below the ridgeline, as a result of its size and height and proximity to No 27, it would nevertheless appear substantial when viewed from the neighbouring property. Therefore, and irrespective of the outrigger, by virtue of its proximity, excessive height and projection from the main roof of No 25 the proposed extension would be a dominant and overbearing form of development which would harm the outlook from the rear of No 27.”

9.2.4 The applicant has sought to address the Inspector's concerns by reducing the projection by 0.5m and reducing the height of the extension by 0.6m and also hipping the roof rather than a pitched roof. This effectively reduces the overall height and massing of the proposed extension.

9.2.5 There are no windows in the facing elevation of No 27's outrigger and none in the side elevation of the proposed extension and therefore no direct overlooking issues. However, 27 does have an existing roof light in the rear floor slope of the dwelling which serves a bathroom, not considered a habitable room, whilst it is accepted that some loss of light will occur to the bathroom, this is not considered to be sufficient grounds to refused the application.

9.2.6 The planning inspectors considered the issue of overlooking/loss of privacy, stating:

“The absence of windows in the side elevation of the proposed extension would avoid direct overlooking into the rear of No 27. However, the first floor windows in the rear elevation would allow close overlooking into that part of the garden behind the outrigger. While there are existing first floor windows to the rear of No 25, these are at a greater distance from the garden of No 27 and do not result in close overlooking and views are in any case in part screened by the outrigger.”

The rear garden of No 27 is overlooked from neighbouring properties including Nos 29 and No 31. In this respect, the area behind the outrigger affords the occupant of No 27 the greatest degree of privacy. Although visible from the first floor terrace area to the rear of No 31, this is at a greater distance than the proposed extension and does not allow close overlooking.

My attention has been drawn to apparently similar 2 storey extensions to the rear of Nos 31 and 33. My observation is that these differ from the proposed scheme in terms of factors including size and scale, relationship to other buildings and the absence of overlooking windows or the use of obscure glazing. In respect of the appeal scheme, it would be unreasonable to obscurely glaze the principal window of a habitable room or to make it high level, as this would result in poor living conditions for future occupiers of the proposed apartment.

I therefore conclude that the proposed development would harm the living conditions of the occupants of No 27 in respect of their outlook and privacy. This is in conflict with the development plan, including Policy G17 of the South Ribble Local Plan Adopted July 2015 (the Local Plan). This requires amongst other matters that development does not have a detrimental impact on neighbouring buildings by virtue of factors including height, scale, orientation, massing and proximity, or as a result of undue overlooking or overbearing effect. New development is expected to avoid overlooking and a reduction in privacy for neighbouring properties.”

9.2.7 A letter of objection has been received from the occupant of the adjacent property, commenting that the proposal will have a detrimental impact on the adjacent property in terms of overlooking and loss of privacy. The objector also refers to the planning appeal decision letter. The objector considers that the development totally fails to avoid overlooking the rear area of Number 27

9.2.8 However, it is considered that the applicant has sought to address the issues of overlooking and loss of privacy and the resultant harm to the living conditions of the occupants of 27 by altering the location and style of the first floor windows. The refused scheme windows were 1.8m wide by 1.1m high the closest to 27 set 1.2m off the side elevation. The windows now proposed are 0.7m wide by 2m high and set 3m off the side elevation. Additionally, a projecting brick feature has been included adjacent the windows which further obscures views afforded from the windows.

9.2.9 The form of the rear extension has been designed in consideration to the 45 degree rule from neighbouring window at 23 which in turn finishes approximately level with opposite neighbouring extension to 27. They have also provided 45 degree angles on the proposed floor plan to demonstrate the amount of view the occupants of the apartments would have from these windows over the garden area of 27.

9.3 **Air Quality**

9.3.1 The application property is within the Turpin Green Lane/Churchill Way/Golden Hill Lane Air Quality Management Area and therefore Policy 30 of the Central Lancashire Core Strategy is relevant to this application. This policy aims to improve air quality through delivery of Green Infrastructure initiative and through taking account of air quality when prioritising measures to reduce road traffic congestion.

