

No.1	APPLICATION NO.	2019/0089/FUL
	LOCATION	33 - 35 & 37 Church Street Ormskirk Lancashire L39 3AG
	PROPOSAL	Demolition of two existing buildings (No. 33-35 and 37 Church Street) and erection of four/five storey mixed-used building comprising split-level retail unit (Class A1) at Ground and Lower Ground Level with Student Accommodation above. Landscaping to site areas as detailed. The proposal includes the formation of 2no. 'drop-off' car parking spaces and cycle storage on site.
	APPLICANT	Regal Ormskirk Ltd
	WARD	Knowsley
	PARISH	Unparished - Ormskirk
	TARGET DATE	16th May 2019

1.0 SUMMARY

- 1.1 This is a full application for the demolition of two buildings on Church Street (numbers 33 to 37) and the erection of a four / five storey building comprising of a split level retail unit (Class A1) at ground floor and lower ground floor with three floors of student accommodation above. The current buildings are shown in the Conservation Area Character Appraisal Update as not making a positive contribution to the character and appearance of the Conservation Area. The former Regal Cinema has been significantly compromised by alterations since its closure in the 1960's and both buildings are of limited architectural merit. Based on the scale and appearance of the existing building I do not consider the replacement building will cause harm to the character or appearance of the Ormskirk Town Centre Conservation Area or the street scene. Subject to suitable planning conditions, I consider the scheme to be acceptable in principle and compliant with policies GN1, GN3, RS3, EN4 and IF2 of the Local Plan.

2.0 RECOMMENDATION: APPROVE WITH CONDITIONS

3.0 THE SITE

- 3.1 The application site comprises of two detached buildings on the south west side of Church Street which is within the pedestrianised area of Ormskirk Town Centre and Ormskirk Town Centre Conservation Area.
- 3.2 The larger of the two buildings has a dual aspect with both Church Street and Two Saints Place Retail Park and car park to the rear and is currently occupied on the ground floor by Poundstretcher. The upper floors are partly used for storage but are mainly vacant. This building was constructed in 1936 and opened as a cinema known as The Regal. It closed in 1963 and became a bingo hall and then a Tesco supermarket in 1965.
- 3.3 The smaller of the two buildings is a three storey flat roofed building and is currently vacant but was previously occupied by a hairdressers on the ground floor with an entrance to offices which are used in connection with a local estate agency firm at first floor. The land to the rear of this building is derelict.

4.0 THE PROPOSAL

- 4.1 Planning permission is sought for the demolition of two buildings on Church Street (numbers 33 to 37) and the erection of a part four part five storey building comprising of a split level retail unit (Class A1) at ground floor and lower ground floor with three floors of

student accommodation above.

- 4.2 Vehicle access to the site off the A570 Park Road has been retained for servicing and deliveries and includes two car parking spaces and cycle storage.
- 4.3 The retail unit has been designed to provide a large open plan footprint (approx 1626m²), split over two levels and facing both Church Street and the car park.
- 4.4 The student accommodation comprises of 91 bedrooms over three floors. The following format is proposed: 4x cluster of four beds, 3x cluster of 5 beds, 8x cluster of 6 beds and 12 studios. Each cluster will be situated off a main circulation corridor and will comprise of en-suite bedrooms and a shared living area comprising of kitchen, lounge and dining area. The studios will comprise a self-contained bedroom, kitchen and bathroom. Each bedroom has a full height glazing panel with opening window. Shared living spaces are situated in the corner of the floor plan to allow dual aspect views out. An external courtyard has been formed in the centre of the building.
- 4.5 It is noteworthy that planning permission was previously granted in 2003 for the demolition of the smaller of the two buildings and erection of new retail/office space and then granted in 2005 for the erection of 4/5 storey building comprising of commercial units with student accommodation above.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 8/2003/0240 GRANTED Erection of new retail/office development.
- 5.2 8/2003/0241 GRANTED Conservation Area Consent - Demolition of existing building erection of new retail / office development.
- 5.3 8/2005/1436 GRANTED Demolition of existing building and erection of 4/5 storey building comprising 2 commercial units (retail and food/drink - Class A3/A4) at basement and ground floor levels with student accommodation above.

