

No.5	APPLICATION NO.	2018/1062/FUL
	LOCATION	37 Burscough Street, Ormskirk, Lancashire L39 2EG
	PROPOSAL	Development including change of use and remodelling of existing space from vacant office/retail accommodation into 4 no. bed student HMO accommodation with micro pub/wine bar, and associated external alterations.
	APPLICANT	Mr Paul Moy
	WARD	Scott
	PARISH	Unparished - Ormskirk
	TARGET DATE	11th December 2018

1.0 **REFERRAL**

- 1.1 This application is referred to the Planning Committee as it has been called in by Councillor Wright to consider whether the application exceeds the permitted numbers of HMO's within the locality and possible clustering.

2.0 **SUMMARY**

- 2.1 The principle of the development for a bar and a 4 bed HMO in the primary shopping area of Ormskirk Town Centre complies with the requirements of policy IF1 and policy RS3. The outstanding heritage issue has been addressed and I consider the heritage impacts of this revised proposals to be acceptable. Subject to safeguarding conditions the proposal would provide a suitable level of residential amenity and adequate waste storage provision would be provided. There would be no significant adverse impact on highway conditions and the development therefore complies with the requirements of Policies GN3 and EN4.

3.0 **RECOMMENDATION**

- 3.1 APPROVE with conditions.

4.0 **THE SITE**

- 4.1 The site comprises a three storey (plus basement) building located on Burscough Street within the town centre and primary shopping area of Ormskirk. The current lawful use of the property is A2 use.
- 4.2 The site lies within the Ormskirk Town Centre Conservation Area and a Grade II public house known as Buck i'th Vine lies to the south. Outside seating for the pub is located at the front within their courtyard. A passageway, Church View Court, is located to the north of the site and leads to the public car park known as 'The Stiles'.

5.0 **THE PROPOSAL**

- 5.1 The application proposes the change of use of the building to a micro pub/ wine bar at part of the ground and all of the basement floor. The first and second floor are proposed to be converted to a 4 bed House in Multiple Occupation. The kitchen/lounge area serving the HMO would be located at the rear of the ground floor with access from the passageway.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2018/0495/FUL - Development including change of use and remodelling of existing space from vacant office/retail accommodation into 4 no bed student HMO accommodation with micro pub/ wine bar and associated external alterations. Refused.
- 6.2 2010/0624/COU - Change of use from A2 (professional offices) to D1 (non-residential institutions) – Granted.
- 6.3 2003/1113 - Change of use to Class A2 use (Estate Agency) – Granted.
- 6.4 2000/0617 - Change of use of 1st and 2nd floor to music school – Granted.

7.0 CONSULTEE RESPONSES

- 7.1 LCC HIGHWAYS (05/11/18) – No objection in principle. The site is in a highly sustainable location close to the town centre car parks. The impact of HMO's within the town centre on on-street car parking must be considered. Condition recommended.
- 7.2 DIRECTOR OF LEISURE AND WELL BEING (Environmental Health) (19/11/18) - No objections subject to conditions requiring; sound attenuation to be installed prior to the first occupation of the premises , hours restrictions on hours of opening and hours of delivery and no live music to be played.

8.0 OTHER REPRESENTATIONS

- 8.1 Conservation Area Advisory Panel – No comment.
- 8.2 Representations have been received from two addresses which can be summarised as follows:

Concerns regarding waste disposal and outside storage of bins in Church View Court or adjoining Buck i"th Vine and the subsequent impact on the area (aesthetics in Conservation Area/Listed building, smells and access problems) if suitable storage is not provided.

9.0 SUPPORTING INFORMATION

- 9.1 The application is supported by the following information:
Crime Impact Statement
Noise Impact Statement
Flue and Extraction details
Planning Heritage Impact Statement

10.0 RELEVANT PLANNING POLICIES

- 10.1 The application site is located within the Key Service Centre of Ormskirk as designated in the West Lancashire Local Plan Proposal Map.
- 10.2 The Planning (Listed Building and Conservation Areas) Act (PLBCA Act) 1990 sets out a statutory duty in respect of Listed Buildings s66(1) and Conservation Areas s72(1) to preserve the special character of heritage assets including their setting.

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

National Planning Policy Framework

Ensuring the Vitality of Town Centres
Conserving and Enhancing the Historic Environment
Achieving Well-Designed Spaces.

