



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Tuesday, 16 May 2023

TO: ALL MEMBERS OF THE PLANNING COMMITTEE

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK, L39 2DF** on **THURSDAY, 25 MAY 2023** at **7.00 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JS' followed by a flourish.

Jacqui Sinnott-Lacey
Chief Operating Officer

AGENDA
(Open to the Public)

1. **APOLOGIES**
2. **MEMBERSHIP OF THE COMMITTEE**
To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.
3. **URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN**
Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

- 4. DECLARATIONS OF INTEREST** 1 – 2
 If a member requires advice on Declarations of Interest, he/she is advised to contact the Legal and Democratic Services Manager in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.)
- 5. DECLARATIONS OF PARTY WHIP**
 Party Whips are not to be used by this Committee in respect of its functions concerning the determination of applications, approval of consents, the taking of enforcement action and the exercise of powers and duties with regard to highways, hedgerows, the preservation of trees and high hedge complaints. When considering any other matter which relates to a decision of the Cabinet or the performance of any member of the Cabinet, in accordance with Regulatory Committee Procedure 9, Members must declare the existence of any party whip, and the nature of it.
- 6. MINUTES** 3 – 6
 To receive as a correct record the minutes of the meeting held on the 20 April 2023.
- 7. PLANNING APPLICATIONS**
 To consider the reports of the Corporate Director of Place and Community.
- 7a 2022/0945/WL3 - 82-84 TANFIELDS, SKELMERSDALE 7 - 18
- 7b 2022/0955/FUL - 9-11 MOOR STREET, ORMSKIRK 19 - 30

We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.

FIRE EVACUATION PROCEDURE: Please see attached sheet.
MOBILE PHONES: These should be switched off or to 'silent' at all meetings.

For further information, please contact:-
 Jill Ryan on 01695 585017
 Or email jill.ryan@westlancs.gov.uk

**FIRE EVACUATION PROCEDURE FOR:
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT
(52 DERBY STREET, ORMSKIRK)**

PERSON IN CHARGE: Most Senior Officer Present
ZONE WARDEN: Member Services Officer / Lawyer
DOOR WARDEN(S) Usher / Caretaker

IF YOU DISCOVER A FIRE

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

ON HEARING THE FIRE ALARM

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **Do NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

NOTES:

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

CHECKLIST FOR PERSON IN CHARGE

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the zone warden and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

5. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, **i.e.** that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

NOTE:

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

CHECKLIST FOR ZONE WARDEN

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

INSTRUCTIONS FOR DOOR WARDENS

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.

Agenda Item 4

MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	General		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/> <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i> <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of: (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease. (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends. (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay. (iv) An allowance, payment or indemnity given to Members (v) Any ceremonial honour given to Members (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 15/09/20 – 14/09/24)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

'disclosable pecuniary interest' (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

Any employment, office, trade, profession or vocation carried on for profit or gain.

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;

"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;

"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

'non pecuniary interest' means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

'a connected person' means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

'body exercising functions of a public nature' means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

NB Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

Agenda Item 6

PLANNING COMMITTEE

HELD: Thursday, 20 April 2023

Start: 7.00 p.m.,

Finish: 7.45 p.m.

PRESENT:

Councillor: D O'Toole (Chairman)
J Finch (Vice-Chairman)

Councillors: A Blundell G Owen
A Fennell E Pope
A Fowler J Thompson
P Hogan Mrs J Witter
J Howard

Officers: Paul Charlson, Head of Planning and Regulatory Services
Kate Jones, Planning Services Team Leader
Nicola Cook, Principal Planning Officer
Judith Williams, Assistant Solicitor
Danielle Valenti, Planning Assistant Solicitor
Hollie Griffiths, Planning Assistant Solicitor
Chloe McNally, Democratic Services Officer

90 APOLOGIES

Apologies for absence were received on behalf of Councillor M Anderson, and Councillor G Johnson.

91 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

92 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business received.

93 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

94 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

95 MINUTES

RESOLVED: That the minutes of the meeting held on the 16 March 2023 be approved as a correct record and signed by the Chairman.

96 PLANNING APPLICATIONS

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 611 to 669 of the Book of Reports.

97 2023/0008/FUL - OLD GORE BARN, ALTCAR LANE, GREAT ALTCAR, LIVERPOOL

The Corporate Director of Place and Community submitted a report on planning application 2023/0008/FUL relating to Old Gore Barn, Altcar Lane, Great Altcar.

RESOLVED: That planning application 2023/0008/FUL relating to Old Gore Barn, Altcar Lane, Great Altcar be deferred to allow the applicant to be submitted for consideration.

98 2022/1324/FUL - LAND AT JUNCTION OF MOSS ROAD/BENTHAMS WAY, HALSALL

It was noted that planning application 2022/1324/FUL relating to Land at Junction of Moss Road/Benthams Way, Halsall had been withdrawn by the applicant and was not therefore considered.

