

No.4	APPLICATION NO.	2019/1247/FUL
	LOCATION	24 - 26 Derby Street Ormskirk Lancashire L39 2BY
	PROPOSAL	Erection of two three-storey extensions to rear of building (following demolition of existing extensions) and installation of mansard roof to rear. Change of use of ground floor to part offices / part HMO, change of use of first floor and loft space to a HMO and use of extensions as HMO to create in total 32 bedrooms.
	APPLICANT	Vici Property Group Ltd
	WARD	Scott
	PARISH	Unparished - Ormskirk
	TARGET DATE	29th April 2020

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme however Councillors Thompson and Yates have requested it be referred to Committee to consider the impact of the development on the Conservation Area, amenity issues and the intensification of use of the site.

2.0 SUMMARY

- 2.1 It is considered that the principle of the change of use of the building is acceptable. Whilst limited harm has been identified to the Conservation Area it is considered that returning the building back into use outweighs the identified harm. I am satisfied that there will be no detrimental impact on the amenity of neighbouring properties or on highway safety. The development is considered to be compliant with the relevant policies in the Local Plan and NPPF.

3.0 RECOMMENDATION: APPROVE with conditions.

4.0 THE SITE

- 4.1 The site is situated to the south side of Derby Street in Ormskirk and lies within the Ormskirk Town Centre Conservation Area. The site is situated within Ormskirk Town Centre, as shown on the Local Plan policies map, but lies outside the Primary Shopping Area.
- 4.2 The site comprises a large brick built two-storey building formerly in use as a bank. Since the closure of the bank the property has been vacant. There is a garden area to the front which is enclosed by a low wall/railings. A public car park lies to the rear of the site and there is vehicular access to the site and its existing parking area.

5.0 THE PROPOSAL

- 5.1 The application proposes the erection of two three-storey rendered extensions at the rear of the building, installation of a mansard roof to the rear and conversion of the loft space to habitable accommodation. Two existing extensions at the rear of the building are proposed to be demolished.
- 5.2 The application proposes the conversion of the resultant building to a 32 bedroom House in Multiple Occupation (HMO) with approximately one third of the ground floor being retained for office purposes.

5.3 Five parking spaces for the office use, a bin store and covered cycle store would be located at the rear of the building. To the front it is proposed to erect 1.2m (approx.) walls/railings and gates.

6.0 PREVIOUS RELEVANT DECISIONS

6.1 None.

7.0 CONSULTEE RESPONSES

7.1 LCC Highways - 28/01/20 and 23/03/20 - no objection in principle to this application. The proposed development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

7.2 Environmental Health Officer - 21/01/20 -no objections to the application in principle. Conditions recommended.

8.0 OTHER REPRESENTATIONS

8.1 New Ormskirk Residents Group
Consider application should be rejected for the following reasons:

Concerns regarding impact on amenity;
Student numbers are falling and this accommodation is not needed;
Other accommodation granted planning permission last year has not been built yet;
The proposal does not comply with RS3 for the above reasons and because the percentage allowed has already been exceeded;
There is not detail about the proposed offices. Why has this not been used for offices since the bank closed?;
Students often have cars and will require parking spaces.

8.2 One letter of representation from a neighbouring property has been received which can be summarised as:

Concerns about privacy loss due to windows in the western side of proposed extension;
Concerns regarding loss of light from proposed extension;
Lack of parking for students - consider that there should be a condition preventing students from bringing a car;
Location is within a commercial area and consideration should be given to retaining the entire premises for commercial purposes;
Suggest the front gate next to our premises should be fixed closed and the other one should be coded entry instead of as proposed;
The cycle storage would be better at the rear of the building.