West Lancashire Local Plan (2012-2027) DPD

GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 - Residential Development
RS3 – Provision of Student Accommodation
IF1 - Maintaining Vibrant Town and Local Centres
IF2 - Enhancing Sustainable Transport Choice
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Additionally the following supplementary planning document is relevant:
SPD – Design Guide (Jan 2008)

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

- 11.1 A similar application (2018/0495/FUL) for a bar on ground floor/basement and 4 bed HMO on first/second floor was recently refused on 2 grounds; firstly that the scheme failed to provide adequate levels of amenity for future occupants and inadequate space for waste facilities and secondly poorly designed window details were proposed which would affect the character and appearance of the Conservation Area. The applicants have since amended their proposals and resubmitted a revised application and the main considerations are:

Principle of development
Impact on Conservation Area
Impact on residential amenity
Waste storage
Highway impacts

Principle of Development

- 11.2 The site is located in the Primary Shopping Area of Ormskirk. Policy IF1 states (inter alia) that a diversity of uses will be encouraged above ground floor in the Primary Shopping Area. Such uses include student accommodation. Within the Primary Shopping Area Policy RS3 allows the conversion of residential properties above ground floor level to function as HMOs subject to there being no unacceptable impact on the residential amenity of the Primary Shopping Area or on the supply of other town centre uses. There are several other HMOs at first floor level within this section of Burscough Street and planning permission has recently been granted for the conversion of the upper floors of the Buck l'th Vine. However, given the character of this part of Burscough Street, I am satisfied that the proposed HMO will not have any detrimental impact on the amenity of existing residents.
- 11.3 Policy IF1 also requires that at least 70% of pedestrian level units should be retained in A1 use. The existing ground floor level of the building is already not in A1 use therefore I am

satisfied that the development as a bar would not have any impact on the number of A1 units within the Primary Shopping Area. I am satisfied that the use of the upper floors as a HMO would not compromise the proposed or any future town centre ground floor use.

- 11.4 On that basis I consider that the principle of the development for a bar and HMO complies with the requirements of Policy IF1 and Policy RS3.

Impact on Conservation Area

- 11.5 Recent High Court judgements identify the need to give considerable weight and importance to the duty imposed under s66 and s72 of the Planning (Listed Buildings and Conservation Area) Act (PLBCA) and to the presumption in favour of the desirability of the preservation of heritage assets, including their setting.
- 11.6 The previous application for the same development (2018/0495/FUL) was refused in July 2018. One of the reasons for the refusal was that the scheme failed to preserve the character and appearance of the Ormskirk Town Centre Conservation Area. This was mainly due to the use of UPVC replacement windows which had been installed during the processing of application 2018/0495/FUL.
- 11.7 The current scheme now proposes new timber (sliding sash) windows on the south and east elevations which face onto Burscough Street. This will be a positive change in the appearance of the property and better reflect the character of the C19 property. On this basis subject to suitable details being agreed, via condition, the outstanding heritage issue has been addressed.
- 11.8 There are no heritage objections to the use of the upper floors in the existing property being used as a HMO, in my view it has the benefit to retaining the building in a viable and sustainable use. The use of the ground floor as a bar will have no impact on the existing "traditionally styled" shop front which is an attractive feature and because the external works are minimal the setting to the Listed Building adjacent (Buck l'Th Vine PH) will not be harmed.
- 11.9 I consider the proposal will meet the statutory duties of the PLBCA Act and accords with Chapter 16 of the NPPF and Policy EN4 of the WLLP.

Impact on residential amenity

- 11.10 Policy GN3 of the Local Plan requires that new development should retain reasonable levels of amenity for occupiers of the proposed and nearby properties.
- 11.11 There are several other HMOs at first floor level within the area however they are spaced out along the street. I do not consider that an additional HMO in this location would have a significant impact on the residential amenity of nearby properties.
- 11.12 Consideration needs to be given to the amenity of future occupants of the HMO. In the previous application, concern was expressed with regard to the internal layout of the HMO and the level of residential amenity provided for future occupants. The proposed internal layout has been amended and the current application is considered to provide an appropriate form of residential accommodation for future occupants, in accordance with Policy RS3 of the Local Plan.
- 11.13 Whilst I have no objections in principle to a wine bar in this location, I have some concerns regarding the impact of the proposed ground floor use on the future residents of the property. The applicants have provided some details to address this concern in their noise

report. On that basis I consider it to be appropriate to attach conditions requiring; sound attenuation to be installed prior to the first occupation of the premises, hours restrictions on hours of opening and hours of delivery and no live music to be played.

- 11.14 I consider that both the bar and HMO can be operated in a manner which would not affect the amenities of nearby or future residents and meets the requirements of Policy GN3.

Waste Storage

- 11.15 The SPD - Design Guide at Part 3.1(ii) advises that developers should “*ensure adequate space is provided for servicing, refuse and bin collection, recycling and cycle storage*”. Policy GN3 requires that proposals for development should incorporate recycling collection facilities.
- 11.16 The applicants have now provided internal bin storage details for both the bar and HMO. The site ownership extends to an area to the side of the building (down alleyway) where bins can be kept on collection day. These arrangements are acceptable and satisfy the requirements of Policy GN3 and the Design Guide SPD.

