

No.5	APPLICATION NO.	2018/0729/FUL
	LOCATION	The Windmill 24 Wigan Road Ormskirk Lancashire L39 2AU
	PROPOSAL	Change of use, extension and refurbishment of the Windmill Inn into student accommodation. Erection of a new build two storey apartment block on part of the existing bowling green.
	APPLICANT	McComb Property Company
	WARD	Derby
	PARISH	Unparished - Ormskirk
	TARGET DATE	2nd October 2018

1.0 SUMMARY

- 1.1 This is an application for the conversion and extension of The Windmill Public House to a 14 bed House of Multiple Occupancy and the erection of a new build apartment block consisting of 7 apartments spread over three floors. The location of the site is predominately residential and both the relevant parts of Mill Street and Wigan Road exceed the limitations outlined in Policy RS3 of the Local Plan for HMO provision. The principle of the apartment block is acceptable under the provisions of Policy RS1 of the Local Plan. The principle of the conversion of the former public house to a HMO is considered to be contrary to Policy RS3 of the Local Plan as it involves the introduction of an HMO into an area which is already saturated with student accommodation and far exceeds the maximum level of HMO accommodation in the area as set by Policy RS3. Significant weight has been given to bringing this Grade II Listed Building back into use, however given the characteristics of the area it is considered that this does not amount to a compelling reason sufficient to outweigh the harm to the amenities of the neighbouring occupants. Furthermore, it is considered that the cumulative impact of the introduction of a HMO and another multi-occupational building would cause a loss of reasonable levels of amenity for the occupants of neighbouring properties contrary to Policy GN3 of the Local Plan. The design of the proposal, associated landscaping and parking provision are considered acceptable and compliant with Policy GN3, EN4 and IF2 of the Local Plan. However for the reasons outlined earlier, I consider the proposal is unacceptable.

2.0 RECOMMENDATION: That planning permission be REFUSED.

3.0 THE SITE

- 3.1 The site constitutes the Windmill Public House which is a Grade II listed building and is set along the frontage of Wigan Road and the bowling green to the rear of the pub.
- 3.2 The site is located within the settlement area of Ormskirk; it is located outside of the Town Centre and the Primary Shopping Area.

4.0 THE PROPOSAL

- 4.1 Planning permission is sought for the change of use of the Windmill Public House into student accommodation together with a single storey extension to the north side/rear of the existing building. The proposed development would see the introduction of 14 rooms spread over three floors together with shared amenity services. In addition, planning permission is sought for the erection of a two-storey apartment building located fronting and accessed from Mill Street. This building would contain 6 x 2 bed apartments and 1 x 1 bed apartment, spread over 3 floors including dormer accommodation in the roof space. Access throughout the building would be via a stairwell and lift shaft located on the north side of the building. It is proposed that this building would be open market housing.

- 4.2 Vehicular access serving the new building would be located adjacent to No. 2 Mill Street and would lead to a parking area to the rear (adjacent to Windmill Avenue). A total of 13 spaces would be provided, along with a bike store. Landscaping areas and a communal garden area would also be located to the rear. With respect to the proposed conversion, vehicular access would remain along Wigan Road, leading to 5 parking spaces for drop off/pick up purposes. The existing beer garden to the north of the building would become a private garden area for the student occupants. Landscaping areas are also proposed to the north and south of the building. An enclosed bin storage area would be located attached to the south of the building. With the exception of some new openings, little would be altered in respect of the fabric of the existing building, albeit a modest extension is proposed.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2015/0756/FUL – REFUSED (17.11.2015) Change of use and refurbishment of the Windmill Inn into student accommodation. Erection of a new build two storey student accommodation block on part of the existing bowling green.
- 5.2 2001/0430 – Listed Building Consent GRANTED (03.07.2001) Partial demolition of boundary wall

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 LANCASHIRE COUNTY COUNCIL HIGHWAYS AUTHORITY (19.09.18 & 26.10.2018) – No objections subject to conditions: The applicant has submitted amended plans which indicate a new footway to link the existing footpaths on Wigan Road with a dropped kerb access to the parking area and the widening of the footpath on Mill Street. The construction of both footpaths would need to be carried out under an appropriate legal agreement under the Highways Act 1990. The number of car parking spaces serving the PH has increased to 5 and 13 spaces serving the apartments. Adequate parking has now been provided in respect of the proposed apartments, an under-provision remains for the PH; however the sustainability of the site is recognised. Nevertheless a 'car-free' condition should be imposed.
- 6.2 DIRECTOR OF LEISURE AND WELLBEING – ENVIRONMENTAL HEALTH (19/10/18) – No objections in principle but raises concern over the proposed student accommodation due to this being a residential area. If planning permission were granted noise control measures would be recommended. Some concerns are raised regarding the layout of the proposed conversion and it would be preferable to have non-opening windows to the communal lounge.

