

<b>No.4</b>	<b>APPLICATION NO.</b>	2018/1323/LBC
	<b>LOCATION</b>	7 Derby Street Ormskirk Lancashire L39 2BJ
	<b>PROPOSAL</b>	Listed Building Consent - 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>	28th February 2019

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## **1.0 SUMMARY**

1.1 This Listed Building Consent application is for the change of use of the former Magistrates' 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 of a new two storey extension. There would be a limited low level of harm to the significance of the Magistrates Court which is outweighed by the public benefits that would arise from the development which includes securing an optimum viable use for the vacant building. I consider that the benefits of the scheme outweigh the limited harm to the Magistrates' Court and that Listed Building Consent should be granted.

**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 This application seeks Listed Building Consent 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.

4.4 A separate planning application has been submitted to consider the proposal under

reference 2018/1322/FUL.

## **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 2018/1322/FUL PENDING 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 Lancashire Archaeology Advisory Service (LAAS) (01.02.19) - No Objection subject to condition.
- 6.2 Historic England (16.01.19) - No Objections.

## **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.

- 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.

## **8.0 RELEVANT PLANNING POLICIES**

- 8.1 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. The following policies are therefore relevant:

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

EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

Supplementary Planning Document ‘Design Guide’ (Jan.2008).

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

### Heritage Impacts

- 9.1 The site is located within the Ormskirk Town Centre Conservation Area and the Magistrates' Court building is Grade II listed.
- 9.2 Policy EN4 of the Local Plan is relevant as is the guidance contained in the NPPF in terms of the impact of the proposed development on listed structures. The NPPF, in determining such planning applications, advises Local Planning Authorities to 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 heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.3 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a heritage asset weight needs to be given to the assets conservation. The more important the asset, the greater the weight to be provided. Paragraph 196 require that where a proposal leads to less than substantial harm to a designated asset, this harm should be weighed against the benefits of the proposal including securing its optimum viable use.
- 9.4 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)". 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 Building and Conservation Area) Act 1990 should always be given considerable weight in the Council's decision.
- 9.5 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.

- 9.6 The main issue relates to whether the proposed works including the change of use would preserve the character (commonly defined as the building's significance) of the listed building. 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 achieving an economic and viable scheme which secures a sustainable reuse for the vacant building.
- 9.7 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. The main elevations are faced in stone – Ashlar on the front and Rock Faced on the side. The front elevation is characterised by six bays with two large ornate door entrances at the 2<sup>nd</sup> and 5<sup>th</sup> bays. The ground floor has round headed sash windows (which are replicated on the first floor of the western elevation) with 6 -12 pane sashes above at first floor level. Infilling between the front and west wing is a mix of other buildings of varying ages/styles relating to the Court use including a smaller two storey brick extension which returns to create an enclosed courtyard. At the rear is a flat roofed modern two storey brick, office block addition which was used in connection to the Courts.
- 9.8 The proposal seeks to re-use the principle building excluding the modern flat roofed extension at the rear, which is proposed to be demolished and replaced 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.
- 9.9 The proposed aparthotel utilises the general 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 flats/apartments will be provided in the new rear extension. The former Court entrance onto Derby will be used as the main entrance with a new door being created on the western elevation to gain access to the bar/restaurant.
- 9.10 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.
- 9.11 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.
- 9.12 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 is considered to be acceptable and the contemporary styling of the building is an appropriate solution and helps to visually separate the two buildings.

- 9.13 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.
- 9.14 As I am required to do so, I have given the duty imposed by s.66(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 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.

## **10.0 RECOMMENDATION**

- 10.1 That Listed Building Consent be GRANTED subject to the following conditions

### **Conditions**

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.
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 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.
4. 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.

5. 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.

### **Reasons**

1. Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. 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.
4. 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.
5. 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.

### **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:

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.