99 2023/0039/FUL - LAND TO REAR OF 99 BLACKGATE LANE, TARLETON

The Corporate Director of Place and Community submitted a report on planning application 2023/0039/FUL relating to Land to rear of 99 Blackgate Lane, Tarleton.

RESOLVED: That planning application 2023/0039/FUL relating to Land to rear of 99 Blackgate Lane, Tarleton be refused for the reasons as set out on page 643 of the Book of Reports.

100 2022/1154/FUL - ELLAN VANNIN, LONG HEYS LANE, DALTON

The Corporate Director of Place and Community submitted a report on planning application 2022/1154/FUL relating to Ellan Vannin, Long Heys Lane, Dalton.

RESOLVED: That planning application 2022/1154/FUL relating to Ellan Vannin, Long Heys Lane, Dalton be approved subject to the reasons and conditions as set out on page 654 of the Book of Reports.

101 2022/1080/FUL - HOSCAR COTTAGE, HOSCAR MOSS ROAD, LATHOM

The Corporate Director of Place and Community submitted a report on planning application 2022/1080/FUL relating to Hoscar Cottage, Hoscar Moss Road, Lathom.

RESOLVED: That planning application 2022/1080/FUL relating to Hoscar Cottage, Hoscar Moss Road, Lathom be approved subject to the reasons and

conditions as set out on pages 666 to 667 of the Book of Reports and with an additional condition and reason as set out below:-

Additional Condition

The use of the cattery and hair salon hereby permitted shall be personal to Mrs Michelle Swindon and shall not ensure for the benefit of the land nor any other person or persons for the time being having an interest therein.

When the premises cease to be occupied by Mrs Michelle Swindon the use hereby permitted shall cease (and all materials and equipment brought on to the premises in connection with the use shall be removed).

Reason:

In granting this permission the Local Planning Authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over any subsequent use or involvement of multiple users in the event of the applicant ceasing the use hereby permitted.

102 **INCREASING PLANNING FEES AND PERFORMANCE: TECHNICAL CONSULTATION**

Consideration was given to the report of the Corporate Director of Place and Community as set out on pages 671 to 701 of the Book of Reports the purpose of which was to seek members agreement to the proposed responses on the consultations carried out in respect of increasing planning fees and also on the performance technical consultations.

RESOLVED: That Planning Committee endorse the report and comments as the Council's observations to the consultation in advance of it being sent to the Department of Levelling Up, Housing and Communities (DLUHC) on or before the 25 April 2023.

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Chairman



PLANNING COMMITTEE: 25TH MAY 2023

Report of: Corporate Director of Place & Community

Contact for further information:

Case Officer: Samia Syeda (Extn. 5277) (E-mail: samia.syeda@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF: 2022/0945/WL3

PROPOSAL: Proposed redesign of 82 & 84 Tanfield flats following explosion and subsequent demolition of the existing. Existing design consists of No.82 -1bed ground floor flat and No.84 - 2bed two story flat split over first & second floor. Proposed design involves making both flats 1beds - No.82 (Ground Floor) & No.84 (First Floor).

APPLICANT: West Lancashire Borough Council

ADDRESS: 82-84 Tanfields, Skelmersdale

REASON FOR COMMITTEE DECISION: The Council is the applicant. Accordingly the planning application must be decided by the Planning Committee.

Wards affected: Skelmersdale North

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks planning permission for the erection of two replacement flats following an accidental explosion and subsequent demolition of the same.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That the application be GRANTED subject to conditions.

3.0 THE SITE

3.1 The application site relates to a vacant brownfield site situated to the east of Tanfields. The site was previously occupied by a part two / part three storey end terraced building accommodating a one bedroom flat at ground level and a two bedroom maisonette spread over three floors. A raised terrace area was located over the adjoining public footpath and accessed from the first floor flat. An

accidental explosion damaged the building in May 2022 and the building was subsequently demolished for health and safety reasons to floor slab level.

- 3.2 The surrounding properties are generally two and three storey brick properties with a combination of low pitched roofs and flat roofs.

4.0 PROPOSAL

- 4.1 Planning permission is sought for the erection of a two-storey building to accommodate two flats, one at ground floor and one at first floor. The proposal will be erected on the footprint of the previous building and will utilise the existing slab and foundations but will have a different internal arrangement to its predecessor. Each flat will have separate access points and comprise an open plan kitchen-diner, a bedroom and a bathroom.
- 4.2 Externally, the flats will be traditionally constructed with clay brick walls, UPVC windows and concrete roof tiles to match the previous building and surrounding dwellings. External doors and windows will be in the same position as the previous building.
- 4.3 The previous flats were a part two and three storey building, with a pitched roof at second storey and a flat roof at the third storey, whilst the proposal is for a two storey pitched roof building. Notwithstanding this difference, the proposal does match the eaves (4.78m) and ridge (5.82m) height of the previous building at second storey.
- 4.4 Whilst no 82 Tanfields – the ground floor flat – will have direct access to its rear garden via a bifold door, no 84 Tanfields will have to access its garden externally.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 None

6.0 OBSERVATION OF CONSULTEES

- 6.1 Coal Authority (18/04/23) – The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment that coal mining legacy potentially poses a risk to the proposed development. A condition is recommended requiring intrusive site investigation works prior to development to establish the exact situation regarding coal mining legacy issues on the site.
- 6.2 Estates and Valuation – no comments received.
- 6.3 Lancashire Highways (02/12/22) – no objection as the proposal will have a negligible impact on highway safety or highway capacity within the immediate vicinity of the site. A pre-commencement survey of the condition of the surrounding adopted footway and a construction management plan is required.
- 6.4 Principal Engineer (12/12/22) – no objection as the impact on flood risk will be negligible.