7.0 OTHER REPRESENTATIONS

- 7.1 West Lancashire Conservation Areas Advisory Panel (13.09.2018) –No objections to the conversion and re-use of the existing building as student accommodation but object to the design of the new build development block (in particular the northern gable) and consider that the new building would harm the historic setting to the listed building. The scheme should deliver better landscaping proposals than those offered.
- 7.2 New Ormskirk Residents Group (NORG) (11/09/18) Objects on the grounds that further off-campus accommodation is not required, there is no evidence that student accommodation is the only viable use of the building, the new apartment block could easily be used for student accommodation, the proposal fails to comply with Policy RS3 of the Local Plan and will have an adverse impact on the amenities of local residents,

parking provision is insufficient and highway safety issues may arise due to increased traffic on Mill Street.

7.3 A total of 27 representations have been received. A summary of the issues raised is as follows:

Lack of parking for new building and increased pressure for on-street parking on Mill Street

Poor design (new build), containing incongruous features such as stairwell and lift structures and 'bay windows'.

Contrary to NPPF design principles

The condition of the Windmill PH should not be given any weight

The operation of the PH did not significantly adversely affect the amenities of local residents

The cobbles at the front of the PH should not be replaced

Loss of bowling green

If planning permission is granted, the apartments should be conditioned to be used by professional people only

Increase in anti-social behavior to the detriment of local residents

Impact on amenities of local residents

Overflowing bins

Impact on sewerage system

A day nursery/retirement/care home or B&B should be considered as an alternative use for the PH

Student accommodation on Wigan Road should be reduced

Increase in traffic in Mill Street, impact on highway safety

Particularly harmful to nearby elderly residents in Millers Court

There is an existing surplus of student accommodation in Ormskirk

Contrary to Policies RS3 and GN3 of the Local Plan

Over-supply of HMOs in Ormskirk

Clustering of student accommodation to detriment of local residents

Further imbalance to the community mix in the area

External areas will become a gathering place

Apartment block could easily be used by students

Unsuitable for disabled occupants

No evidence that there are no other viable uses for the Windmill

Loss of privacy/overlooking of neighbouring properties

Impact on environment through noise pollution

Potential increase on crime in locality

The demand for private student rooms may not be as high as the applicant claims

Removal of bowling green affects Listed building

The Council are resisting the change of use of other dwellings to HMOs where the percentage exceeds the limitations as set in Policy RS3. Why would this be any different?

Increase in anti-social behavior

Increase in noise and disturbance during day and night

A tenancy agreement would not be able to discourage car-ownership

Insufficient drop off/pick up spaces

Professional people/families are unlikely to want to live so close to a large HMO

Loss of bowling green

Disagree this would address negative perceptions of the town

The flat roof of the proposed conversion could be used for further amenity space

New build is out of character with Mill Street

Previous reasons for refusal remain

No evidence this would release houses back into the local residential community

Conscientious students are in the minority

With no wardens on-site it is difficult to understand how the zero car policy will be enforced.

One letter of support has been received which says that the presence of student life enhances the economy of Ormskirk and also the site is an eyesore and a health hazard so the development would be an improvement.

8.0 SUPPORTING INFORMATION

- 8.1 Student behavioural policy
- Structural Report
- Bat Survey
- Design and Access Statement
- Planning Statement
- Heritage Statement
- Tree Survey

Emails from applicant responding to concerns raised by local residents regarding anti-social behavior from students, the benefits of providing 'purpose built' student accommodation as opposed to changing dwellings into HMOs and addressing the concerns raised by Environmental Health.