9.0 SUPPORTING INFORMATION

9.1 The application has been supported by the following documents:

Design and Access Statement
Student Accommodation Statement
Heritage Statement

10.0 RELEVANT PLANNING POLICIES

- 10.1 The site is located within the Key Service Centre of Ormskirk with Aughton as designated in the West Lancashire Local Plan.
- 10.2 **National Planning Policy Framework (2018)**
Chapter 5 - Delivering a sufficient supply of homes
Chapter 8 - Promoting healthy and safe communities
Chapter 11 - Making effective use of land
Chapter 12 - Achieving well designed places
- 10.3 **West Lancashire Local Plan (2012-2027) DPD**
SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
EC1 - The Economy and Employment Land
RS3 - Provision of Student Accommodation
IF1 – Ormskirk Town Centre
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
IF4 - Developer Contributions
EN1 - Low Carbon Development and Energy Infrastructure
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets
- 10.4 **Supplementary Planning Document Design Guide (Jan 2008)**

11.0 **OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

Principle of development – loss of employment

- 11.1 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.
- 11.2 This site is located within 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.
- 11.3 The proposal would result in the loss of a substantial amount of ground floor office accommodation leaving only approx. 110sqm of floor space. In addition all of the first floor office accommodation would be lost. However, at present, the building has an authorised A2 use which is not one of the specified uses within the Ormskirk Business Area. The change of use to another non-specified use would, in this particular case, have a limited adverse impact on the provision of B1, C1 or D1 uses within the Employment Site.
- 11.4 The property has been empty for some time since the RBS vacated the building. The property was marketed for a year prior to being purchased in October 2019 by the applicant. It is my view that a robust marketing exercise was undertaken for a period of a year and as the existing use of the building is not one of those specified within the Ormskirk Business Area, the submission documentation has addressed the loss of the office space in relation to EC1 and provides justification for the proposed change of use to residential accommodation. Moreover, paragraph 81 of the NPPF states that '*Planning policies should be flexible enough to accommodate needs not anticipated in the plan.*' I consider that the information submitted in support of the application has adequately

demonstrated that the site is unlikely to be occupied by a B1, C1 or D1 use in the near future. Consequently, I consider that the change of use of this site for student accommodation would not be significantly detrimental to the Business Area of Ormskirk, and in this instance as the scheme would bring an important building within the conservation area back into a viable use I consider the proposal to be acceptable.

Principle of development – student accommodation

- 11.5 Policy RS3 of the Local Plan states that when assessing proposals for the conversion of a building to a House In Multiple Occupation (HMO), the Council will have regard to the proportion of existing residential properties in use as, or with permission to become a HMO, either in the street as a whole, or within the nearest 60 residential properties.
- 11.6 This policy sets limits on the proportion of properties in a street that can be HMOs. If this limit has already been exceeded, or if it would be exceeded by an additional HMO, Policy RS3 does not permit the conversion of any more properties on that street to HMOs. The 'HMO limit' for Derby Street is 10%, which has been exceeded. Policy RS3 states that where proposals for a HMO would result in the specified percentages being exceeded, these proposals will not be permitted unless there are compelling reasons specific to the individual application why it would be appropriate to allow the limit to be exceeded.
- 11.7 In this instance I consider that there are compelling reasons to allow a further increase in HMO's along Derby Street. Firstly, Policy IF1 of the Local Plan advises that within town centres, a diversity of uses will be encouraged outside the Primary Shopping Area in order to maximize centres' vitality and viability, to encourage an evening economy, and to improve safety and security by increasing natural surveillance of the centre. Such uses may include *inter-alia* student accommodation. Whilst the site lies within the town centre, this section of Derby Street is also within the Ormskirk Business Area and therefore is not amongst an existing residential neighbourhood where the introduction of more students may tip the balance in terms of social cohesion.
- 11.8 Secondly, it is important to place emphasis on the fact that the proposed development will create a viable use for an important building within a Conservation Area that is currently vacant, and based on the marketing information, would be unlikely to be occupied by other preferred uses given the alternative vacant units within Ormskirk and the "shrinking" of the town centre, particularly in the current economic climate.
- 11.9 Thirdly, I consider that the re-use of this building for student accommodation in the town centre will be likely to reduce the need for conversions of existing dwelling houses and could actually result in existing HMO's being released back into the market. I am satisfied that on balance the conversion of this building into a HMO along Derby Street is acceptable and will not unduly compromise the objectives of Policy RS3 which aims to restrict the clustering of HMO's within predominantly residential areas.