7.0 OTHER REPRESENTATIONS

- 7.1 One letter of objection has been received with concerns relating to overlooking and the nature of tenants expected. Note, it would be unreasonable to make

assumptions in relation to the potential nature of any future occupants and for this reason this is not a material planning consideration and should not form part of the decision making process.

8.0 SUPPORTING INFORMATION

- Coal Mining Report (March 2023 – Delta Simons)
- Supporting Statement (undated – West Lancashire Borough Council)

9.0 RELEVANT PLANNING POLICIES

9.1 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.

9.2 The site is located within the defined urban area of Skelmersdale as designated in the West Lancashire Local Plan 2012 – 2027 DPD.

9.3 National Planning Policy Framework (NPPF)

Achieving sustainable development
Delivering a sufficient supply of homes
Making effective use of land
Achieving well designed places

9.4 West Lancashire Local Plan (WLLP) 2012 – 2027 DPD

Policy SP1- A Sustainable Development Framework for West Lancashire
Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development Policy
Policy IF2 – Enhancing Suitable Transport Choice
Policy RS1- Residential Development

9.5 Supplementary Planning Document

Design Guide (2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

- Principle of Development
- Design and Appearance
- Impact on Residential Amenity
- Highways Impact
- Coal Mining Legacy

Principle of Development

10.2 Policies RS1 and GN1 of the WLLP states that residential development will be permitted within the Borough's settlements on brownfield sites, and on greenfield sites not protected by other policies. The site is located within the Regional Town of Skelmersdale as designated in the WLLP and as such the principle of residential development is acceptable subject to the proposal complying with other planning policies and material considerations set out below.

Design and Appearance

- 10.3 Policy GN3 of the WLLP along with the Design Guide SPD requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.
- 10.4 The application proposes the erection of a two-storey building, extending across the same floorplate and orientated in a comparable position to the previous building. In terms of height, the proposal is smaller than the previous building but it is the same height of dwellings along the same block and those that are located opposite. Whilst the removal of the first-floor terrace, the three-storey element and the removal of white upvc cladding along the front is a change over the previous building, these elements are of no notable standard of design and are not features which are desirable to retain. The proposed replacement building on the other hand will match the eaves and ridge height at second storey and include a low roof pitch to match the neighbouring properties. Externally the building will reflect the surrounding area in terms of fenestration detailing e.g., number and positioning of doors, windows and use materials to match including red brick and grey roof tiles to match. Whilst anthracite grey windows, fascia and eaves are proposed, which differ to the predominantly white upvc used in the surrounding residential area, there are enough similar design cues used in the proposal in respect of the surrounding residential context such that the proposal is considered to be acceptable. Externally the gardens will be enclosed by close boarded timber fencing in between concrete posts, which is typical of the area.
- 10.5 Subject to details of materials being provided by way of conditions, the proposal is considered to be of an appropriate standard of design and would satisfy Policy GN3 of the WLLP and the Design Guide SPD.

Impact on Residential Amenity

- 10.6 Policy GN3 of the WLLP permits development provided it retains or creates reasonable levels of privacy, amenity, and sufficient garden/outdoor space for occupiers of the neighbouring properties.
- 10.7 The redevelopment of the site provides for a replacement two storey residential dwelling in the same location as the demolished property. It will occupy the same footprint as the demolished property with windows and doors located in the same locations, thereby maintaining the separations distances and relationships with surrounding dwellings which existed prior to its demolition.
- 10.8 The removal of the external first floor terrace will reduce overlooking of neighbouring private gardens areas and habitable rooms in this direction.
- 10.9 No concerns are had in respect of overshadowing or an overbearing impact as the proposal is of a similar siting and reduced scale to the previously demolished building, where the front and rear elevation follows the established building line.
- 10.10 Having regard to the above considerations, the proposal will not adversely impact the living conditions of neighbouring occupiers to any significant degree and therefore the development is considered to comply with the requirements of WLLP Policy GN3.

