

<b>No.3</b>	<b>APPLICATION NO.</b>	2018/1322/FUL
	<b>LOCATION</b>	7 Derby Street Ormskirk Lancashire L39 2BJ
	<b>PROPOSAL</b>	Change of use from Magistrates Court to create an Aparthotel and Bar/Restaurant and construction of a two storey rear extension.
	<b>APPLICANT</b>	The MJW Group
	<b>WARD</b>	Scott
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	4th April 2019

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## **1.0 SUMMARY**

1.1 This is a full application for the change of use of the former Magistrate's' Court building to a 23 unit aparthotel with separate bar and restaurant. The proposal also includes the demolition of an existing two storey flat roof extension to the rear and erection a new two storey extension. The existing access will be used and a car park is proposed to the rear. There would be a limited level of harm to the listed building which is outweighed by the public benefits that would arise from the development. On balance, the proposed change of use and extension are considered acceptable and there would be no undue harm to residential amenity, or the character of the area. Subject to suitable planning conditions there would not be an adverse impact on highways and drainage.

## **2.0 RECOMMENDATION: APPROVE with conditions**

## **3.0 THE SITE**

3.1 This is a detached, two storey, Grade II listed building situated to the north of Derby Street in Ormskirk town centre. It was formerly used as a Magistrates' Court and is currently vacant.

## **4.0 THE PROPOSAL**

4.1 Planning permission is sought for the change of use of the former Magistrates' Court building to an aparthotel with bar/restaurant. The scheme also proposes to demolish an existing two storey flat roof extension to the rear and erect a new two storey extension.

4.2 The proposal will result in 23 'apart rooms' over two floors. Each room will have a bedroom, bathroom, lounge and kitchenette. Some rooms will have access to an outside terrace and some will have a mezzanine bedroom floor. Four rooms will benefit from two separate bedrooms. The former Court entrance onto Derby Street will be used as the main entrance to the hotel. The apart hotel will operate as a hotel with short term lets and the application is made by Walker Williams who have two boutique apart hotels in Preston and one in Chester.

4.3 The bar/restaurant will be accessed to the side of the building and will extend over two floors. As a result Courtroom 1 on the first floor is largely retained as a restaurant. The central dock and holding cells are proposed to be retained and will be features within the publically accessible areas. The ground floor will comprise of a bar with a waiting area in the former cells. The first floor will have a restaurant area for 46 covers, glazed bar area in the former dock and a kitchen area.

## **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 2018/1323/LBC PENDING Listed Building Consent - Change of use from Magistrates Court to create an Aparthotel and Bar/Restaurant and construction of a two storey rear extension.
- 5.2 2008/1177/LBC GRANTED Listed Building Consent - Internal alterations to the existing cell complex and the creation of an accessible WC.
- 5.3 2008/0024/LBC GRANTED Listed Building Consent - Installation of external flue on rear elevation, alteration of window and door to louvered window and door on rear elevation and replacement boiler & associated plumbing & electrical installations.
- 5.4 2008/0023/FUL GRANTED Installation of external flue on rear elevation and alteration of window and door to louvered window and door on rear elevation.
- 5.5 2002/0886 GRANTED Listed Building Consent - Installation of secure dock to Court No. 1.
- 5.6 2000/0674 GRANTED Listed Building Consent - Change of use to heritage centre. Reinstatement of door to front elevation, and reinstatement of door and provision of disabled access to side (west) elevation.
- 5.7 2000/0673 GRANTED Change of use to heritage centre. Reinstatement of door to front elevation and reinstatement of door and provision of disabled access to side (west) elevation.
- 5.8 2000/0208 GRANTED Erection of a new galvanised steel external fire escape from first floor at rear of site.

## **6.0 OBSERVATIONS OF CONSULTEES**

- 6.1 LCC Highways (08.02.19 & 01/05/19) No objections subject to the existing access being widened and conditions.
- 6.2 Lead Local Flood Authority (LLFA) (28.01.19 & 28.03.19) No Objection subject to condition.
- 6.3 Environmental Health (11.03.19) - No Objections subject to conditions.
- 6.4 Lancashire Archaeology Advisory Service (LAAS) (01.02.19) - No Objection subject to condition.
- 6.5 Historic England (16.01.19) - No Objections.
- 6.6 Lancashire Constabulary (14.01.19) - Advice provided.
- 6.7 United Utilities (21.02.19) - No objections subject to conditions.