9.0 RELEVANT PLANNING POLICY

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan (2012-2027) DPD (WLLP) provide the policy framework against which the development will be assessed.
- 9.2 The site is located with the Key Service Centre of Ormskirk as designated in the WLLP. The Windmill Public House is a Grade II listed building. Therefore, the following policies are relevant: -

NPPF

Achieving sustainable development
Delivering a sufficient supply of homes
Promoting sustainable transport
Making effective use of land
Achieving well-designed places
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment

West Lancashire Local Plan Policies

GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
RS1 – Residential Development
RS3 – Provision of Student Accommodation
IF2 – Enhancing Sustainable Transport Choices
IF4 – Developer Contributions
EN1 – Low Carbon Development and Energy Infrastructure
EN2 – Preserving and Enhancing West Lancashire's Natural Environment
EN3 – Provision of Green Infrastructure and Open Recreation Space
EN4 – Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Principle of Development – Student Accommodation

- 10.1 Policy RS3 (b) - Provision of Student Accommodation of the West Lancashire Local Plan (20122027) states that when assessing proposals for conversion of a dwelling house or other building to an HMO, the Council will have regard to the proportion of existing properties in use as, or with permission to become, an HMO either in the street as a whole or within the nearest 60 properties in the same street whichever is the smaller. The intention of the policy is, in part, to protect the character of existing residential areas, to avoid problems of parking and to limit anti-social behaviour and neighbour amenity impacts. It is identified that regard should be had to any clustering of student accommodation and the effects on nearby properties.
- 10.2 This policy goes on to say that where proposals for an HMO would result in the exceedance of the percentage limitations (Wigan Road is a category A street = 15% limit), these proposals will not be permitted unless there are compelling reasons specific to an individual application why it would be appropriate to allow the limit to be exceeded.
- 10.3 Along Wigan Road (onto which the proposed HMO would front), the percentage of HMO's within the nearest 60 properties to The Windmill is 60%. This far exceeds the 15% limit as set by Policy RS3 of the Local Plan which is largely due to the fact that the percentage was exceeded during the period prior to the introduction of the Article 4 Direction when it was not possible to control the change of use of dwelling houses to HMOs. Therefore, and in accordance with the requirements of Policy RS3, any further HMOs should not be permitted in this area unless there are compelling reasons to do so. Furthermore, it is important to note that a previous application for student accommodation on this site was refused due to the conflict with Policy RS3 and potential impacts on the amenities of local residents.
- 10.4 It must therefore be considered whether or not there are compelling reasons to support this element of the proposal; in this respect I am mindful of the heritage value of the building and its listed status and the importance of ensuring listed buildings are brought back to viable use.
- 10.5 The applicant has stated that the only viable use of the Listed Building is as a HMO and, within their planning statement, have discounted the continued use of the building as a PH for viability reasons. In addition it has been stated that the building could not be used a single family dwelling house or two apartments as the cost would be financially prohibitive and research has been undertaken which indicates that there is no demand in the area for a day nursery, dentist or doctors surgery or that the building would lend itself to office or retail use. I appreciate that the applicant is attempting to evidence that a HMO is the only viable option to safeguard this heritage asset. However the details of this research have not been provided or independently reviewed and therefore I am not convinced that the current proposal is the only option to bring this Listed Building back into viable use. Whilst I appreciate that the building is vacant and has the potential to decline the NPPF states that where there is evidence of deliberate neglect the deteriorated state of the heritage asset should not be taken into account in any decision. Furthermore the Council hold powers under the P(LBCA) Act to ensure that the building remains secure and wind/water tight and so further deterioration could be prevented. Therefore on balance I cannot consider the benefits of bringing the building back into use outweigh the harm that would be created by additional student accommodation in this location.

Principle of Development – Residential Development

- 10.6 Policy RS1 advises that, subject to all other relevant policies being satisfied, residential development will be permitted within the Borough's Key Service Centres (of which Ormskirk is one) on brownfield sites.
- 10.7 The proposed new build development would result in the creation of 7 apartments which are proposed for private, non-student use. The local Planning Authority has a duty to assess each application as it is presented to the Council and on this basis I am satisfied that the provision of C3 residential units on this site is acceptable in principle.

Principle of Development - Loss of bowling green

- 10.8 Paragraph 97 of the NPPF and Policy EN3 of the Local Plan seek to resist the loss of sport and recreation facilities. Policy EN3 advises that development that results in the loss of existing open space or sports and recreational facilities (including school playing fields) will only be permitted if one of the following conditions are met:

The open space has been agreed by the council as being unsuitable for retention because it is under-used, poor quality or poorly located;
The proposed development would be ancillary to the use of the site as open space and the benefits of recreation would outweigh any loss of the open area; or
Successful mitigation takes place and alternative improved provision is provided in the same locality.