Highways Impact

- 10.11 Policy GN3 of the WLLP states that development should incorporate suitable and safe access and road layout design in line with latest standards. Parking should be provided in accordance with Policy IF2.
- 10.12 Given the application concerns a replacement dwelling, it is noted that access and servicing arrangements are well-established at the site. Car parking is provided by way of a communal car park. Bin storage remains possible to the rear of the property just a short walk to the highway which would be considered acceptable.
- 10.13 Further to the above, Lancashire County Council Highway Authority have been consulted and have raised no concerns in respect of the proposals but have requested a pre-commencement survey of the condition of the surrounding adopted footway. Subject to this condition, the application is considered to accord with the requirements of Policy IF2 of the WLLP and the NPPF.

Coal Mining Legacy

- 10.14 The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
- 10.15 The Coal Mining Risk Assessment submitted in support of the application does not identify any outcrops within the Site, and no evidence of shallow workings is shown on the historical plans provided. However, three coal seams are mapped to the immediate north of the Site, which are assumed to dip to the south beneath the Site. There are mapped mine entries which coincide with these three coal seams. The Coal Mining Risk Assessment recommends intrusive investigation to assess the presence of any shallow mine workings, and to undertake preliminary gas monitoring.
- 10.16 The Coal Authority have assessed the submitted information and concur with the recommendations of the Coal Mining Risk Assessment. Accordingly, the Coal Authority recommend a pre-commencement condition to undertake a scheme of intrusive investigations and any remediation works, and a pre-occupation condition requiring a signed statement or declaration that the site has been made safe and stable for the development.

11.0 CONCLUSION

- 11.1 The proposed replacement dwelling is similar to the building it replaces in terms of its design and is considered to be in keeping with the established character of the area and acceptable in principle. Subject to planning conditions, the new build would likewise preserve residential amenity, highway safety and the risk of any coal mining legacy below the site. The proposed development is considered therefore to be compliant with the NPPF and Policies SP1, GN1, GN3, IF2 and RS1 of the WLLP and the application is recommended for approval.

12.0 RECOMMENDATION

- 12.1 That planning permission be approved subject to the following conditions and reasons:
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:

Existing Location and Site Plan Dwg no 117-L01_RevA
Existing Ground & 1st Floorplans Dwg no 117-L02_RevA
Existing 2nd Floorplan and Roofplan Dwg no 117-L03_RevA
Existing Elevations Dwg no 117-L04_RevA
Existing Elevations Dwg No 117-L05_RevA
Existing 3D views Dwg no 117-L06_RevA
Proposed Location & Site Plan Dwg No 117-P01_RevB
Proposed Grounds & 1st Floorplans Dwg No 117-P02_RevB
Proposed Elevations Dwg No 117-P03_RevB
Proposed Elevations Dwg No 117-P04_RevB
Proposed 3D Views Dwg No 117-P05_RevB
Proposed 3D Views Dwg No 117-P06_RevB

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. No development shall commence until:
 - A scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
 - Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework

4. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that

adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework

5. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:
 - A plan to a scale of 1:1000 showing the location of all defects identified; and
 - A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:
 - 24 Hour emergency contact number;
 - Details of the parking of vehicles of site operatives and visitors;
 - Details of loading and unloading of plant and materials;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities;
 - Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
 - Measures to control the emission of dust and dirt during construction;
 - Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - Construction vehicle routing;
 - Delivery, demolition and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. Notwithstanding any description of materials in the application , no above ground construction works shall take place until a plan indicating the position, height,

design, materials, and type of fencing and gates to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment(s) means of enclosure shall be completed as approved before the development is occupied.

Reason: To safeguard and enhance the character of the area and to protect residential amenity in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

8. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour, and texture of the materials. The development shall be carried out using only the agreed materials and method of construction.

Reason: To ensure that the external appearance of the building is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the 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:

Policy RS1- Residential Development
Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy 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.