## **7.0 OTHER REPRESENTATIONS**

- 7.1 I have received a number of letters from local residents who support the change of use of the building to a hotel and restaurant as Ormskirk needs somewhere visitors can stay in but a number of concerns have been raised with the proposal, these concerns are summarised below:

Inadequate parking provision - only 14 spaces for a 23 bedroomed hotel and restaurant. Development within the current car park is not possible as the adjacent property, The Elms has a legal right of way that includes a turning circle within the existing car park. A reduction in parking spaces would be insufficient and may result in patrons parking on our adjacent land.

We request a transport statement that shows how safe vehicular egress can be made from the site onto Derby Street. Currently the wall and railings on our listed building (The Elms) appears to impede this. Cannot see how refuse or delivery vehicles can turn around and leave the site in a forward gear.

Deliveries are proposed to the westerly side of the building which will block a single car width road which could cause patrons or students of the adjacent The Elms to reverse onto Derby Street which would be catastrophic.

The entrance for patrons of the restaurant/bar is located facing the student accommodation for 34 people, surely this would be better located to the front of the building

The side road also appears to service the parking of patrons and the removal of refuse for number 5

7.2 **West Lancashire Conservation Area Advisory Panel** - No Objections subject to the traditional sliding sash windows being retained. It is unclear whether the frontage trees are to be retained as their loss would harm the appearance of the conservation area. A landscape plan should be submitted.

7.3 **New Ormskirk Residents Group (NORG)** - Welcomes the proposals for the long term use of this building but cannot see how it can be effectively brought back for such use without adequate parking. Also concern about vehicle turning, vehicle delivery and refuse access.

## 8.0 **SUPPORTING INFORMATION**

Planning Statement  
Design Statement  
Heritage Statement  
Bat Survey  
Acoustic Survey  
Surface Water & Drainage Statement  
Lighting Design

## 9.0 **RELEVANT PLANNING POLICY**

9.1 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.

The site is located within Ormskirk Town Centre and Ormskirk Town Centre Conservation Area as designated in the West Lancashire Local Plan 2012-2027 DPD

### **West Lancashire Local Plan 2012-2027 DPD**

SP1 - A Sustainable Development Framework for West Lancashire  
GN1 - Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
GN4 – Demonstrating Viability  
EC1 - The Economy and Employment Land  
RS1 - Residential Development

IF1 – Maintaining Vibrant Town and Local Centres  
IF2 - Enhancing Sustainable Transport Choice  
IF3 - Service Accessibility and Infrastructure for Growth  
EN1 - Low Carbon Development and Energy Infrastructure  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment  
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

SPD – Design Guide (Jan 2008)

## **10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### Principle of Development

- 10.1 Policy on town centre development is set out in the National Planning Policy Framework (NPPF) and the West Lancashire Local Plan. The NPPF does not contain any specific policy on particular uses (or mixes of uses) in town centres, but requires Local Planning Authorities to have planning policies that are positive and promote competitive town centre environments. Paragraph 80 of the NPPF states that the planning system should do everything it can to support economic growth.
- 10.2 This site is allocated as a Strategic Employment Site known as Ormskirk Business Area. Policy EC1 of the Local Plan confirms that in the Ormskirk Business Area only B1 use classes (offices and research and development only) and other employment generating uses in use classes C1 (Hotels) and D1 (Non-residential Institutions) will be permitted.
- 10.3 The site will operate as an aparthotel which primarily operates as a hotel with short term lets. Therefore, the re-use of the site to a hotel use is considered to be acceptable in principle. A condition will be imposed to ensure the rooms are for hotel use only to restrict long term lets.