Highway Impacts

- 11.17 Policy GN3 requires that adequate parking provision is made in line with the standards set out in Local Plan Policy IF2 and Appendix F unless the local circumstances justify a deviation from the policy. The NPPF at paragraph 109 states that *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 11.18 The application does not propose to provide any specific parking for users of the building. The location of the site in the town centre is close to local facilities and there is a relatively short walking distance to/from Edge Hill University. Public transport services, including a bus service from Ormskirk bus station to the university, are located within a short walk of the site.
- 11.19 Due to the location of the site the Highway Authority have no objection to the ground floor bar use. However they recommend that a suitable condition is imposed to ensure occupants of the proposed HMO sign a tenancy agreement agreeing to a ‘no-car’ policy. However I do not consider this is an appropriate and reasonable condition for this type and scale of development within the Town Centre. I am satisfied that there would be no severe impact on highway safety as a result of the proposed development and it accords with Policy GN3 in this respect.

12.0 CONCLUSION

- 12.1 I consider that the principle of the development for a bar and HMO in the primary shopping area of Ormskirk Town Centre complies with the requirements of Policy IF1 and Policy RS3. The 2 previous reasons for refusal have now been addressed in this revised application. The current scheme now proposes new timber (sliding sash) windows on the south and east elevations which face onto Burscough Street. This will be a positive change in the appearance of the property and better reflect the character of the C19 property. The outstanding heritage issue has been addressed and the proposal complies with statutory duties of the PLBCA Act and would accord with Chapter 16 of the NPPF and Policy EN4 of the WLLP. Subject to safeguarding conditions there would be no impact on residential amenity of future or nearby residents and the scheme provides satisfactory

waste management arrangements. There would be no significant impact on highway conditions and the development therefore complies with the requirements of Policy GN3.

13.0 RECOMMENDATION

13.1 That the application be GRANTED subject to the following conditions:

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the details shown on the following plans:-
Existing Building Layout and Location Plans BS/ADA/01A Rev C received by the Local Planning Authority on 10 October 2018
Proposed Building Layout Plan BS/ADA/03A Rev G received by the Local Planning Authority on 7 January 2019
Proposed Building Elevations BS/ADA/04A Rev H received by the Local Planning Authority on 7 January 2019
3. Prior to the use of the wine bar details of any mechanical ventilation, refrigeration and extraction systems to be installed in the premises shall be submitted and approved in writing by the Local Planning Authority. The details required by this condition shall include measures to ensure that any such systems are acoustically isolated from the fabric of the building to minimise the possibility of structure borne sound and vibration. Equipment shall be installed in accordance with the approved details. No other systems shall be installed thereafter without the express written consent of the Local Planning Authority.
4. A scheme to protect measures to protect the proposed residential dwellings from noise including amplified music/voices emanating from the ground floor use and from external noise sources shall be submitted to and approved in writing by the Local Planning Authority. The Scheme should include the standard for constructing the party floor/ceiling between the ground floor and the first floor and acoustic glazing of habitable room windows together with acoustic ventilation. The approved scheme shall be implemented prior to occupation of the HMO and the approved noise protection measures shall thereafter be retained.
5. No live music shall be played within the hereby approved pub/wine bar at any time.
6. The use of the pub/wine bar hereby permitted shall only take place between the hours of 0800 and 0000 hours on any day.
7. Deliveries to and collections of waste from the premises shall only take place between the hours of 0800 and 2000 Monday to Saturday and at no time on Sundays and Bank Holidays.
8. All proposed and replacement windows shall be constructed in timber and be of a sliding sash design in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the windows hereby approved. The replacement windows shall be installed prior to the building being brought into the use for the purposes hereby approved.
9. Notwithstanding the details on the submitted plans full details of any external vent, ducting and extraction system shall be submitted to and approved by the local planning authority prior to the commencement/occupation of the use hereby approved. These details shall include elevation details showing the size, colour and materials to be used. The scheme shall be implemented in accordance with the approved details.

Reasons

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. For the avoidance of doubt and to ensure compliance with Policy GN3 of the West Lancashire Local Plan 2012-2017 DPD
3. To protect the amenities of residential properties in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD
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7. To protect the amenities of residential properties in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD
8. To preserve the character and appearance of the Ormskirk Town Centre Conservation Area and to comply with Policy EN4 of the West Lancashire Local Plan 2012-2027 DPD
9. To preserve the character and appearance of the Ormskirk Town Centre Conservation Area and to comply with Policy EN4 of the West Lancashire Local Plan 2012-2027 DPD

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
 - GN1 - Settlement Boundaries
 - GN3 - Criteria for Sustainable Development
 - RS1 - Residential Development
 - RS3 - Provision of Student Accommodation
 - IF1 - Maintaining Vibrant Town and Local Centres
 - IF2 - Enhancing Sustainable Transport Choice
 - EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assetstogether 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.