Visual appearance / Design / Impact on Conservation Area

- 11.10 The principle statutory duty under the P(LBCA) Act 1990 is to preserve the special character of heritage assets, including their setting. LPA's should in coming to decisions consider the principle act which states the following;

Conservation areas – Section 72(1)

In undertaking its role as a planning authority the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

- 11.11 In relation to development within a conservation area, decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable. Recent High Court judgements identify the need to give considerable weight and importance to the duty imposed and to the presumption in favour of the desirability of the preservation of heritage assets including their setting.
- 11.12 In addition to the above, Paragraph 185 of the NPPF states that in relation to heritage in determining planning applications LPAs should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - The desirability of new development making a positive contribution to local character and distinctiveness, and;
 - Opportunities to draw on the contribution made by the historic environment to the character of a place.
- 11.13 Paragraph 193 states that the significance of a heritage asset needs to be given weight to the asset's conservation. Significance can be harmed through alterations or destruction of the heritage asset or development within its setting. The more important the asset, the greater the weight should be provided to its significance.
- 11.14 Paragraph 195 requires that where a proposal leads to less than substantial harm to a designated asset (including its setting), this harm should be weighed against the benefits of the proposal including securing its optimum viable use.
- 11.15 Policy EN4 of the Local Plan sets out a presumption in favour of the conservation of heritage assets and that development should not adversely affect a conservation area. This policy requires all development affecting the historic environment to preserve or enhance the heritage asset. Policy GN3 in the Local Plan along with the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that buildings do not disrupt the visual amenities of the street scene because of their height, scale or roofline.
- 11.16 I generally agree with the conclusions of the submitted Heritage Assessment and consider the building's principle significance derives from its architectural and historic values. Clearly the principle frontage onto Derby Street is important and the building forms an important part of the collective character of the Derby Street frontage, which is one of 18th and 19th Century buildings. It is noted that the scheme intends to retain the existing traditional features i.e. sliding sash windows, decorative stonework, slated roof line and chimneys. The proposal includes the installation of railings and gates at the front of the building which the plans demonstrate would match in design and height the existing railings along the front boundary and would be in keeping with those on neighbouring plots.
- 11.17 However, whilst I accept that the rear elevation is of lesser importance to the front I still feel that, because it is publicly viewed (from the car park at the rear), it remains visually important. Indeed the rear elevations of the Derby Street buildings whilst altered, form a continuous and coherent piece of townscape. Within this context there are no dormer windows /mansard roofs and such details are not typical of the Town Centre Conservation Area. The evolution and extension of the buildings, through mainly pitched roof rear

extensions, can be seen from the public car park. Outriggers/rear wings are traditional across the whole row of properties. The main materials used are red brick and slate or tile.

11.18 On the rear elevation of the building it is proposed to provide two three storey outrigger extensions with a linking mansard roof between. The design of the scheme has been altered during the course of the application and it is accepted that the existing rear outriggers are of little individual value and/or significance. In this regard I do not raise an objection to their demolition and reconstruction.

Whilst the proposed replacement outriggers are large (9.5m x 7m x 9m high) one outrigger replicates the footprint of the existing outrigger and both are comparable to other similar extensions on nearby properties. The traditional form of the outriggers is retained and a window is positioned on the rear elevation to break up the massing and provide surveillance to the rear private parking area.

11.19 In addition to the outriggers, a mansard roofed dormer is proposed to be positioned between them within the existing rear roofslope. The design of this dormer has been amended since originally submitted and is much reduced and hipped to minimise the visual intrusion within the roofslope. It is my view that the cumulative impact of the proposed extension, with the inclusion of the dormer roof the proposal would cause some degree of harm to the character of Ormskirk Town Centre Conservation Area. I am required to give the duty imposed by s.72(1) considerable weight. Whilst I would regard the harm caused by the proposals to be 'less than substantial' (defined under P.196 of NPPF) the proposal would still harm the historic character of the conservation area and therefore fails to meet the strict test laid down in S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11.20 As such, the level of harm must be weighed against any public benefits generated by the scheme, including securing its optimum viable use. The terms 'public benefits' and 'optimum viable use' are defined in the *Planning Practice Guidance (PPG)*.