### Heritage Impacts

- 10.4 The site is within the Ormskirk Town Centre Conservation Area and the Magistrates' Court building is Grade II listed. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a heritage asset great weight should be given to the asset's conservation. The more important the asset, the greater the weight to be provided. Paragraph 196 requires that where a proposal leads to less than substantial harm to a designated asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use. Paragraph 200 advises that Local Planning Authorities should look for opportunities for new development within the historic environment and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal their significance should be treated favourably.
- 10.5 Local Planning Authorities should in coming to decisions refer to the principle act which requires in this case to *"having special regard to the desirability of preserving listed buildings or their settings"* (s.66) and s.72(1) which requires that decision makers *"in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area"*. This requirement should not be 'weighed' in the same way that is required under the NPPF (P196). Recent Court judgements have shown that the statutory duty prescribed under the Planning (Listed Buildings and Conservation Areas) Act 1990 should always be given considerable weight in the Council's decision.
- 10.6 The Council are mindful that the sustainable re-use of the historic buildings is encouraged

and is supported by Chapter 16 of the NPPF relating to Conserving and enhancing the historic environment.

- 10.7 The main issue, from a heritage viewpoint, relates to whether the proposed works including the change of use would preserve the character (defined as the significance) of the listed building together with the character/appearance of the wider conservation area. I am also mindful that it is important that the right planning balance is struck between preserving the key values (significance) of the building and conservation area and achieving an economic and viable scheme which secures a sustainable reuse for the vacant building.
- 10.8 The Magistrates Court building was constructed in around 1850 as the Law Courts and a Police Station. Its historic and aesthetic significance comes principally from the original two storey building which fronts onto Derby Street and the attached wing, of a similar scale, which extends behind and forms the western elevation of the building. At the rear is a flat roofed modern two storey brick, office block addition which was used in connection to the Courts and is of little or no significance.
- 10.9 The proposal seeks to re-use the main building, demolish the modern flat roofed extension at the rear and replace it with a new modern block, attached at both ground and first floor levels by a glazed link. I am not concerned over the loss of the flat roof extension as it contributes nothing to the historic significance of the building.
- 10.10 The proposed aparthotel utilises the general floor layout of the main building, at both ground and first floor, to provide 11 apartments. Courtroom 1 on the first floor is largely retained as a single space as a new restaurant with a bar below. The central dock and holding cells are proposed to be retained and will be features within the publicly accessible areas. A further 12 apartments will be provided in the new rear extension. The former Court entrance onto Derby Street will be used as the main entrance with a new door being created on the western elevation to gain access to the bar/restaurant.
- 10.11 Visually, the scheme is sympathetic to the appearance of the historic features of the building. The existing sash windows will be retained and repaired where possible and any rotten timber framing, broken sash mechanisms and cracked single glazing replaced on a like for like basis. Subject to further details being provided by way of planning conditions regarding the refurbishment proposals I am confident that the historic significance of the building will be retained.
- 10.12 The internal layout is sympathetic to the significance of the building and I support the retention of the Courtroom 1 as a single space restaurant. Whilst it is accepted that some changes are required to the internal layout to enable its conversion into a viable layout (and some minor level of harm is likely to be caused) it remains possible to still gain an understanding of the historic floor plan and former uses as highlighted in the Heritage Report. I consider that the alterations will result in a low level of harm which can be adequately mitigated by other benefits including securing a new use.
- 10.13 In relation to the proposed extension, the new block of accommodation is of a suitable scale and will be clearly seen as a separate building, with its own well defined character. Visually it is set behind the principle building and will play little part in the appearance of the wider street scene of Derby Street and will on the whole only be glimpsed at from the main public viewpoints. In this respect it reflects the architectural approach successfully undertaken on the accommodation at the adjoining property (5 and 5A Derby Street). Given the distinctive nature of the building, the contrasting contemporary external treatment (render and grey aluminium frames) of the extension it is considered to be acceptable and the contemporary styling of the building is an appropriate solution and

helps to visually separate the two buildings. Given its location, scale and design I do not feel the setting to either 5 or 5A Derby Street will be harmed.