13.0 SUSTAINABILITY IMPLICATIONS

- 13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

16.1 There are no health and wellbeing implications arising from this report.

Background Documents

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

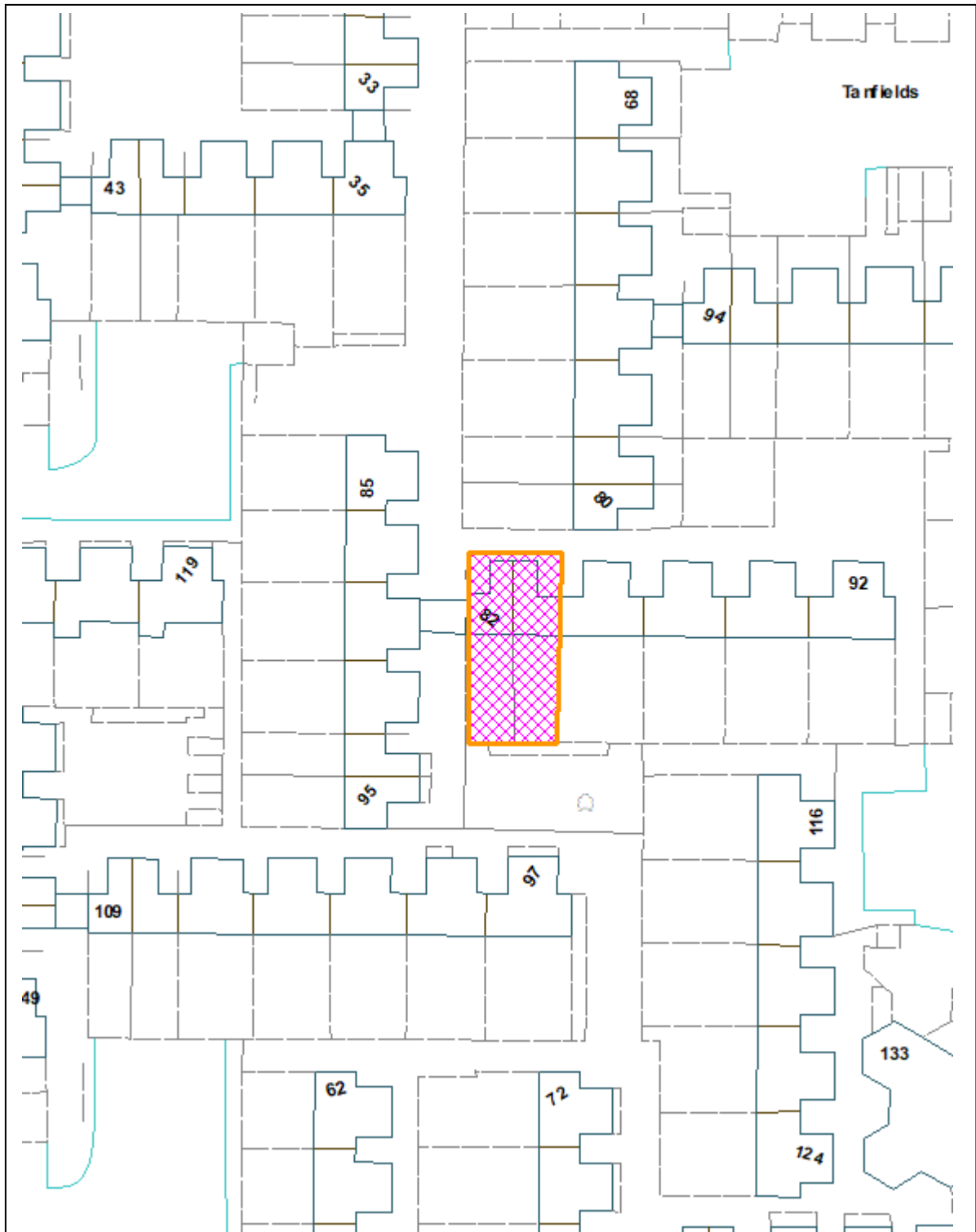
Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

Appendices

None.

82-84 Tanfields, Skelmersdale, WN8 8NR.





PLANNING COMMITTEE: 25TH MAY 2023

Report of: Corporate Director of Place & Community

Contact for further information:

Case Officer: Debbie Walkley (Extn. 5342) (E-mail: debbie.walkley@westlancls.gov.uk)

SUBJECT: PLANNING APPLICATION REF. 2022/0955/FUL

PROPOSAL: Alterations to two existing shops, creation of second floor and conversion of first and second floors to student HMO.

ADDRESS: 9-11 Moor Street, Ormskirk, L39 2AA

REASON FOR CALL IN:

The application has been 'Called In' to Planning Committee by Councillor Dowling due to concerns regarding impact on the town centre, appropriate development, over saturation and loss of retail space

Wards affected: Scott (Ormskirk)

1.0 PURPOSE OF THE REPORT

1.1 The report advises Planning Committee on an application which seeks permission for the reconfiguration and retention of the two existing retail units (9 & 11 Moor Street) at ground floor alongside the conversion of the existing upper level for Student HMO Accommodation. In total there will be 19 en-suite bedrooms across the first and newly created second floor, which will be grouped on each level with their own communal lounge and kitchen area.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That planning permission be GRANTED subject to conditions

3.0 THE SITE

3.1 The application relates to a two-storey modern commercial unit located to the north of Moor Street in Ormskirk Town Centre. The ground floor is occupied by retail units with associated storage for each shop provided to the first floor. At the time of assessment Unit 9 is vacant and Unit 11 is occupied by a Card and Gift Shop

3.2 The site is located within Ormskirk Town Centre and its Primary Shopping Area. The location also forms part of the Ormskirk Town Centre Conservation Area.

4.0 THE PROPOSAL

4.1 Planning permission is sought for the reconfiguration of the two existing retail units (9 & 11 Moor Street) at ground floor alongside the conversion of the existing upper level for Student HMO Accommodation. At the ground floor the alterations are confined to internal reconfigurations by way of the rear section of the vacant unit (9) being subdivided to provide ground floor storage area for the occupied unit (11-The Card Shop) which would be in lieu of the storage they currently benefit from on the upper floor.

4.2 At first floor level, owing to the significant ceiling heights and roof space of the building, the proposal seeks to create an additional first and second floor which will be converted for the student accommodation. In total there will be 19 bedrooms across the first and newly created second floor, which will be grouped on each level with its own communal lounge and kitchen area. Each bedroom will have an ensuite shower room.