6.0 OBSERVATIONS OF CONSULTEES

- 6.1 LCC Highways (21.03.19) – No Objections; Conditions suggested.
- 6.2 Lead Local Flood Authority (LLFA) (20.03.19) - No objections subject to conditions.
- 6.3 Cadent (22.02.19 & 25.02.19) – Advice given; there is operational gas apparatus within the site boundary and may include a legal interest in the land which restricts activity in proximity to cadent assets.
- 6.4 Lancashire Archaeology Advisory Service (LAAS) (20.03.19) No Objections subject to condition.
- 6.5 Historic England (05.03.19 & 15.03.19) No Comments to make; Rejected a third party application to add the building to the statutory list of buildings of special architectural or historic interest.
- 6.6 Lancashire Constabulary (15.02.19) - Advice given.
- 6.7 United Utilities (08.03.19) - No Objection; conditions suggested.
- 6.8 Drainage Engineer (20.02.19) - No Objections subject to condition.

6.9 Environmental Health (05.04.19) – No objections; conditions suggested.

7.0 **OTHER REPRESENTATIONS**

7.1 I have received a significant number of letters of objection from local residents and a resident group and a petition with 139 signatures from visitors to Ormskirk Town Centre who object to the proposal. These concerns are summarised below:

Heritage and charm of this traditional market town is being eroded /destroyed
The old art deco 1936 cinema The Regal should be preserved as part of the town's heritage. It has a classic unique design.

Loss of heritage in Ormskirk

Concerns over mass, scale and design of building

Overbearing building

Building is too large and is out of character

Squeezing a large building into this space

Design of building is awful

A 4/5 storey building will dwarf the conservation area and be out of keeping with surrounding buildings and the listed church

No regard to the visual amenity of the area

This building should be converted and its art deco features revealed again not knocked down

It could be a cinema again or a cultural centre

What will happen to the archaeological site behind the hairdressers?

Developers are spoiling the town

Has nothing been learnt from the beautiful old buildings in the town that were demolished in the 60's/70's

No parking for 93 students

Other innovative uses need to be explored

No decent shops anymore, just bars, coffee shops and charity shops.

Congestion

Ormskirk needs to attract a range of residents who will support the town all year round by using the facilities on offer and by paying council tax to support our local services and infrastructure

Every time a building is converted into student accommodation the balance shifts and the town becomes more non-descript and its character is diminished

The need for further student accommodation of this scale is unnecessary. The information provided on Edge Hill student numbers is outdated

More student accommodation in the form of a large multi storey residence block is not required.

Student numbers are falling and there is more capacity at Edge Hill for students to live

There are a number of purpose built student accommodations being built nearby, why are more needed?

Several 'To-Let' signs in the area suggest no demand

There is an oversupply of student accommodation in the town.

Occupiers of student accommodation don't pay council tax and are left empty half the year

Too many HMO's in the town centre

In the immediate vicinity there is already an incomplete purpose built student accommodation on Church Street, another incomplete purpose built student accommodation opposite the Church, many above retail student rooms/flats, all of which leads to levels of clustering

Students only bring money to the bars and clubs in Ormskirk

We need residential development for young professionals

Ormskirk is known for its nightlife but not somewhere you would want to shop in the day,

the few decent shops left will be gone soon due to rising rates
Edge Hill should build accommodation on their own land

- 7.2 I have received a small number of letters from local residents and businesses who support the development. These concerns are summarised below:

As a business owner in this part of Church Street I have a vested interest in the success of the town centre. Since Tesco shut down several years ago, we have seen a significant loss in trade. We are at the top end of town near the church and it is really important to have passing trade.

The building at 33-35 Church Street is not in good condition and is empty. Although Poundstretcher is in the ground floor of the old Regal cinema building, we do not feel this attracts anywhere near as many shoppers as Tesco did or as a big retailer might. There is nothing going on with the upper floors and that is a wasted opportunity in a town centre location. A large new shop (like Primark or Next etc.) would attract new customers to the town and increase the footfall. This will have a knock-on positive effect for the entire town. Bringing students into the town centre will also increase footfall and increase the night-time economy.

Look forward to the realisation of this project and the improvement of Church Street and the Town Centre.

The building currently is an eye sore, very old fashioned could definitely do with a new touch and an upgrade, as it is a negative impact on the street at present.

Some new shops would be very nice as Poundstretcher is going and the property could be empty for a long time, the hair studio and upper floors next to pound stretcher are also empty. The proposed buildings will increase foot fall and increase much needed new shops to draw people to the town centre and to Church St.

I believe this investment to the town centre would be something not to be missed.