- 10.14 In line with NPPF paragraph 192, due weight must be given to the desirability of sustaining heritage assets and the contribution they make to economic vitality of the area. I support the sustainable new use of the current building as it brings a redundant building back into use and I am of the view that the scheme would preserve the character of the former magistrates building, the setting to the adjoining listed buildings and the character and appearance of the Ormskirk Town Centre Conservation Area.
- 10.15 Given the site is a Grade II Listed Building it has national significance and the proposals to extend and change the use of the building will impact on its historic integrity, Lancashire Archaeology Advisory Service have requested that a condition is imposed to ensure that an archaeological record of the building is undertaken.
- 10.16 As I am required to do so, I have given the duty's imposed by s.66(1) and s.72(1) of the P(LBCA) Act 1990 considerable weight. Paragraph 193 of the NPPF states that great weight should be given to the conservation of heritage assets, which includes their setting. In this case I am content that the proposal causes only a low level of harm (defined as being less than substantial by Paragraph 196 of the NPPF) to the identified heritage assets. Whilst Paragraph 194 states that any harm to heritage assets requires clear and convincing justification Paragraph 196 allows the limited harm to be balanced against any public benefits, which includes securing the building's optimum viable use. Accordingly in this instance I feel the benefits of the proposed new use for the vacant building and the economic benefits which will likely follow, should be afforded considerable weight in the planning judgement. Such benefits would in my view outweigh the minor harm caused by the proposed works to secure the new use within the building. For the above reasons I feel the current proposal meets the statutory test 'to preserve' and as such the proposal accords to the planning guidance contained in Chapter 16 of the NPPF and Policy EN4 of the Local Plan.

#### Design and Appearance

- 10.17 In principle I have no objection to the demolition of the existing flat roof two storey extension to the rear of the building. The proposed two storey extension would sit on the footprint of the existing extension and whilst it would have an appreciatively larger footprint than the building it replaces, the scheme still allows for car parking and landscaping to the rear of the site. I welcome that the extension has been tucked in behind the Magistrates building to reduce its impact on the street scene. The height of the extension also remains subservient to the Magistrates building. A glazed link extension is proposed between the proposed and existing building which has the benefit of creating a visual separation between the old and new elements.
- 10.18 The design of the extension is contemporary incorporating large areas of glazing and aluminium framing. I consider a contemporary design approach to be acceptable in this location in order to form a contrasting form and material to the Magistrates building. The extension will be rendered white with aluminium framing and a tiled roof. The south, east and west facades have large aluminium framed windows. The first floor rooms utilise sky lights within the roof slope for natural light.
- 10.19 A landscaping scheme has been submitted which shows the perimeter hedgerow and low wall around the small garden area to the front of the building is to be retained. The garden area is considered to be an important feature to the appearance of the front elevation and the wider conservation area. Whilst a Cherry Tree is to be removed at the front of the building some soft landscaping will be retained, which is considered to be acceptable.

Overall, I consider that the design and appearance of the development meets with the requirements of policy GN3 of the Local Plan.

#### Impact on Residential Amenity/Character of the Area

- 10.20 This area of the town centre comprises of a mix of commercial and residential properties. Immediately to the west of the site is a bank with offices/storage above and to the east is student accommodation. To the north is vacant land and to the south is a vacant building previously occupied by a bank.
- 10.21 The application is proposing a bar on the ground floor with a restaurant directly above it on the first floor but with apartments sharing space on each of these floors across a corridor. The Council's Environmental Health Officer (EHO) has been consulted in relation to the development and has considered noise and odour from the proposed bar and restaurant and the impact upon occupants of the adjoining apart-rooms. Due to the mixed uses (i.e. sleeping accommodation and bar/restaurant areas) across floors within the building the EHO advises that these apart-rooms are not suitable for residential occupation due to the close proximity of the bar/restaurant and so the use should be restricted to that of a hotel. The applicant has confirmed that the apart-rooms will be short-term lets akin to hotel stays. This can be secured by planning condition. The proposed opening hours of the restaurant and bar are 7am to 11pm Monday to Saturdays and 8am to 10pm Sundays and Bank Holidays. The EHO is satisfied that these hours of opening appear reasonable but due to student accommodation next door and the proximity of the car park area strongly recommends that they are restricted by condition.
- 10.22 In terms of plant noise, the noise predicted from the refrigeration condensers will be of a level unlikely to cause disturbance to the nearest residential properties. Details relating to kitchen fan noise and odour abatement systems have not been submitted but these can be secured by planning condition. On this basis I would be satisfied that such plant and equipment can be accommodated without causing undue harm to neighbouring amenity, but a condition requiring the submission of full details is recommended.
- 10.23 The site is on the edge of Ormskirk town centre but noise from external sources has been considered by means of a noise assessment and satisfactory mitigation measures, such as double glazing with a minimum sound insulation performance and acoustic trickle ventilation have been proposed to protect the apartments on the front elevation being affected by road traffic noise. A lighting assessment submitted with the application demonstrates that the proposed lighting is unlikely to result in light nuisance to neighbouring properties.
- 10.24 Subject to the imposition of conditions, I am satisfied that the proposed development can be delivered while retaining reasonable levels of amenity for the occupiers of neighbouring properties and without detriment to the amenities of nearby residents. An aparthotel and bar/restaurant is an appropriate use for this town centre location and will maximise Ormskirk's vitality and viability, complementing existing uses and will not result in significant noise disturbance to neighbouring uses.