11.21 Public benefits are those benefits put forward to outweigh the expected harm to the heritage asset and should be of a scale to be of benefit to the public at large and should not just be a private benefit. The *PPG* indicates that heritage benefits could include; sustaining or enhancing the significance of a heritage asset and the contribution of its setting, reducing or removing risks to a heritage asset and/or securing the optimum viable use of a heritage asset in support of its long term conservation.

11.22 The *PPG* states that the optimum use is the one likely to cause the least harm to the significance of the asset. It is acknowledged that the building may no longer be required as a bank. If this is the case I would expect the optimum viable use of the site would, subject to compliance with other planning policy principles, be the conversion of the building to an alternative use without any significant external alterations.

11.23 The building has stood empty for more than 18 months and in the current economic climate it is not expected that alternative uses would be readily forthcoming. Evidence has been submitted in terms of a summary viability statement which demonstrates that the conversion of the building would not be viable without the addition of appropriate extensions and alterations. The applicant was asked to demonstrate the difference in terms of viability with and without the dormer and why it was not possible to create rooms in the existing roofspace using rooflights. Cross sections were submitted that indicated the necessary head heights to rooms in the roofspace could not be provided without the dormer and I am satisfied that sufficient justification has been presented to demonstrate the need for the amount of accommodation that is required.

11.24 This is a finely balanced case and it is my view that at this particular time and in relation to this particular building the benefit of creating a viable development on this under-utilised site in a highly sustainable location within the town centre, together with the potential to relieve the pressure on the conversion of houses to HMO's in the surrounding residential areas outweigh the less than substantial harm to the character and appearance of the conservation area. As such, the development is considered to comply with the Council's duties in the Act and the requirements of the NPPF and policy EN4.

Impact upon residential amenity

11.25 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.

11.26 The Environmental Health Officer has raised some concerns in regard to noise both within the building between the proposed uses and external noise impacts. Several conditions, to protect the amenity of future and existing nearby residents, have been recommended which I consider would be appropriate to impose. These relate to appropriate insulation measures.

11.27 Concerns have been raised regarding overshadowing and loss of light to the neighbouring building no. 22 Derby Street. I note that the rooms stated to be affected are offices not habitable rooms. In any case due to the distances involved and the orientation of the building the location of the extension is unlikely to cause significant loss of light or overshadowing.

11.28 Concerns have also been raised regarding a loss of privacy for the occupants of the neighbouring offices. During the course of the application the plans have been amended and the window on the west elevation has now been moved to ensure that there would be no overlooking into the offices of the neighbouring property from the first floor accommodation. Views would not be possible at ground floor due to the location of the boundary wall or at second floor where rooflights are proposed.

11.29 I am satisfied that subject to conditions the proposal would comply with the requirements of policy GN3 1(iii).

Highways / parking

11.30 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards.

11.31 I have consulted the Highway Authority in respect of the proposed development. The amendments to the scheme have addressed the initial concerns raised by the Highway Authority with regards covered cycle parking to the rear.

11.32 Adequate parking has been demonstrated for the office element of the proposal however parking is not proposed to be provided for the HMO occupants. The location of the site in the town centre is close to local facilities and there is a relatively short walking distance to/from Edge Hill University should the HMO be used for students. Public transport services are located within a short walk of the site as well as a public car park directly to the rear. I am satisfied the development would comply with the requirements of policy IF2 and the relevant parts of GN3.

Drainage

11.33 The application has been accompanied by drainage information which has been considered by the Council's drainage engineer and utilises the existing drainage infrastructure on the site. No objection to the proposed scheme has been raised.