- 10.9 The Council's Open Space, Sports and Recreation Study (Oct, 2009), in relation to bowling greens, recommends that 'focus should be placed on protecting existing sites from development and maintaining and enhancing the quality of existing provision'.
- 10.10 The bowling green is no longer in use and has not, as far as I am aware, been used since the PH ceased trading. Under the previous application the LPA were made aware that the previous users of this facility were seeking more long term and improved playing facilities and these were being provided within Ormskirk Cricket Club at that time. Once again, under the previous scheme, the loss of the bowling green was accepted due to the provision of alternative and improved facilities being provided in a nearby location. The applicant previously offered a financial contribution towards mitigation for the loss of this facility as referred to in Policy EN3 of the Local Plan. Despite the alternative provision now being available, it remains my view that the applicant should be required to provide some financial assistance to contribute to the upkeep of these or other local bowling green facilities to compensate for the loss of the current green. Although the applicant has not specifically offered any mitigation under this proposal, I am satisfied that this matter could be addressed through a legal agreement and further negotiations.

Principle of Development - Loss of Community Facility

- 10.11 Policy IF3 in the WLLP advises the Council that the loss of any community facility such as (but not limited to) pubs, offices, community centres and open space will be resisted unless it can be demonstrated that the facility is no longer needed or can be relocated elsewhere that is equally accessible by the community.
- 10.12 The Windmill Public House ceased trading in approximately December 2014 and has remained closed since that time. The objective of Policy IF3 is to ensure the retention of accessible community facilities. Given the location of the site on the outskirts of the town centre, where there are numerous alternative public house options, I am satisfied that the

permanent loss of the Windmill would not be detrimental to the surrounding community and the proposal is compliant with Policy IF3 due to its location and proximity to town centre facilities.

Impact on Listed Building

- 10.13 The principal statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. Local Planning Authorities (LPA) should in coming to decisions refer to the principle act in its decisions and/or assessments, which requires for:
Listed Buildings – Section 66(1) – In considering whether to grant permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architecture or historic interest which it possesses.
- 10.14 National planning policy guidance about heritage protection is provided by Chapter 16 of the NPPF. This states that in determining planning applications LPA's 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; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.15 Local Plan Policy EN4 reiterates the presumption in favour of the conservation of designated heritage assets. It goes on to advise that development will not be permitted which will adversely affect a listed building and development affecting the historic environment should seek to preserve or enhance the heritage asset and any feature of special interest.
- 10.16 The applicant has submitted a Heritage Assessment in support of the proposed development and I agree with the assessment regarding the attributed significance of the building and the wider site. In my view the principle heritage value of the current building is embodied in the main front elevation. The building was designed to front onto Wigan Road with its principle elevation having a decorative fenestration. The appearance of the building is characterised by a number of retained tall chimneys. The rear two-storey service wing is rather plain architecturally and has altered windows and doors. Whilst the rear wing forms an integral part of the building, it is of lower significance; the modern alterations and additions to the western side are of no heritage value. The interior of the building has been massively altered through the history of the building and the use as Public House, it is largely modern and has very little value. Having said that the proposed internal works would interfere with some original characteristics such as the removal of the ground floor west wall and loss of chimney breasts in both the front building and rear wing. The submitted Structural Condition report advises that further investigations would be required as reconstruction/strengthening works may be necessary and these in turn may have some impact on the historic fabric of the building. Given the changes the building has experienced throughout the years, combined with its current condition, I am satisfied that the proposed works, internally, are acceptable although I would recommend that a condition be imposed requiring the results of the aforementioned investigations prior to any works taking place.
- 10.17 The proposed extension to the building largely replaces the existing modern toilets. The flat roofed addition fills in the gap behind the front-range and rear wing and would be largely screened from view. Given its limited scale and low-key design I do not feel the extension would harm the character of the existing building. With respect to the external

fabric of the building, further details regarding the window detailing and materials would be required and could be secured by way of a condition.