This is best for Ormskirk town as nobody is doing anything to this scale and it is nice to see someone is trying

The town centre is the best place to house students of Edge Hill and a building specifically for students can be properly managed

As a resident I have witnessed the steady increase in student rental properties which has had an impact on local residents including noise disturbance and litter.

House prices have risen as investors have bought family houses to convert into student lets which means less affordable houses for families wanting to live in Ormskirk.

Result in less student lets in residential areas

A large retail unit in Church Street is also welcomed

The town centre is declining and this development will help

- 7.3 **West Lancashire Conservation Area Advisory Panel** - Objects on the grounds that the mass, scale and form of the building has no regard to the surrounding buildings and wider town centre Conservation Area. The new building would be overly dominant and would harm the character and appearance of the Conservation Area and the setting to the Grade 2* Listed Parish Church. Panel also objected to the loss of public access through the site and to one of the remaining burgage plots which together are important characteristics of Ormskirk town centre.

8.0 **SUPPORTING INFORMATION**

Design & Access Statement
Student Accommodation Report
Planning and Heritage Statement
Biodiversity Survey and Report
Archaeological Desk Based Assessment

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

RS3 – Provision of Student Accommodation

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 The site lies within the main settlement area where the principle of residential and retail development is acceptable under the terms of Policies SP1, GN1, IF1 and RS1 of the Local Plan. The site is considered to be in a highly sustainable location within the town centre and easily accessible by public transport. The existing buildings are of no particular architectural merit, contributing little to the appearance of the area. As such, the principle of demolishing these buildings and erection of a replacement building for retail and residential use complies with the aims and aspirations of the NPPF.

Principle of Development – Retail Units

- 10.2 Policy IF1 of the Local Plan advocates the promotion of sustainable and economically vibrant town centres and advises that retail development will be encouraged within town centres. The NPPF places great importance on the role that town centres play at the heart of local communities. Paragraph 85 states that planning policies should promote the long term vitality and viability of town centres by allowing them to grow and diversify and retain and enhance existing markets and where appropriate re-introduce or create new ones.
- 10.3 I consider that the proposal to provide a new retail unit (class A1) complies with both local and national planning policy. This proposal is advantageous as it not only retains the ground floor retail unit facing Church Street but also introduces a retail frontage to the rear of the building fronting the existing car park which will help to maintain the retail function of the town centre. It also introduces a much needed large retail space to the town centre.

Principle of Development – Student Accommodation

- 10.4 Paragraph 85 of the NPPF encourages a suitable mix of uses including housing in the town centre and recognises that residential development often plays an important role in ensuring the vitality of centres. The application site is located within the Primary Shopping Area within which Policy RS3 in the Local Plan refers specifically to proposals for student accommodation and advises that a greater proportion than 15% of residential properties above ground floor level will be permitted to function as Houses in Multiple Occupation (HMOs) subject to there being no unacceptable impact on the residential amenity or the primary shopping area or on the supply of accommodation for other town centre uses (for example offices, or storage for ground floor retail units).
- 10.5 Policy RS3 goes on to state the development of purpose built student accommodation outside of the University Campus will be restricted, except where i) an over-riding need for such accommodation is demonstrated; ii) demand for the conversion of existing dwelling houses to HMOs will be demonstrably reduced; and iii) it will not negatively impact the amenity of surrounding uses. When assessing the potential impact of purpose-built student accommodation on the amenity of the surrounding areas, the Council will also have regard to the presence of any HMOs in the vicinity. In addition, Policy RS3 refers to taking into account the effects of clustering of HMOs.
- 10.6 With regards to the implementation of Policy RS3, at present the amount of HMOs within the Primary Shopping Area is significantly in excess of the 15%, however, the policy specifically allows for a greater proportion of HMOs within this part of the town centre and importantly, Policy IF1 of the Local Plan states that in order to maximise the vitality and viability and improve natural surveillance of the town centre student accommodation will be acceptable above ground floor level. In my view, a balance needs to be struck between the requirement to create a vibrant town centre and some surveillance and the clustering of too much student accommodation in the town centre.
- 10.7 There is currently a four storey purpose built student accommodation comprising of 35 bedrooms under construction across the road in Church Street but I do not consider the addition of this proposal will result in a significant clustering of student accommodation within this part of Church Street. It is also important to note that planning permission has previously been granted for student accommodation on this site. Planning permission (reference 2005/1436) was granted for a 4/5 storey building provide 26 student units and although this scheme has not been implemented, it is a material consideration.
- 10.8 In terms of the impact on the supply of accommodation for other town centre uses, the proposed ground floor units are to remain in retail use; however the existing first floor office and storage space will be lost. As there are currently a number of vacant units to let within the town centre, I am satisfied that the loss of the existing first floor office space would not result in a detrimental impact on the provision of such uses within the town centre.
- 10.9 The applicant has stated there remains a need for purpose-built student accommodation because Edge Hill University continues to grow in popularity despite a dip in university student numbers nationally in recent years. In February 2019, the Universities and Colleges Admissions Service (UCAS) published a report which states the demand for higher education remains strong and there was a rise in 18 year olds applying for UK higher education for 2019/2020 academic year. It is also expected the demand for places at Edge Hill will increase with the continual development and expansion of Edge Hill University particularly with the opening of the standalone Medical School in 2020.