Conclusion

11.34 In summary, it is considered that the principle of the change of use at this site is acceptable. Whilst limited "less than substantial" harm has been identified to the conservation area it is considered that returning the building back into a viable use outweighs the identified harm. I am satisfied that there will be no significant detrimental impact on the amenity of neighbouring properties or highway safety. The development is considered to be compliant with relevant planning policies and accords with the NPPF and relevant policies of the Local Plan.

12.0 RECOMMENDATION

12.1 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.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Site location plan received on 31st December 2019 and
Plan reference 2580/2i, 2580/3i and 2590/4d received by the Local Planning Authority on 13th July 2020
Reason: 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. No part of the development hereby permitted shall be commenced until a scheme for protecting the proposed dwellings from road traffic noise from Derby Street and from the public car park at the rear of the site has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.
Reason: To safeguard future residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
4. No development shall commence until details of the measures to protect the proposed residential accommodation from noise from the office use and from the communal laundry have been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include the standard for constructing and / or insulating the internal walls / floors between the office / communal laundry and residential accommodation. The approved details shall be implemented prior to first occupation of any of the residential dwellings and shall thereafter be retained.
Reason: To safeguard future residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5. Deliveries of goods/services and collections of waste from the hereby approved office premises shall only take place between the hours of 0800 and 2000 Monday to Saturday and at no time on Sundays and Bank Holidays
Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. No external lighting shall be installed at the site until a scheme detailing the proposed lighting to be installed on the site has been 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.
Reason: To safeguard the amenities of nearby residents and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
7. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, size, colour and texture of the materials including the method of jointing and coursing of any stone or brick work and details of any roof/dormer cheek work and should be reflective of those within the surrounding area/match those on the Listed Building, unless otherwise agreed in writing by the Local Planning Authority.
The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.
Reason: To preserve the character and appearance of the Ormskirk Town Centre Conservation Area and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
8. The development hereby permitted shall not be brought into use until the areas for the movement, loading, unloading and parking of vehicles have been provided, constructed and surfaced in complete accordance with the plans ref 2580/4d received on 13th July 2020. These areas shall be retained at all times thereafter.
Reason: To ensure that adequate on site vehicle parking/manoeuvring facilities are provided in the interests of highway safety and amenity, and to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
9. Prior to the first occupation of the office use hereby approved at least one of the approved car parking spaces shall be marked out for use by electric vehicles, together with an adequate charging infrastructure and cabling for a marked bay, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented and thereafter retained in situ throughout the duration of the development.
Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
10. The HMO hereby approved shall be occupied by no more than 32 residents at any one time.
Reason: 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.
11. In accordance with drawing no. 2580/3i the existing sash windows on the front elevation shall be retained and renovated. Where this is not possible no window shall be removed until details of the replacement window (including details of all mouldings, transoms, mullions and opening mechanisms) have been submitted to and approved in writing by the

Local Planning Authority. The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.

Reason: To preserve the character and appearance of the Ormskirk Town Centre Conservation Area and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

12. All rooflights shall be of a 'conservation' grade flush slim line fitting type only. The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.
Reason: To preserve the character and appearance of the Ormskirk Town Centre Conservation Area and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

Note

1. Construction work, which is audible from the boundary of any noise sensitive receptor, shall only take place between the hours of 08:00 – 18:00 on Monday to Friday inclusive, 08:00 – 13:00 hours on Saturdays with no such working on a Sunday or local or national public holiday. The receipt of any materials or equipment for the construction of the site is not allowed outside the said hours, unless otherwise approved in writing by the local planning authority having been given a minimum of two working days' notice of the occurrence of the proposed event. Fixed and mobile plant used within the site during the construction period shall not incorporate 'bleeping' type warning devices that are audible at the boundary of any noise sensitive property, unless otherwise approved in writing by the local planning authority.

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

EC1 - The Economy and Employment Land

RS3 - Provision of Student Accommodation

IF1 - Ormskirk Town Centre

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

IF4 - Developer Contributions

EN1 - Low Carbon Development and Energy Infrastructure

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.