

<b>No.4</b>	<b>APPLICATION NO.</b>	2019/1207/FUL
	<b>LOCATION</b>	Chapel Court Chapel Mews Ormskirk Lancashire L39 4XB
	<b>PROPOSAL</b>	Installation of two 1000mm wide automatic external doors, one to the existing bin store external door opening and one to a current window opening within a corridor area outside the existing ground floor W.C.'s. To include associated structural and electrical alterations to accommodate the new automatic door openings and external pad post for fob access to the corridor area opening. Both the current corridor area and bin store will become mobility scooter store areas. Erection of new timber fence bin store area externally to the far end of the front car park.
	<b>APPLICANT</b>	The Riverside Group Limited
	<b>WARD</b>	Derby
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	7th February 2020

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## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however Councillor Owens has requested it be referred to the Planning Committee due to concerns relating to the loss of amenity for residents.

## **2.0 SUMMARY**

- 2.1 The proposed changes to external fenestrations and creation of an external enclosed bin store are acceptable in principle. The proposals are not considered to create any significant harm to the character and appearance of the Conservation Area nor on balance to the residential amenity of occupants of Chapel Court or surrounding properties. The proposal would not significantly impact upon highway safety and capacity. The proposed development is therefore considered compliant with the NPPF and Policies GN1, GN3, EN4 and IF2 of the West Lancashire Local Plan 2012-2027 DPD.

## **3.0 RECOMMENDATION- APPROVE with conditions.**

## **4.0 SITE DESCRIPTION**

- 4.1 The application site, Chapel Court is sheltered accommodation located on Chapel Mews, a cul-de-sac off Chapel Lane in Ormskirk. The site is located within the Ruff Lane Conservation Area. The relatively modern building is situated over three storeys and is divided into self-contained independent living flats. The front elevation of the building is positioned close to the public footpath/ highway with small dispersed areas of green landscaping to the front and designated residential car parking bays located at either end of the building to the north and south east of the site.

## **5.0 PROPOSAL**

- 5.1 The application proposes the following development work as part of a scheduled programme of refurbishment and improvements to the scheme:

Installation of two 1000mm wide automatic external doors (1No to existing bin store and 1No to current window opening);  
 Associated structural and electrical alterations for door access;

Existing corridor and internal bin store changed to mobility scooter store;  
Erection of new external bin storage area within existing car park.

## **6.0 PREVIOUS RELEVANT DECISIONS**

6.1 None.

## **7.0 OBSERVATION OF CONSULTEES**

7.1 Lancashire County Council Highways Department. No Objections (29.11.2019)

7.2 Environmental Health Officer. No Objections (13.11.2019)

## **8.0 OTHER REPRESENTATIONS**

8.1 A number of neighbour and resident representations have been received in relation to the proposal, a summary of which is outlined below:

Residents may take rubbish out 24/7 which will be noisy;

The fire hazard will be displaced closer to our neighbouring residential property – the bin store will be located next to our timber fence and overhanging trees;

The smell of 42 resident's bins will detract from the enjoyment of our garden;

Loss of two car parking spaces is going to exacerbate already difficult parking;

Two parking bays for cars (filled with petrol) next to a bin store is a fire hazard;

Chapel Court is sheltered scheme for elderly people- some with vulnerabilities and disabilities. The landlord is taking serious risks with health and safety. The bin store in an outside location without lighting would be difficult and hazardous;

I strongly object to this dangerous plan. Chapel Mews is narrow and a busy access route for a number of surrounding properties. The only way 42 elderly tenants will be able to dispose of bins will be via the busy Chapel Mews street. The proposed bin store is on a sharp bend - this combination of factors is extremely dangerous for the public and could cause a road traffic accident;

There could be a number of elderly residents blocking the pavement with their rubbish whilst struggling with the door of the bin store within inches of two way traffic;

None of the tenants have been told about the proposal by Riverside;

It is a long walk to the bin store for older people particularly in winter;

I live on the second floor of the building and would look out onto the bins;

The area could attract vermin – who will keep this area clean;

Myself and my husband suffer from a range of medical conditions and find it difficult to manipulate locks and doors especially in the cold. Whilst we manage with the internal bin room it will be much more difficult externally;

Riverside are completing the work for fire safety reasons- but an internal bin room is the safest place;

A better solution would be to allow the planned external bin store and the first of the two planned scooter stores, with the proviso that they keep the existing internal bin room in use as a second bin room. This would allow storage of all five mobility scooters plus one or two besides, and ample storage for all the wheelie bins residents could possibly need. This would not even incur any additional expense. Drawings have been submitted to demonstrate how this would work;

A large number of residents have mobility problems and serious medical conditions and the relocation of bins will not assist them;

6 additional and surplus wheelie bins have appeared recently in the scheme;

I support the application;

The bins at the moment are too near the building for health and safety and I therefore support the application;