- 10.10 As a result in recent growth in campus accommodation, Edge Hill now guarantees a place in the on campus halls of residence to all new full time first year undergraduate students from the UK and EU. However, this does not provide sufficient accommodation for all first year applicants and also provides a deficit in accommodation for 2nd, 3rd year and mature students looking for accommodation on or close to campus. Many students who have lived in new build accommodation on campus in their first year wish to continue to live in similar purpose built development either on campus or within the town centre. There is evidence to show there is both a short and long term over-riding need for purpose built student accommodation for Edge Hill University. The Edge Hill University Accommodation Strategy 2017/18 identified 400 bed spaces are required in the short term. Presently there is accommodation under construction on Church Street for 35 beds. There is also an undetermined planning application for 100 beds at The Stiles. This still leaves a shortfall in the short term of approx. 265 beds. In terms of long term need, Edge Hill have previously identified that 4,205 bed spaces are required by 2030/31. There are currently 2,486 bed spaces available on campus as Edge Hill (2018/19). This leaves a current shortfall of 1,719 bed spaces in the long term. These figures demonstrate that there is still a requirement within both the short and long term for additional student accommodation.
- 10.11 Ormskirk has seen a substantial increase in off campus accommodation over the last 20 years particularly in the conversion of dwelling houses to HMOs within the residential areas of Ormskirk. In this respect, the provision of purpose-built student accommodation in the town centre will be likely to reduce the need for conversions of existing dwelling houses. In terms of the impact on the supply of accommodation for other town centre uses, the ground floor units will remain in retail use as part of the proposal. Therefore, I am satisfied that the proposed development will not unduly compromise the vitality or viability of the town centre and the principle of student accommodation as proposed is acceptable.

Heritage Impacts

- 10.12 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 heritage assets. 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.
- 10.13 Paragraph 193 of the NPPF states that the significance of a heritage asset needs to be given weight to the assets conservation. The more important the asset, the greater the weight to be provided to its significance. 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.
- 10.14 Local Planning Authorities should in coming to decisions refer to the principle act which requires in this case to have special regard to the desirability of preserving any listed buildings or their setting (s.66) and preserving the character or appearance of a Conservation Area (s.72). Recent Court judgements have shown that the statutory duty prescribed under the P(LBCA) Act 1990 should always be given considerable weight in decision making.

General Principle - Demolition

- 10.15 The principle and most prominent building, number 37, was built originally as a cinema in the mid 1930's. The Regal Cinema opened in 1936 and occupied the building until its closure in 1963. The large single mass building is built of red brick with a simple Art Deco façade. Alterations since the 1960's including the removal of the external canopy, insertion of a modern shop front and fascia and insertion of internal floor have significantly diminished its original design. Indeed apart from the brick work on the front elevation the building is unremarkable and has little or no design or architectural features of note.
- 10.16 Number 33 to 35 on the south side of the site is a narrow three storey building constructed from brick. Planning permission has previously been approved (in 2003 and 2005) for its demolition and for its replacement with a four to five storey new block incorporating retail and office space with student accommodation above.
- 10.17 Both buildings were identified in the approved 2009 Conservation Area Appraisal as making a negative contribution to the character of the Conservation Area. Historic England have recently rejected a designation proposal to identify the former Regal Cinema as a listed building. The Historic England assessment identifies that the building does not have sufficient design quality or detailing to be of interest in a national context nor does it form part of a coherent group. Whilst it is accepted that there is some limited historic value associated to the former cinema use of number 37, the fact that this use has long since ceased means that I do not place significant weight to this aspect. The modern interventions such as the insertion of a floor and creation of a retail unit have further reduced any local value the building once had.
- 10.18 The current site overlies a former Iron Foundry which occupied the site into the early C20. The evidential (or potential) value that the site holds is likely of greater significance than the current above ground buildings. The demolition of the current buildings will provide the opportunity through further investigation secured via planning condition to understand the significance of the below ground archaeology better.
- 10.19 Overall, I have no reason to come to a different conclusion, regarding the value of number 37 to the Conservation Area, than was reached in the approved 2009 Conservation Appraisal. On this basis I have no objections to the proposed demolition of numbers 33-35 and 37 and feel that the character and appearance of the Ormskirk Town centre Conservation Area will not be harmed by the loss of either building.