9.3.2 One letter of objection refers to the AQA and that the application does not consider or propose any mitigation in relation to the development within this AQA. In this case an Air Quality Assessment would not be required as the development is not a 'major' development and does not fall within the criteria of development which requires an AQA. As indicated above, the proposal does not provide any parking and would therefore likely be reliant of

public transport, walking, cycling or use of Town Centre car parking or on-street parking. Additionally, the premises is existing with a ground floor commercial premises and first floor apartment and therefore an existing use in this location. The proposal to sub-divide the existing retail premise to form two A1 units does not increase the floorspace of the retail element, with the extension providing additional storage at ground floor.

9.3.3 Environmental Health have made no comment in respect of Air Quality. However, they do require the provision of secure cycle storage for the apartments be provided to encourage the use of alternative transport, in accordance with Core Strategy Policy 3.

10. Conclusion

10.1 For the reasons outlined above, the application proposal is considered to be in accordance with Local Plan Policy G17 and the Residential Extensions SPD in terms of residential amenity. It is accepted that the proposal does not meet the adopted parking standards but these standards are a maximum not a minimum. The site is within a highly sustainable location where there is flexibility to relax the parking standards and the location of the application site meets the criteria where it is appropriate to relax these standards. Therefore the application is recommended for approval subject to the imposition of conditions.

11. Recommendation

11.1 Approval with Conditions.

12. Recommended Conditions

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg A3Sh4 Proposed Site; A3Sh5 Proposed Floors; A3Sh6 Proposed Elevations.
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. During the site preparation and construction of the development, no machinery, plant or powered tools shall be operated, no process carried out and no deliveries taken at or dispatched from the site outside the following times:
0800 hrs to 1800 hrs Monday to Friday
0900 hrs to 1300 hrs Saturday
No activities shall take place on Sundays, Bank or Public Holidays.
REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy
4. Prior to the commencement of any works on site a Dust Management Plan shall be submitted, for written approval, to the local planning authority. The Dust Management Plan shall identify all areas of the site and site operations where dust may be generated and further identify control measures to ensure dust and soil does not travel beyond the site boundary. Once agreed the identified control measures shall be implemented and maintained throughout the duration of the site preparation and construction phase of the development.
REASON: In the interests of the amenity and to safe guard the living conditions of the nearby residents in accordance with Policy 17 in the Central Lancashire Core Strategy

5. No deliveries shall be made or received by the commercial component of the site between the hours of 20:00 and 08:00 Monday to Saturday. No deliveries shall be made or received on Sundays or nationally recognised Bank Holidays.
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 of the Central Lancashire Core Strategy.

6. Prior to the commencement of any works on site details shall be submitted to the local planning authority for approval of the works to be undertaken to the property to prevent sound transference from the ground floor commercial units to the first floor flats or vice versa. Following agreement of the works they shall be implemented in full and once complete an acoustic insulation test shall be undertaken in line with ISO 140-4 (airborne sound insulation test) and ISO 140-7 (impact sound insulation test) to confirm the levels design have been achieved. If following the testing of the insulation the design insulation levels have not been achieved further work shall be undertaken with re-testing until the levels have been achieved. The report shall be submitted to the planning authority for approval and discharge of the condition prior to occupation of the building.

As a minimum the following shall be achieved:

Impact sound: <60L'nT,w dB

Airborne sound: >50 DnT,w +CtrdB

REASON: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy

7. Prior to first occupation/first use of the development hereby approved details of facilities for the storage of refuse and waste shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained at all time thereafter unless otherwise agreed in writing with the Local Planning Authority.
REASON: To safeguard the character and visual appearance of the area and to safeguard the living conditions of any nearby residents particularly with regard to odours and/or disturbance in accordance with Policy 27 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan

8. Prior to the first occupation/first use of the development hereby approved, details of secure cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be provided in accordance with the approved scheme and permanently maintained thereafter.
REASON: To ensure the provision and retention of adequate on-site parking facilities and to accord with Policy F1 and Policy G17 in the South Ribble Local Plan 2012-2026

13. Relevant Policies

South Ribble Local Plan

B1 Existing Built-Up Areas

F1 Car Parking

G17 Design Criteria for New Development

Central Lancashire Core Strategy

Policy 30: Air Quality

Residential Extensions Supplementary Planning Document