#### Highways

- 10.25 The layout of the development will utilise the existing access to the site. This is a single car width access on to Derby Street West, a one way street and one of the four main arterial routes in Ormskirk town centre. The access is shared with the adjacent property, number 5 The Elms, which is a purpose built student accommodation. There is a planning condition attached to number 5 which states that no residents should have access to a car during their residency apart from 1 disabled resident if necessary, therefore there will be

only be a maximum of one vehicle from number 5 using the shared access.

- 10.26 The site was previously used as a Magistrates Court with a car park to the rear providing 20 car parking spaces and 1 disabled space. The proposed development will reduce the car parking available on site to 14 spaces. It is acknowledged that the proposed car park falls short of the standards recommended in the Local Plan but I am mindful that the site is located in a highly accessible and sustainable location within Ormskirk Town Centre in close proximity to both the railway station and bus station with a bus stop located 58m to the west of the site. There are also a number of public car parks within a short walking distance to the site. It is not uncommon in town and city centres for hotel guests to rely on public car parks for parking their vehicle or using public transport and government guidance encourages development in these locations. In order to encourage sustainable modes of transport, cycle stands are to be provided within the site.
- 10.27 A servicing plan and swept path analysis has been submitted which demonstrates that a refuse vehicle can turn within the car parking area to the rear of the site. Deliveries for the bar/restaurant and hotel will be made to the rear of the site within a designated area and to prevent delivery vehicles and other vehicles parking along the access road and blocking it, double yellow lines are proposed along both side of the access road and can be imposed by planning condition.
- 10.28 A swept path analysis has been provided for the access off Derby Street and demonstrates that refuse vehicles are able to enter and leave the site in a forward gear but shows that these larger vehicles would encroach a section of the pedestrian footway to do this. To prevent this the Highway Authority recommend that the access is widened which will result in the removal of part of the existing hedgerow, wall and some of the small garden to the front of the site. As discussed earlier in the report, the hedgerow, wall and garden are important to the appearance of both the site and conservation area and street scene and I am mindful that this is an existing established access which previously served a Magistrates' Court which would have attracted large vehicles. Therefore, on balance, in this instance I do not consider that the widening of the access is necessary and I am satisfied that the scheme is acceptable and would not result in the development having a severe impact on highway safety.

#### Impact on Ecology

- 10.29 A daytime bat survey and ecological scoping survey has been submitted which found no evidence of bat activity. The flat roof and metal clad extensions offer no potential for bats due to their lack of roof voids and crevices used by bats. The accessible pitched roof section is well-sealed, providing no potential for roosting bats. I consider the information submitted is acceptable and consider the development would not have any significant ecological impacts.