A recent tenants meeting was held about the proposals and only 3 Chapel Court residents were against the application, the rest were for the application;  
Storage for scooters could be created in the rear garden;  
The modified plan submitted by Storm Tempest whilst addressing some initial issues raised by residents means the shed is now smaller and won't have capacity to store as many bins;  
There are currently 19 wheelie bins and 2 large bins scattered around in dangerous places and these all will not be accommodated in the new wooden shed;  
The major refurbishment of the scheme means tenants are required to contribute to the cost of the works- however the works won't make our life easier;  
Riverside should relocate all the flammable building materials they are storing in the bin rooms;  
One of the worst aspects of the proposal is the secrecy that surrounds it;  
The justification about needing storage for scooters and hairdressing salon is incorrect/misleading.

## **8.0 RELEVANT PLANNING POLICIES**

8.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.

### **8.2 National Planning Policy Framework – (NPPF)**

Section 7: Requiring Good Design

Section 15. Conserving and Enhancing the Natural Environment

### **8.3 Planning (Listed Building and Conservation Areas) Act 1990**

Conservation Areas- Section 72(1)

### **8.4 West Lancashire Local Plan (2012-2027) DPD – (Local Plan)**

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

EN4- Preserving and Enhancing West Lancashire's Natural Environment

IF2- Enhancing Sustainable Transport Choices

### **Supplementary Planning Document – (SPD)**

Design Guide (Jan 2008)

All the above Policy references can be viewed on the Council's website at:

<http://www.westlancs.gov.uk/planning/planning-policy.aspx>

## **9.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

9.1 The main considerations for this application are:

Design and Appearance/ Impact upon the Conservation Area

Residential Amenity

Highway Safety

### **Design and Appearance/ Impact upon the Conservation Area**

9.2 Conservation Areas are defined under s.69 of the P(LBCA) Act1990 as being areas of 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. There is a need to consider whether the proposal would meet the statutory duty to preserve or enhance the character or appearance of the

Conservation Area. In assessing proposals, the P(LBCA) Act requires that decision makers (in this case the Council) consider character and appearance separately and that proposals need to satisfy the test above in both aspects.

- 9.3 Under the statutory duty the Council must give considerable weight to the presumption in favour of the desirability of the preservation of heritage assets (imposed by Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 9.4 Policy EN4 of the WLLP requires development to preserve or enhance the areas character or appearance and in particular harmonise with its surroundings in terms of mass, scale, form, use of materials and overall design quality. This view is supported by National Planning Policy Framework (NPPF) Paragraphs 184 to 202.
- 9.5 Policy GN3 of the Local Plan provides criteria in relation to design and layout of the development, in particular development should relate well to adjacent buildings, the area generally and natural features of the site in terms of siting, scale, orientation, design, detailing and materials.
- 9.6 The Ruff Lane Conservation Area is subdivided into 3 characteristic areas, one of which is the Chapel Street Area within which the application site is located. Chapel Court was built in 1985 and is therefore a relatively modern building within the area, it is not listed nor noted as having special importance or contribution within the Character Area Appraisal.
- 9.7 The residential court building has a red brickwork exterior and UPVC double glazed windows and doors throughout. The proposal includes the replacement of two existing fenestrations with 1000mm wide automatic external doors facilitating access to newly created internal mobility scooter storage areas. Owing to the modern appearance and materials of the existing building I am satisfied the modifications will not create any significant change in its overall appearance or character. Furthermore given their location on the side elevation of the court which is off set from the street scene and sits behind a landscaped area and parking bays, they would not be unduly prominent when viewed from the street scene.
- 9.8 The newly created external bin store would be located to the far eastern point of the application site replacing two out of the four residential car parking bays in this location. The proposed enclosed structure would contain and conceal a number of waste bins and owing to its siting which is off set from the main building in a corner plot surrounded by mature trees would not appear unduly prominent. Its construction from 1.8m close boarded timber panels would moreover be consistent with the existing boundary treatments of the residential gardens directly adjacent.
- 9.9 It is acknowledged that the creation of high level boundary fencing and walls which result in blank elevations directly fronting a street scene would generally be discouraged. Nevertheless, in this instance, owing to the density and orientation of properties within the immediate locality, directly opposite the site are the rear garden boundaries of properties on Chapel Street which are similarly enclosed by timber fences fronting Chapel Mews, I am satisfied the location, siting and appearance of the bin store would not appear unduly incongruous or create any significant disruption to the visual amenity of the street scene.
- 9.10 I am required to give the duty imposed by s.72(1) considerable weight. In my view the proposal meets the test to 'preserve' as laid down in the P(LBCA) Act 1990, and complies with the guidance contained in the NPPF, Policy EN4 and GN3 and the guidance contained in the West Lancashire Design Guide SPD.