- 10.18 With respect to the proposed new build, Historic England's guidance on the setting of heritage assets is contained in their Historic Environment Good Practice Advice and this explains that the setting to an asset is the surroundings in which the asset is experienced. The Windmill PH was undoubtedly designed to front onto and be viewed along Wigan Road. Its principle elevations would have originally been on a north south axis. In this case the later additions to the building have affected how the building relates to the southern aspect, which became more latterly a Bowling Green. The bowling green is not an original part of the setting and whilst historic maps show it in place in the early 20th Century the sense of an open aspect to the rear is more important to the setting than the function of an operating bowling green.
- 10.19 The location of the proposed apartments preserves an area of open space behind the PH. When viewing the sites along Wigan Road, whilst the new block would be clearly seen in the street-scene, because the building sits behind and is off-set I am satisfied that the listed building would still be seen as being the predominant and principle building. Therefore, whilst there is a reduction in the open space afforded to the PH, I do not feel that this unduly harms the significance of the existing setting especially as the connection to an open southern aspect remains
- 10.20 The design of the new block references the terraced cottages on Mill Street. Whilst larger in floor plan and height to the existing terraces I do not feel that the design would intrude unduly on the immediate setting to the Windmill and would not dominate or overpower the historic building.
- 10.21 With regards to landscaping and boundary treatments, the continued use of the garden area to the western side of the listed building is acceptable and causes little change to the current arrangements. Boundary treatments would need careful consideration and it is noted that none are provided within the submission. This could however be addressed by condition.
- 10.22 In conclusion, the Council is required to give the duty imposed by P(LBCA) Act 1990 considerable weight in its planning judgement. Some slight harm to both the significance of the listed building and its setting has been identified. Paragraph 196 of the NPPF states that any harm to the heritage asset should be weighed against the public benefits in securing a new and viable use for the listed building and this needs to be given considerable weight in the planning judgement. In undertaking that balance, were the scheme to be otherwise acceptable, I feel that the benefits of the proposal would outweigh the likely harm to the significance of the building and on that basis the proposal meets the statutory duty and is compliant with the requirements of the NPPF and Policy EN4 of the Local Plan.

Design/Appearance

- 10.23 Policy GN3 in the Local Plan requires new development to add to the local distinctiveness of an area and should clearly show how the general design, scale, layout etc. fits in with the surrounding area.
- 10.24 Firstly, I am satisfied that the proposed alterations to the public house are acceptable and would not significantly alter its current appearance. In addition, the proposed extensions to the existing building are considered to be sympathetic and are appropriately sited to ensure that they do not impact upon the overall character and appearance of the existing building.

- 10.25 With respect to the proposed new build, the general scale and form of the proposal is commensurate with its neighbours along Mill Street. The proposed dormers are not typical of the immediate area but are modest in scale, well-spaced out and would not, in my view harm the character or appearance of the surrounding area. The vertical lift shaft, and partly glazed/partly rendered rear extension are elements of the proposed development which would struggle to find a linked characteristic within the Mill Street setting; however these are elements which would not collectively be seen when viewing the new build from Mill Street. Views from Wigan Road would be more open, however Wigan Road offers a different context to that of Mill Street in that there are a range of property types and styles and a mixture of residential and commercial units. For these reasons I am satisfied that the proposed new building would be acceptable within its context. Furthermore the glazing/render would offer a clear contrast between the proposal and its historic neighbour. The proposed building would be visible from Windmill Avenue and would be significant in scale from this aspect; however it would be set approximately 25m from properties along this road and so, from a visual perspective, I find this relationship acceptable.
- 10.25 The proposed layout utilises the existing formation of the site in that the existing beer garden would form a private amenity space for the proposed student occupants; the location of the associated bike store and bin store are acceptable. The remaining part of the existing bowling green would be utilised for associated parking and garden areas. As above, I am satisfied that the proposed bike and waste areas are acceptable (although I am not convinced that sufficient bin storage has been provided; further details could be requested by condition). I am satisfied that the general layout is acceptable in design terms.
- 10.27 On balance, the proposed development is considered to be compliant with Policy GN3 in the Local Plan in respect of its scale, design and appearance.