Design of proposed new building

- 10.20 The proposed building will be a four to five storey building which provides retail units fronting onto both Church Street and Park Road. Student accommodation will be provided on the floors above. The building will be clad in brick with the top floor incorporating a grey standing seam flat roof. The modern design has a glazed atrium which runs through the building (east to west) to give the sense of two joined buildings. This is reinforced by the use of two different shades of red brick on the building.
- 10.21 Whilst the proposal relates to just one new building, the design attempts to create the sense of two joined buildings with a glazed link set back from the principle elevations. To further reinforce this visual split differing tones of red brick have been used to break up the mass. The height of the new building is comparable to the existing former cinema building and those adjoining and adjacent. In order to reduce the overall mass of the building, the top floor has been clad in a dark metal and has been set back from principle elevations to further reduce its visual impact. The use of a decorative motif and brick pattern along with

a glazed canopy over the front entrance to the retail store will reference the original Regal building and adds interest to design.

- 10.22 In terms of the street scene, the building will sit in the same footprint / building line as the existing buildings but will also include a derelict parcel of land to the rear of 33-35 Church Street. The new building will front onto Church Street in the same way the existing buildings do and provides a closed frontage which is characteristic of Ormskirk and when viewed from along Church Street the new building will preserve the alignment of the street and important view of the Church to the north which is a key view of the Conservation Area.
- 10.23 The view of the building from Park Road is a more open one, however this more expansive view of the site is set against the immediate context of the existing modern commercial units on Two Saints Place and its car park. The Parish Church with its enclosed graveyard and mature trees lie further to the north. Whilst there is no doubt that the new building will be prominent within this view and from the west across Coronation Park, I am mindful that so is the existing building, which has its blank and somewhat incongruous rear elevation fronting onto the space. In this respect the existing building offers no interest or frontage onto the Park Road. The new building will in my view be an improvement over the existing and provides a more engaging western (rear) elevation. As the new building shares the same northern boundary as the existing and moves no closer it will not impinge on the view or historic setting of the Church as you move along Park Road from south to north.
- 10.24 In design terms the building appears layered with a build out at the first and second floor and two levels of glazed shop fronts below at lower ground floor and ground floor facing onto the car park. The building is split by a large glazed section which runs through the building from Church Street which is inset on the rear elevation, to help give the impression of being two separate buildings.
- 10.25 I note the concerns raised that the new building will result in the loss of a current permissive path between the two buildings. The path to the south side and private access to the north remain unaltered. From map evidence, because the site related to a former iron foundry the pathway is more recent (early C20) and does not relate to the medieval pattern of burgage plot layouts found in other parts of the Town Centre. Whilst I am mindful that the pathways, alleyways and ginnels between buildings are characteristic of Ormskirk Town Centre I do not feel the loss of the one between numbers 33/35 and 37 will unduly harm this typical characteristic of the Conservation Area.

Proposed building – the impact on the setting to heritage assets

- 10.26 The Grade 2* Parish Church is located approximately 100 metres to the north of the site. The Church, with its tower and steeple is an important building in the skyline of Ormskirk town centre. Historically the site lies in the built up area of the town. The views of the Church generated from Park Road is a relatively modern one and has been available since the development of the ring road. From within the town centre one of the principle views of the Church is looking north along Church Street. Given that the new building will preserve the existing street frontage and building line, visually this important view remains unaltered by the proposal. As explained above, whilst the new building will be viewed from Park Road and the west the immediate context of the site is retail and commercial development including a car park. Visually, I do not feel the new building will harm the historic setting to the Church. Given the size, scale and location of the existing buildings I do not feel the setting will change and the proposal will leave the setting to the Church essentially unharmed. Similarly, as the new building is to be sited in the same location at the existing one and the road alignment and frontage on to Church Street remains

unaltered I do not feel the historic setting to number 27 Church Street, a Grade 2 listed building, which lies to the south, will be harmed by the proposal.