4.3 The external alterations to the building itself will be minimal and confined to the installation of conservation roof lights and a number of additional windows to the rear elevation to facilitate the residential conversion. The street level shop fronts will be retained to the principal elevation of the building whilst access to the upper floor student accommodation will be from the rear of the building, which will also contain two car parking spaces, a designated cycle storage area and bin stores.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 **2016/0968/ADV** Display of two new illuminated fascia signs and one new illuminated projecting sign. GRANTED

5.2 **2006/0625** Retention of two illuminated fascia signs and one illuminated projecting sign. ADVERTISEMENT CONSENT GRANTED 19.07.2006

5.3 **2001/1130** Retention of 2 non-illuminated fascia signs. 05.02.2002

5.4 **2001/0616** Retention of 2 no. illuminated fascia signs and one illuminated projecting sign. ADVERTISEMENT CONSENT REFUSED 13.08.2001

5.5 **1997/0075** Installation of air conditioning condenser units to side elevation. GRANTED 19.03.1997

5.6 **1997/0010** Retention of illuminated fascia and projecting signs. ADVERTISEMENT CONSENT REFUSED 17.06.1997

6.0 CONSULTEE RESPONSES

6.1 **Lancashire County Council Highways Department** (09.01.2023)
No objections. Recommended Condition.

6.2 **WLBC Environmental Health-** (25.04.2023)
No Objections subject to recommended conditions

7.0 OTHER REPRESENTATIONS

7.1 The application has been 'Called In' to Planning Committee by Councillor Dowling due to concerns regarding impact on the town centre, appropriate development, over saturation and loss of retail space

8.0 SUPPORTING INFORMATION

- 8.1 Student Accommodation Statement. (01.09.2023)
- 8.2 Supporting Letter: NSW Commercial (Marketing of Retail Units) (01.09.2023)
- 8.3 Design and Access Statement (01.09.2023)
- 8.4 Noise Impact Assessment (14.11.2023)
- 8.5 Heritage Statement (14.11.2023)
- 8.6 Supplementary Information for Planning Committee (16.03.2023)

9.0 RELEVANT PLANNING POLICIES

9.1 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.

9.2 The application site is located within the Key Service Centre of Ormskirk and lies within the Ormskirk Town Centre Conservation Area as designated in the West Lancashire Local Plan.

9.3 **National Planning Policy Framework – (NPPF)**
Achieving well designed spaces

9.4 **West Lancashire Local Plan (2012-2027) DPD – (Local Plan)**
SP1 – A Sustainable Development Framework for West Lancashire
RS3 – Provision of Student Accommodation
GN1 – Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF1- Maintaining Vibrant Town and Local Centres
IF2 – Enhancing Sustainable Transport Choice
EN4- Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

9.5 **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>

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this proposal are as follows:

- Principle of Development
- Impact upon the Conservation Area/ Appearance and Design
- Impact upon Residential Amenity
- Parking provision/ Highways

Principle of Development

- 10.2 The site is located within the Primary Shopping Area of the town centre. Policy IF1 advises *"Within town centres, a diversity of uses will be encouraged outside the Primary Shopping Area and above ground floor level within the primary shopping area in order to maximise the centres' vitality and viability, to encourage an evening economy and to improve safety and security by increasing natural surveillance of the centre. Such uses may include (inter alia) residential uses and student accommodation"*.
- 10.3 The application site comprises of a two-storey building including two retail units on the ground floor and storage space to the first floor. The proposal seeks to retain the ground floor retail units (making minor internal reconfigurations) and the conversion of the upper first and second floors to create student accommodation comprising of 19 en-suite bedrooms including communal lounge and kitchen areas.
- 10.4 Policy RS3 (Provision of Student Accommodation) in the Local Plan refers specifically to proposals for student accommodation. It states that the development of student accommodation outside of the University Campus will be restricted, except where
- i) an over-riding need for such accommodation is demonstrated*
 - ii) demand for conversion of existing dwelling houses to HMOs will be demonstrably reduced*
 - iii) it will not negatively impact the amenity of surrounding land uses*
- 10.5 When assessing the potential impact of purpose-built student accommodation on the amenity of the surrounding areas, the Council will also have regard to the presence of any HMOs in the vicinity. In addition, Policy RS3 refers to considering the effects of clustering of HMOs to ensure there is no unacceptable impact on residential amenity or the supply of accommodation for other town centre uses such as offices, storage and ground floor retail.
- 10.6 With regards to the implementation of Policy RS3, at present the amount HMOs within the Primary Shopping Area is significantly in excess of the 15%, nevertheless the policy as outlined above specifically allows for a greater proportion of HMOs within this part of the town centre.
- 10.7 The supporting information submitted with the application states that the proposed development would provide much needed accommodation for students at Edge Hill. The applicant indicates they have been advised by the University Accommodation Team that there is a high demand for off Campus accommodation and Ormskirk Town Centre is the preference for the majority of students. The new intake of students each year is over 4000, whilst the campus has on site accommodation for 2340 students therefore supporting the continued demand. The case is felt to be reinforced by the existence of the free bus service for students 'Edgelink' linking the campus and the town centre.
- 10.8 Furthermore, it is acknowledged that Ormskirk has seen a substantial increase in off campus accommodation over the last 20 years particularly in the conversion of dwelling houses to HMOs within residential areas. In this respect the provision of additional student accommodation in the town centre will likely assist in the reduction in conversion of existing dwelling houses
- 10.9 In respect of the impact of the proposed development on the Town Centre profile, the ground floor units will remain in commercial/ retail use. Whilst it is acknowledged that there will be loss of the existing first floor storage area