Impact on Neighbouring Land Uses

- 10.28 Policy GN3 requires proposals for new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of proposed and neighbouring properties. Sufficient interface and privacy distances should also be incorporated to avoid a negative impact upon the surrounding properties.
- 10.29 The site is surrounded by neighbouring residential properties within Mill Street, Windmill Avenue and on the opposing side of Wigan Road.
- 10.30 Firstly I am satisfied that the relationship between the two elements of the proposed development is acceptable; I am satisfied that both could be provided without causing harm to the other in terms of loss of amenities etc.
- 10.31 I am satisfied that the physical conversion of the former Windmill PH would not have a significant impact on existing residential properties on Wigan Road. The proposed physical alterations to the existing beer garden are not considered to be such that they would further reduce the amenities of neighbouring properties. Furthermore, I find that the ground works to the front of the PH acceptable and a general improvement on the existing appearance.
- 10.32 The proposed new build would be located in close proximity to No. 2 Mill Street which has two windows facing the site. The proposed development would have a single storey element approximately 4.5m away from No. 2 Mill Street and this would not contain any side facing windows. The two storey part of the proposal would be located approximately

7m away and again no outlook is proposed within the side elevation and towards this neighbouring property. Due to the interface distance, positioning of the proposed development and location of the aforementioned windows, I am satisfied that the physical presence of the proposed new build would not cause significant harm to the amenities of No. 2 Mill Street in terms of loss of outlook, overbearingness or a loss of privacy/overlooking.

- 10.33 The proposed new build would be located directly opposite an existing sheltered housing scheme on the opposite side of Mill Street. The proposal would replicate the general relationship between properties along Mill Street and given the overall scale and design of the proposed building along this frontage, I am satisfied that its physical presence would allow for the retention of reasonable levels of amenity for the occupants of these neighbouring units.
- 10.34 There would remain a gap of approximately 25m from the proposed new build and neighbouring buildings in Windmill Avenue. Given this separation distance I am satisfied that the new build element of the proposal would not cause any loss of amenity for these neighbouring residents. Similarly, the proposed external changes to the Windmill are sufficiently removed from the site's boundary with Windmill Avenue to ensure no overall loss of amenity.
- 10.35 Notwithstanding the above, the proposal would result in the introduction of 14 students and a possible 14 other residents (perhaps more) onto this site. The associated comings and goings would be separated due to the proposed layout in that those associated with the converted PH would be restricted to Wigan Road and those associated with the new build would be concentrated on Mill Street. This separation goes some way to mitigating the cumulative harm of the proposal; however I am mindful of the existing characteristics of the surrounding area and the fact that single family dwelling houses are located both to the south and west of the site and sheltered accommodation to the east. Furthermore, it is acknowledged that there is a very high level of existing HMOs in the area which far exceeds the limitations outlined in Policy RS3 of the Local Plan. I am concerned that the cumulative associated comings and goings, including use of the proposed vehicular drive close to the boundary with No. 2 Mill Street, would result in harm to the amenities of nearby residents. In my view the introduction of a significant level of residents across both multi-occupancy buildings into this particular residential area would result in the loss of reasonable levels of amenity for the occupants of neighbouring properties contrary to Policy GN3 of the Local Plan.
- 10.36 Whilst it is accepted that the existing public house resulted in comings and goings at unsociable hours, the entrance to the premises was on Wigan Road and so the focus of activity was largely away from Mill Street. The bowling green, when operational, was unlikely to have resulted in significant noise and disturbance to nearby residents given the nature of the sport. Whilst the access to the proposed HMO would be restricted to Wigan Road only, the proposal does introduce a multi-occupancy building onto Mill Street, resulting in comings and goings of both occupants and visitors. This surpasses the potential impact of the authorised use of the site on residents of this street. Furthermore, the shared areas of amenity space may encourage outdoor gathering of groups of people which may further result in noise and disturbance to nearby residents.
- 10.37 I note the concern raised amongst local residents that the proposed apartments would or could be utilised for students. The proposed units would be classified as C3 units and would require further planning permission if each or any unit was to be used as a HMO and occupied by 3 or more individuals. A C3 use, which would be established here if planning permission were granted, would not expressly prevent the use of each unit by students so long as the occupation level of each unit did not exceed two. I am mindful of

the potential use of a restrictive condition in this respect to overcome the, quite valid, concern that the use of the site by students could spread into the proposed new build, intensifying the overall use of the site to a level which was found to be unacceptable under planning application 2015/0756/FUL. However such a condition, preventing the use of the apartments by students, would in my opinion, fail the tests of enforceability and precision as required by paragraph 55 of the NPPF. For example, such a condition could prevent a future professional occupant from undertaking part time studies or returning to full time study as a mature student; this would be difficult to monitor and enforce. Therefore I share the concerns raised by local residents in that the proposed apartments have the potential to further intensify the use of the site and contribute to the already high concentration of student occupation in this residential area.