#### Impact on Drainage

- 10.30 The site is located in flood zone 1, an area considered to have the lowest probability of fluvial and tidal flooding. A Surface Water and Foul Water and Drainage Strategy accompanies the application which embraces the concept of sustainable drainage. The site currently drains to existing public sewer. Infiltration is not considered suitable due to the ground conditions which are acid but base rich loamy and clayey soils which impede drainage. The applicants propose to use the existing sewers as there are no local watercourses in which to discharge surface water. The Lead Local Flood Authority have been consulted and have no objections to the development in principle subject to the imposition of suitable planning conditions to ensure that full drainage details are submitted.

## Conclusion

10.31 The proposal satisfactorily meets the requirements of the NPPF and Policies GN1, GN3, EC1, EN4, IF1 and IF2 of the West Lancashire Local Plan 2012-2027 DPD and is recommended for approval.

## **11.0 RECOMMENDATION**

11.1 That planning permission 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 details shown on the following plans:-  
Plan reference 6155-L (04)00, (04)01, (04)02 both Existing and Proposed Site Plan and Existing First Floor and Roof Plan, (05)02 Rev S3, (04)05 Rev S3, (04)06 Rev S3, received by the Local Planning Authority on 17th December 2018.  
Plan reference 6155-L(05)03, (04)07, (04)08, (05)04, (05)05 received by the Local Planning Authority on 3rd April 2019.  
Plan reference (L06)01 Rev A - both the Landscaping Plan and Servicing Plan received by the Local Planning Authority on 24th April 2019.
3. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.  
Those details shall include, as a minimum:
  - a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change), discharge rates and volumes, the methods employed to delay and control surface water discharged from the site;
  - b) The drainage strategy should demonstrate that the surface water run-off must not exceed current brownfield runoff rate for the lifetime of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
  - c) Flood water exceedance routes, both on and off site;
  - d) A timetable for implementation, including phasing as applicable.The scheme shall be implemented in accordance with the approved details prior to first occupation of the apart-hotel, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.
4. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development have been submitted which, as a minimum, shall include:
  - a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Management Company
  - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.The development shall be completed, managed and maintained in accordance with the approved details/plan.
5. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the accommodation to which this permission relates shall be used as an aparthotel and for no other purpose, including any other use falling within Class C1 of the Schedule to that Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, except with the prior grant of a further planning permission.
7. No development above slab level shall take place until details and samples have been submitted to and approved in writing by the Local Planning Authority of all external materials including brickwork, render, roofing materials, rainwater goods, window frames and doors frames. The approved details shall be implemented in full and maintained as such throughout the duration of the development.
8. A full schedule of repair and refurbishment works to the Magistrates Court shall be submitted to and approved in writing by the Local Planning Authority. Details shall indicate the nature and extent of the refurbishment works including the proposed internal treatment of existing and new walls, ceilings, doors, timber skirting and architraves, sound insulation and lighting and include intended works to the existing sash windows. Work Methodology should also be supplied. Development shall be carried out in accordance with the approved details and completed prior to the occupation of the new building.
9. Notwithstanding the details shown on the submitted demolition plan the work methodology for the internal demolition and alterations including works to block up existing openings should be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and completed prior to the occupation of the new building.
10. The noise mitigation scheme measures proposed by the Acoustic Survey and Assessment report (Report no. 1645-1) received by the Local Planning Authority on 17th December 2018 of double glazing (with minimum sound insulation performance of 30dB Rw + Ctr) and acoustic trickle ventilation (with minimum sound insulation performance of 33dB Dn,e,w + CtrO) shall be installed for rooms numbered flat 1, 2, 12 and 14 on the submitted floor plans as these will be the most affected by road traffic noise. All works which form part of the scheme shall be completed before any of the specified habitable rooms are occupied and shall be retained thereafter.
11. Before any part of the development is first brought into use, a scheme which specifies the provisions to be made for the control of noise emanating from any plant, machinery, odour control or ventilation/extraction equipment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme, shall be implemented before any part of the development is first brought into use. The rating level of noise emitted from any equipment to be installed shall not exceed 35dB(A) at any time (LAeq, 15min), as calculated 1metre from the façade of the nearest noise sensitive property. The measurements and assessment shall be made to BS4142:2014. Use of the development shall not commence until all sound insulation / noise control works have been carried out in accordance with the approved scheme. The sound insulation / noise control works shall be retained thereafter.
12. The cycle stands and bin storage areas as shown on plan reference 6155-(L06)01 Rev A received by the Local Planning Authority on 24th April 2019 shall be provided and available for use prior to the first occupation/use of the building hereby approved and retained thereafter.
13. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and the vehicle turning space shall be laid out in accordance with the approved plan reference 6155-(L06)01 Rev A - Servicing Plan and Landscape Plan received by the Local Planning Authority on 24th April 2019 and be available for use before the development is brought into use and maintained thereafter
14. The car park shall be surfaced or paved and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