### **Residential Amenity**

- 9.11 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of privacy and amenity for occupiers of neighbouring properties. Additionally the West Lancashire Design Guide in respect of the siting and layout of developments, states that consideration should include ensuring that adequate space is provided for servicing, refuse and bin collection, recycling facilities and storage. Any new development requires careful assessment of its likely impact on the amenities of existing residents and neighbouring properties.
- 9.12 As part of wider refurbishment and remodelling of Chapel Court the proposal seeks to convert an existing internal bin store for use as one of two storage areas for mobility scooters. The applicant indicates that creation of a designated space to store vehicles is required to overcome the problems caused by the parking of scooters in corridors to the detriment of residents' health and safety. Whilst the internal reconfiguration in itself does not require planning permission, this in turn has led to the proposed relocation and creation of an external bin store within the curtilage of the application site.
- 9.13 The proposed siting of the bin store would be set away from the main Chapel Court building which has self-contained flats across three floors. The applicant indicates that provision of a designated and enclosed storage area which is separated from the main residential accommodation, access points and the habitable windows of residents mitigates the otherwise potential harm to amenity created by bins being located directly adjacent to fire exits or within the direct view of occupants.
- 9.14 Riverside Housing Association have indicated that due to constraints of the application site, and in order to mitigate any further loss of parking bays, the proposed bin enclosure has been kept to a modest size. It is acknowledged the new storage facility will not be able to accommodate the number of small size bins currently utilised on site. It is however the applicant's intention following any approval of external store, to achieve the same volume capacity of bins albeit provided through a reduced number of larger bins calculated to fit within the proposed enclosure. On this basis I am satisfied the proposed scale and siting of the bin store would not result in an excess number of bins being stored outside the designated areas to the detriment of residents amenity.
- 9.15 The siting of the bin store is in a corner position adjacent to high level timber fencing and mature trees which forms the common boundary between the existing car parking bays and the rear gardens of No 81, 86 and 88 Chapel Street. I note the neighbour concern relating to the relocation of the bin store resulting in an increased level of noise and disturbance, however given the existing use for car parking I do not consider the change would result in a significant additional harm in this respect. Furthermore any impact would be to some extent mitigated owing to the orientation of the neighbouring properties, the substantial length of the gardens, and the screening provided by the existing boundary treatments and bin enclosure itself
- 9.16 A number of the concerns raised within the Chapel Court resident's representations (outlined in section 7.1) relate specifically to the impact of the relocation of bins in respect of individual support and care needs, management and maintenance of the scheme and decisions regarding the internal reconfiguration and usage of the building. In this respect, such issues are the responsibility of the site operator/ landlord (in this case Riverside Housing Association). However, on balance, I consider the location of the proposed bin store to be acceptable.
- 9.17 On balance, given the above I am satisfied the proposals would not create any significant additional harm to residential amenity to warrant refusal of the application which is therefore accordant with Policy GN3 of the Local Plan in this respect.

## **Highway Safety**

- 9.18 Policy IF2 of the Local Plan provides detailed criteria relating to transport choices in development. It states that proposals for additional parking provision should consider local circumstances to justify a proposal, which includes levels of local car parking provision and any local parking issues.
- 9.19 The proposed new external bin store area would be located to the south east end of the application site in an existing parking area, and as such would result in the reduction of available parking spaces from 14 to 12. The Highway Authority has been consulted on the proposal and advises that the loss of the two car parking spaces is considered to be mitigated to some extent by the sustainable town centre location of the scheme which also has sufficient waiting restrictions in the vicinity of the site to control on road parking.
- 9.20 On that basis, Lancashire County Council Highways are of the opinion that the proposals would not have a severe impact on highway safety or capacity and have no objections to the scheme which is therefore considered accordant with Policy IF2 of the Local Plan

## **10.0 CONCLUSION**

- 10.1 Overall I consider the proposed developments are compliant with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and are recommended for approval

## **11.0 RECOMMENDATION**

- 11.1 That planning permission be GRANTED subject to the following conditions

### **Condition(s)**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Proposed Site Plan Dwg No: 07 Rev A Received by the Local Planning Authority on 24th January 2020  
Fence Elevation Drawing Dwg No: 9 Received by the Local Planning Authority on 13th December 2019  
Proposed Ground Floor Plan Dwg No: 03 Rev B. Received by the Local Planning Authority on 6th December 2019  
Existing and Proposed Elevations Dwg No: 05. Received by the Local Planning Authority on 26th November 2019  
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. The materials to be used on the external surfaces of the works hereby permitted shall match those on Dwg 05 Received 26 the November 2019, Dwg 09 Received 13th December 2019, and Section 7 (Materials) of the submitted Application Form received on 26th November 2019. If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.

Reason: To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

**Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

EN4- Preserving and Enhancing West Lancashire's Natural Environment

IF2- Enhancing Sustainable Transport Choices

together with Supplementary Planning Guidance and all relevant material considerations.

The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.