- 10.38 On balance therefore, I find that the proposed development is contrary to Policy GN3 of the Local Plan due to the resulting negative impact on the amenity of residential uses in the surrounding area.

Highway Safety and Car Parking

- 10.39 The proposed development is considered to be located in a highly sustainable location, close to bus and rail links and within walking distance of both Ormskirk Town Centre and Edge Hill University.
- 10.40 A new vehicular access point is proposed off Mill Street whilst an existing one would be utilised to serve the proposed student accommodation. The Highway Authority has reviewed these works and confirmed that some additional safety measures would be required to ensure the safe use of both of these access points by both car users and passing pedestrians. These measures have been met and involve works to adjacent footpaths; LCC is satisfied that these points are acceptable and further details could be sought via a condition.
- 10.41 The proposed conversion of the PH would be served by a total of 5 parking spaces; these would consist of 2 disabled spaces and 3 drop off/pick up spaces. The Council would normally require student parking levels to be in the region of 1 spaces per 2 residents. However given the location of the site and close proximity to the town centre and bus and rail links, I am satisfied that the provision offered in this instance is acceptable.
- 10.42 The proposed new build would, in accordance with Policy IF2 of the Local Plan, require the provision of 13 parking spaces.

Impact on Trees/Biodiversity

- 10.43 There are a number of trees within the site boundaries. Of most significance in is an Ash tree along the Windmill Avenue boundary. This tree is covered by a Tree Protection Order and is shown for retention, although further details would be required as there is a notable change in levels in the vicinity of its base. In addition further details would be required with respect to construction methods and materials. These details could be secured by a planning condition.
- 10.44 In general terms, I am satisfied with the proposed landscaping details provided. It would remain appropriate to attach conditions in respect of full landscaping details and tree protection methods for the retained Ash tree.
- 10.45 In terms of biodiversity, the applicant has submitted a Bat Survey of the existing PH in accordance with Policy EN4 of the Local Plan. This survey concluded that the existing building presents no significant concerns or constraints in relation to bat roosting or

general use. A precautionary approach to construction or replacement of roof tiles etc. is recommended. Bird nesting on site has also been assessed and again no significant issues have been identified. I am satisfied that the proposal is compliant with Policy EN4 of the Local Plan.

Drainage

10.46 Limited details of how the site would drain following the proposed development have been provided with the exception of confirmation that a combination of the mains system (foul) and a soakaway (surface water) would be utilised. The site will of course benefit from an existing drainage system by virtue of the existing PH and it seems reasonable that the any future scheme will mirror this to some degree. The proposed use of the soakaways is welcomed in principle; however further details would be required to ensure that they are a viable option in practice. The connection of foul drainage to the mains sewer is acceptable in principle. I am satisfied that the outstanding information could be obtained by a condition.

11.0 CONCLUSION

11.1 That proposed development is considered to conflict with the requirements of Policy RS3 and GN3 of the Local Plan. This is due to the introduction of a HMO into this area of Wigan Road where the number of existing HMOs within the nearest 60 properties already exceeds the 15% limit set by Policy RS3. There is not considered to be any compelling reasons to allow this limit to be exceeded despite acknowledging that the proposal would safeguard this Grade II listed building. Furthermore, it is considered that the proposal would contribute to the clustering of HMOs in the area to the detriment of the amenities of residential properties in the surrounding area. In addition the proposal does not comply with Policy GN3 of the Local Plan due to the potential cumulative impact of the associated comings and goings and noise and disturbance which would result in the loss of reasonable levels of amenity for the occupants of existing residential properties in the local area.

11.2 For these reasons, it is recommended that planning permission be REFUSED on the grounds that:

Reason(s) for Refusal

1. The proposed development would conflict with Policy RS3 in the West Lancashire Local Plan 2012-2027 Development Plan Document in that it would result in a clustering of student accommodation within the vicinity of the site with consequent detriment to the character of the area and the amenities of nearby residents.
2. The proposed development would conflict with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document as the introduction of the proposed apartments and student accommodation would result in noise and disturbance to nearby residents to the detriment of their residential amenities.