associated with the ground floor units, I am satisfied that the applicant has submitted a robust case to demonstrate this loss would not prejudice the viability of the retained units. The application is accompanied by both a marketing/ letting appraisal and a supplementary statement (submitted following the Call In request) which justifies the reconfiguration on the basis of the changing requirements/ demands of retail tenants who increasingly indicating that large amounts of upper storage is no longer necessary due to the advent of online ordering and delivery.

- 10.10 The reconfiguration of the units to create additional storage for the card shop will enable its continued lease, and whilst the Sqm of the second unit will be slightly reduced, it is not considered that this will harm its viability or re-let potential. Indeed, the applicant indicates they are in the process of securing a 10-year lease with a National Company for the second unit. The resultant impact of the proposals would therefore support the long-term tenure and occupation of two prominent shops within the Primary Shopping Area of Ormskirk.
- 10.11 On balance, given the above, I am satisfied the proposed development meets the requirements of Policy RS3 both in respect of the provision of student accommodation and furthermore will not unduly compromise the vitality or viability of the town centre. The principal of development is therefore considered acceptable

Impact upon the Conservation Area/ Appearance and Design

- 10.12 Policy GN3 of the Local Plan states that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Policy EN4 of the Local Plan is also relevant as is the guidance contained in the NPPF in terms of the impact of the proposed development on heritage assets- in this case the Ormskirk Town Centre Conservation Area.
- 10.13 The NPPF in determining advises that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.14 Local Planning Authorities should in coming to decisions refer to the principal act which requires in this case to have special regard to preserving the character and appearance of the Conservation Area (s.72) Recent Court judgements have shown the statutory duty prescribed under the Planning (Listed Building and Conservation Areas) Act 1990 should always be given considerable weight in decision making.
- 10.15 The application site is located within the Primary Shopping Centre and Ormskirk Town Centre Conservation Area. The building itself is relatively modern and the scope of the external alterations are confined to the addition of first and second floor windows to the rear elevation and roof lights. As the roof lights would front onto Moor Street and thereby the most visible and sensitive elements of the changes, it is considered appropriate that these should be conservation style fitting and this detail can be secured by condition
- 10.16 The additional fenestrations to the rear and side owing to their location would be considered to have negligible impact upon the overall design and appearance of the building and the Conservation Area. The window frame design and scale should be similar to those on the existing building and the submission of this detail can also be secured by condition of any future permission

10.17 As I am required to do so, I have given the duty imposed by s.66(1) of the Planning (LBCA) Act 1990 considerable weight in my comments. I consider the proposal meets the statutory test 'to preserve' the Ormskirk Town Centre Conservation Area and in principle is accordant with Policy EN4 and GN3 of the Local Plan

Impact upon Residential Amenity

10.18 In relation to an assessment of the proposed development upon residential amenity, Policy GN3, criterion iii of the West Lancashire Local Plan (2012-2027) DPD states that any development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring and proposed properties.

10.19 The application site is located within the Town Centre and is a purpose-built commercial building surrounded by a similar mix of retail, commercial and residential uses. Within the immediate vicinity there are other examples of premises where upper floor conversions to residential/ student accommodation have already taken place. In this context I do not consider that the proposed conversion of the first and second floor of the application building for student accommodation would be detrimental to the amenities of the area by way of noise and disturbance. It is generally acknowledged that 'above the shop' living within town centres increases surveillance of the area in the evenings and creates a more mixed and vibrant atmosphere. Further it is accepted that occupiers of such premises are aware of the potential for more noise than in quieter residential areas.

10.20 The application buildings existing first floor use was for storage associated with the ground floor commercial units and the scope of the conversion to residential including the creation of a secondary level, necessitates the installation of several additional upper floor windows to the side and principally the rear elevation of the building. Given the location of the windows in relation to the adjacent land and building uses and noting the existing density and amenity relationship between the premises in this location I am satisfied the additional windows would not result in any significant additional harm to the amenity afforded to neighbouring occupants or businesses.