Conclusions on heritage

- 10.27 On balance, considering the scale and appearance of the existing building I do not consider the new proposals will cause harm to the character or appearance of the Ormskirk Town Centre Conservation Area or the setting of the Parish Church or nearby listed buildings. On this basis I feel the proposal will meet the statutory duty to 'preserve' as required under s.66 and s.72 of the Planning (LBCA) Act, Chapter 16 of the NPPF and Policy EN4 of the Local Plan.

Archaeology

- 10.28 Paragraph 199 of the NPPF states that 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
- 10.29 The Archaeological Desk Based Assessment accompanying this application identifies that a former 1796 iron foundry lies underneath the current buildings. Most significantly the report states that the survival of archaeological structures and deposits from the Iron Foundry complex founded in c.1796 were confirmed during a 2009 excavation. The report goes on to suggest there is a potential through this proposed development to encounter both possible medieval buildings and structures shown on the 1609 Ormskirk Estate Map and Medieval property boundaries (burgage plots) to the rear of Church Street.
- 10.30 Lancashire Archaeological Advisory Service (LAAS) recommend that a programme of archaeological investigation is undertaken. The first phase of this work will include a building record of the former Regal Cinema, followed by a formal watching brief during the demolition works of all buildings on site. The demolition down to just above ground level does not require archaeological monitoring, however the lifting of ground surfaces and removal of foundations, services etc. should be supervised archaeologically by means of a formal watching brief. If during this watching brief phase it becomes obvious that earlier remains are present within the footprint of the cinema, a contingency plan to upgrade to an archaeological strip, map and record should be in place. Furthermore an archaeological strip, map record exercise should also be undertaken for the area of the car park (located in the north west corner of the site) and for the alleyway which lies between numbers 33-35 and 37 Church Street. Subsequent phases of work should then be designed to address the issues revealed by these initial investigations. This investigation work can be secured by planning condition.

Residential Amenity

- 10.31 This area of the town centre comprises of a mix of commercial and residential uses at first floor. In terms of the potential impact from the introduction of student accommodation, given the town centre location, the fact that there are a large amount of non-residential uses and the site is in an area located near to a busy road it is unlikely the student accommodation would have any significant impact on the existing residential amenity in the area through increased noise and disturbance.
- 10.32 In terms of the potential impact upon the occupiers of the student accommodation, in order to reduce the potential disturbance from the retail use, surrounding eating/drinking establishment units and other noise sources, the Council's Environmental Health Officer advises a scheme of noise insulation will be required between the commercial and

residential uses. A noise impact assessment will also be required to help inform what mitigation may be required to protect residents from external environmental noise. In terms of accommodation provided the majority of units are single bedrooms with shared kitchen/living areas. Some self-contained studios would be provided and all rooms would have adequate outlook. Residents would have access to amenity space in a central courtyard area.

Highways and Parking

10.33 The layout of the development will utilise the existing delivery and servicing area and the applicant has provided cycle storage for 8 bicycles and two drop off spaces. The proposed development does not provide any additional on-site car parking however, the site has previous retail use and due to the Town Centre location there are public car parks adjacent to the site and throughout the town centre area available for shoppers. It is considered that the demand for parking with student accommodation in such a central location would be low. There is a public car park to the rear of the site for any visitors and there is a regular bus service between the town centre and the university for students. The bus and train stations are within a short walking distance from the site making the site highly accessible and sustainable location. The Highway Authority has been consulted and is of the opinion there is adequate parking available within the vicinity for the proposed development and the development will not have a significant impact on highway conditions within the town centre.

Impact on Ecology and Trees

10.34 An Ecological Survey and Assessment has been submitted which found no evidence of bat activity, birds, or barn owls. I consider the information submitted is acceptable and that the development would not have any significant ecological impacts. The existing trees along the frontage of Church Street will be retained as will a tree along the northern boundary. I consider the scheme to be compliant with Policy EN2 in the Local Plan.