15. No part of the development shall be brought into use until the line markings (double yellow lines) indicating a no parking zone along both sides of the access road as shown on plan reference 6155-(L06)01 Rev A Landscape Plan received by the Local Planning Authority on 24th April 2019 have been provided on site. The linemarkings shall thereafter be retained.
16. Within 9 months from the date when any part of the development hereby approved is first brought into use the approved landscaping scheme shall be carried out. All trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
17. The restaurant and bar hereby permitted shall only be open between the hours of 0700 and 2300 hours Mondays to Saturdays and 0800 and 2200 Sundays and Bank Holidays
18. No deliveries shall be taken at the site or waste collections made except between the hours of 0800 and 2000 Monday to Saturday and 1000 and 2000 hours Sundays and Bank Holidays.
19. Prior to the aparthotel being brought into use, at least 10% of parking spaces shall be provided with Electric Vehicle Charging Points, which shall thereafter be retained for the charging of electric vehicles.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the site is properly drained and to ensure that there is no flood risk on or off the site resulting from the proposed development, in the interest of local amenity and that the development, and complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

#### Reason for pre-commencement conditions

Drainage is not only a material consideration but an early and fundamental activity in the ground construction phase of any development and it is likely to be physically inaccessible at a later stage by being buried or built over. It is of concern to all flood risk management authorities that an agreed approach is approved before development commences to avoid putting existing and new communities at risk.

The revised NPPF considers sustainable drainage systems to be important and states that they should be incorporated unless there is clear evidence that this would be inappropriate and, as such the LLFA needs to be confident that flood risk is being adequately considered, designed for and that any residual risk is being safely managed. To be able to do this the LLFA requires an amount of certainty either by upfront detail or secured by way of appropriate planning condition.

4. To reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system in the interest of local amenity and that the development, and complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

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Drainage is not only a material consideration but an early and fundamental activity in the ground construction phase of any development and it is likely to be physically inaccessible

at a later stage by being buried or built over. It is of concern to all flood risk management authorities that an agreed approach is approved before development commences to avoid putting existing and new communities at risk.

The revised NPPF considers sustainable drainage systems to be important and states that they should be incorporated unless there is clear evidence that this would be inappropriate and, as such the LLFA needs to be confident that flood risk is being adequately considered, designed for and that any residual risk is being safely managed. To be able to do this the LLFA requires an amount of certainty either by upfront detail or secured by way of appropriate planning condition.

5. These details are required to be approved before the commencement of development to ensure any remains on site are properly recorded in accordance with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document
6. To enable the Local Planning Authority to assess any proposal for a further change of use, whether or not it falls within the same Use Class and to comply with Policy EC1 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policies GN3 and EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. In order to preserve the special architectural or historic interest of the building and so comply with the provisions of Policy EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. In order to preserve the special architectural or historic interest of the building and so comply with the provisions of Policy EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To safeguard the amenity of the future occupiers and so to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. 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
12. To ensure that adequate provision is made for parking cycles and motorcycles on the site in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document...
13. To prevent vehicles reversing into or off a major traffic route to the detriment of road safety and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. To allow for vehicles visiting the site to be parked clear of the highway and to assimilate the new car parking areas within the site and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. To prevent vehicles parking along the narrow access and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
18. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
19. In the interests of sustainability and air quality in accordance 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:

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

GN4 - Demonstrating Viability

EC1 - The Economy and Employment Land

RS1 - Residential Development

IF1 - Maintaining Vibrant Town and Local Centres

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

EN1 - Low Carbon Development and Energy Infrastructure

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

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.