Amenity of future occupants

10.21 In respect of the mixed use of the building, with ground floor being retained in commercial/ retail use, consideration must be given to the amenity of the future occupants of the student accommodation above. Given the Town Centre setting and nature of the purpose-built commercial premises, it is accepted that it is not possible to create any additional garden or external amenity areas for the residents of the proposed units. The provision for cycle and bin storage is proposed to the rear yard of the building is however considered appropriate for the scale and type of accommodation proposed. It is further acknowledged that there is public open space within close vicinity of the building including the nearby Coronation Park together with the University Campus itself which provides amenity and recreation areas for students

10.22 Given the nature of the conversion and mixed use, future occupants should be protected from external and internal noise transfer through the respective dwellings and ground floor use. The submission is accompanied by a Noise Impact Assessment which along with the scope of the proposals has been considered by the Councils Environmental Health Officer.

- 10.23 Appropriate noise guidelines have been followed within the report including BS 8233:2014 Guidance on sound insulation and noise reduction for buildings, the Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise. The proposed development should be of a standard that will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35dB LAeq - 16 hrs daytime and more than 30 dB LAeq - 8 hours in bedrooms at night.
- 10.24 The applicant is required to ensure adequate façade/glazing/ventilation design is provided additionally, in addition to appropriate sound installation between separate units to ensure future occupiers are protected. This can be secured by condition. It is considered that the submitted acoustic assessment has adequately concluded that with specified mitigation and ventilation strategy the development will meet the required noise standards as required by Local Plan guidelines and is therefore acceptable in Environmental Health terms.
- 10.25 Subject to the described conditions and the recommendations of the report being incorporated within the fabric of the building I am satisfied noise from the ground floor commercial units can be adequately controlled to protect the amenity of future occupants. Furthermore, I am satisfied the development can be delivered whilst retaining reasonable levels of amenity for the surrounding residential/ student properties. A mixed commercial and residential use is considered appropriate for this town centre location and will maximise Ormskirk's vitality and viability, complementing existing uses without resulting in significant harm to amenity in line with Policy GN3 of the Local Plan

Parking Provision/ Highways

- 10.26 The application site is located on Moor Street within the Ormskirk Town Centre Primary Shopping Area. The proposals are confined to internal reconfigurations and changes to the upper floors for student accommodation and do not include new or altered access to the public highway. No additional parking has been proposed with the plans indicating that 2 no car parking spaces will be provided to the rear of the property as is the current situation with the existing commercial use. Access to this parking is off Leyland Way
- 10.27 Whilst the proposal does not include any on-site parking provisions for residents it is acknowledged that the site is in a highly sustainable location and government guidance encourages development in such circumstances. It is also considered that demand for parking with student accommodation in such a central location would be low, particularly given the regular bus service from the town centre to Edge Hill University. In any case no university parking permits would be issued to car owning residents in this location. There are furthermore public car parks available in various locations around the town centre and directly to the rear of the property.
- 10.28 LCC Highways have considered the proposals and raised no objections in principle to the development and on balance I am satisfied the proposals are accordant with Policy IF2 and GN3 of the Local Plan
- 10.29 Notwithstanding the above, it is noted that within the LCC Highways consultation comments reference is made to a suggested condition relating to a 'legally binding clause for the landlord to prevent the car ownership of future occupants'. Paragraph 55 of the NPPF makes clear that planning conditions should be kept to a minimum, and only use where they satisfy the tests including being necessary, relevant,

enforceable, precise and reasonable. In this respect it is not considered that the suggested condition would satisfy this criterion being neither enforceable by the Local Authority nor, given the sustainable location of the site and the nature of the accommodation, is necessary or reasonable. Therefore as it would be contrary to the NPPF it is NOT intended that this condition will be applied to any future permission

11.0 Conclusion

11.1 The proposed development is considered compliant with the NPPF and Policies IF1, IF2, RS3, GN3 and EN4 of the West Lancashire Local Plan 2012-2027 DPD and the application is recommended for approval

12.0 Recommendation

12.1 That planning permission be GRANTED subject to the following conditions:

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:

Site Location Plan Dwg: 2635/10c Received by the Local Planning Authority on 1st September 2023

Existing and Proposed Plan (Elevation, Floor and Layout) Dwg: 2635/1a Received by the Local Planning Authority on 1st September 2023

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 extension hereby permitted shall match those outlined in the Materials Section of the Planning Application Form Received by the Local Planning Authority on 1st September 2022

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.

4. All rooflights shall be of a 'conservation' grade flush slim line fitting type only.

The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.

Reason: To preserve the character and appearance of the Ormskirk Town Centre Conservation Area and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5. The development shall not proceed except in accordance with the noise assessment prepared by Spratt and Hamer and received by the Local Planning Authority on 14th November 2022

All approved control measures shall be implemented prior to the occupation of the residential accommodation and shall be retained as such thereafter.

Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the 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:

Policy RS1- Residential Development

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

Policy 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.

13.0 SUSTAINABILITY IMPLICATIONS

- 13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

- 16.1 There are no health and wellbeing implications arising from this report.

Background Documents

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Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

Appendices

None.

2022/0955/FUL

9 Moor Street, Ormskirk, L39 2AA.