Impact on Drainage

10.35 Limited details of how the site would drain following the proposed development have been provided with the exception of confirmation that the current mains system could be utilised. The site will of course benefit from an existing drainage system by virtue of the existing building and it seems reasonable that the any future scheme will mirror this to some degree. Policy GN3 requires the submitted drainage scheme achieves a reduction in surface water run off of at least 30% as this application is for a redevelopment of previously developed land. I am satisfied that full details of the foul and surface water disposal strategy can be obtained by planning condition and the scheme will comply with Policy GN3 in the Local Plan in this regard.

Summary

10.36 The proposed development is considered acceptable in principle, would contribute to the vitality and viability of Ormskirk Town Centre without harming the character of the area. The proposal satisfactorily meets the requirements of the NPPF and Policies GN1, GN3, RS3, 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 3812-220 received by the Local Planning Authority on 31st January 2019.
Plan reference 3812-200B Site Plan - Proposed, 3812-201B Level -1 Proposed Floor Plan, 3812-202A Level 0 Proposed Floor Plan, 3812-203B Level 1, Proposed Floor Plan, 3812-204B Level 2 Proposed Floor Plan, 3812-205B Level 3 Proposed Floor Plan, 3812-206B Proposed Roof Plan, 3812-207B Proposed Elevation A (Church Street), 3812-208B Proposed Elevation B (Car Park), 3812-209B Proposed Elevation C, 3812-212A Proposed Street Scene - Church Street, 3812-213A Proposed Street Scene - A570, 3812-214A Proposed Street Scene - Car Park, 3812-215A Proposed Building Sections, 3812-216A received by the Local Planning Authority on 23rd May 2019.
Plan reference 3812-210C Proposed Elevation D, received by the Local Planning Authority on 5th July 2019.
3. No development above slab level shall take place until full details and samples of the external brickwork and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development shall take place until a strategy for the separate foul and surface water drainage of the development, including any necessary attenuation measures, maintenance and management proposals and phasing of delivery has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of this Councils Planning Applications - Drainage, Flood Risk and Sustainability guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme shall be completed in accordance with the approved details and in accordance with the approved phasing of the scheme. To assist with approval a copy of the completion certificate issued by the Building Control body should be submitted.
5. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological work. 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. No development shall commence until a scheme of noise insulation between the commercial and residential premises has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to occupation of the student accommodation.
7. No extraction systems, air conditioning, refrigeration or other such plant systems shall be installed in the building unless full details are submitted to and approved in writing by the Local Planning Authority. Thereafter, the equipment shall be installed, properly maintained and operated as appropriate.
8. No development shall commence until a noise impact assessment is carried out for existing external environmental noise that may affect the residential use of the development. The results shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures arising from the survey shall be approved in writing by the LPA and implemented in full prior to occupation of the student accommodation.
9. The student accommodation shall not be occupied by more than 91 residents at any one time.
10. The Class A1 units on the ground floor shall not be open for business between the hours of 10pm and 8am on any day.

11. No service vehicles, maintenance vehicles, or waste collections shall be taken or received at the site except between the hours of 07.30 and 20.00 Monday to Saturday and at no time on Sundays and Bank Holidays.
12. No lighting shall be installed on the site until a scheme detailing the proposed lighting to be installed is submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.
13. The existing trees shall be retained and before site works commence they shall be protected with stout fencing constructed to BS5837:2012, to contain the branch spread of the trees. Such fencing shall remain and be adequately maintained for the duration of the development operations. Within this fencing no development operations may take place including the storage or dumping of materials or plant, the lighting of fires, the siting of temporary huts or the raising or lowering of ground levels. All dead or damaged existing trees specified for retention shall be replaced with trees of such size and species approved in writing by the Local Planning Authority.
14. The servicing area shall be kept clear at all times to allow loading and unloading of vehicles servicing the retail and student use.
15. The lower ground and ground floor unit shall be used for Class A1 retail only.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning 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 Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. As the site is of archaeological interest and in order to comply with the provisions of Policy EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. 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.
7. 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.
8. 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.
9. To ensure that parking requirements are satisfied having regard to the provisions of Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD.
10. 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.
11. 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.
12. 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.
13. To protect the trees and shrubs and thereby retain the character of the site and the area and to ensure that the development complies with the provisions of Policies GN3 & EN2 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 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. In order to protect the vitality and viability of Ormskirk town centre in accordance with Policy IF1 of the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.

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

RS3 - Provision of Student Accommodation

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.