

No.4	APPLICATION NO.	2020/0444/FUL
	LOCATION	22 Church Street Ormskirk Lancashire L39 3AN
	PROPOSAL	Change of use of ground floor to mixed use of A1 shop and 3no. student flats and launderette including insertion of additional ground floor windows. Accommodation occupancy update to upper floor flats.
	APPLICANT	Stiles Developments Ltd
	WARD	Scott
	PARISH	Unparished - Ormskirk
	TARGET DATE	14th September 2020

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Thompson has requested it be referred to the Planning Committee to consider 'Policy IF1 – Maintaining Vibrant Town Centres' of the Local Plan, and the impact that the use of this A1 ground floor retail unit as student accommodation may have on the Town Centre, and precedent that may be set.

2.0 SUMMARY

- 2.1 This application proposes the installation of 3no. studio flats and a launderette to the ground floor of the existing premises. I am satisfied that an acceptable marketing case has been put forward and on balance the proposed development would not have a detrimental impact on the vitality and viability of Ormskirk Town Centre and would retain a commercial frontage within the Primary Shopping Area. The development would not result in an adverse impact on residential amenity and would not impact the Ormskirk Town Centre Conservation Area.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

- 4.1 The application site previously comprised two buildings, known as 22 and 24 Church Street, which were constructed in the 1970s, together with some land to the rear which was used as a private car park. These buildings have been demolished and under planning approval 2016/0340/FUL and associated application 2019/0744/NMA, a four storey building has been constructed which includes commercial space at ground floor and student accommodation on the three upper floors, including a floor within the roof space.
- 4.2 Application 2016/0340/FUL included 35no. student beds on the upper floors, and this was amended to 32 student beds under application 2019/0744/NMA due to an alteration in the internal arrangement of rooms. The ground floor of the building has permission for A1/A2/A3/B1 use, split into 3 separate units, with units 1 and 2 taking access directly off Church Street and Unit 3 being accessed from the rear of the building. Unit 3 is currently used as an office by a student accommodation company, and the commercial space fronting Church Street remains vacant.
- 4.3 On the southern side of the building there is a walkway between Church Street and the Stiles with commercial buildings alongside. The access into the student accommodation on the upper floors is taken from this walkway. The site is located within the Ormskirk

Town Centre Conservation Area and lies within the Primary Shopping Area of Ormskirk on one of the main thoroughfares.

5.0 THE PROPOSAL

- 5.1 The application seeks alterations to the ground floor so that part of the ground floor area which was to make up commercial units 1 and 2 would be used as 3no. studio flats for students, with the remaining space at ground floor being used as a launderette for use by the public and utilising the existing frontage on to Church Street. The layout of the upper floors (floors 1 to 3) would be modified in line with what was approved under application 2019/0744/NMA reducing the number of bed spaces on the upper floors from 35no. to 32no. as a result of substituting cluster accommodation with en-suite studios.
- 5.2 The internal alterations would result in minor changes to the fenestration detailing to the building to include additional ground floor side elevation windows.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2019/0744/NMA – Non-Material amendment to planning permission 2016/0340/FUL - Proportion of flats changed from cluster flats to studios on first, second & third floor, window arrangement on elevation 02 & 04 amended. APPROVED 27.08.19.
- 6.2 2016/0340/FUL - Demolition of existing buildings at 22, 22b and 22c and 24 and 24b Church Street and the erection of a replacement building comprising A1/A2/A3/B1 units to ground level and student dwellings above (being part amendment to planning approval 2014/0566/FUL). APPROVED 29.07.16.
- 6.3 2014/0566/FUL - Demolition of existing building and creation of 4 level building which will house student dwellings and ground level A1/A2/A3 units. APPROVED 19.12.14.

7.0 CONSULTEE RESPONSES

- 7.1 None.

8.0 OTHER REPRESENTATIONS

- 8.1 New Ormskirk Residents Group (02.08.2020) – Nationally student numbers are falling, therefore the same level of student accommodation may not be necessary. Ground floor in the Primary Shopping Area should be used for retail/office use. Policy RS3 of the Local Plan advises that increase in purpose built student accommodation will only be allowed if there is an over-riding need for it, and that within the Primary Shopping Area student residences can exceed the 15% limit above ground floor only. There are considerable student numbers in Church Street (including permission granted for 90no. student beds opposite the site) and Policy RS3 states that regard will be given to clustering. Policy IF1 aims to maintain vibrant town centres within the Borough; a launderette having a considerable frontage and ground floor student accommodation behind is not in line with this policy.
- 8.2 An objection has been received from a local resident, the grounds of objection can be summarised as:

Contrary to Policy IF1.

The loss of retail space cannot be recovered.

Perceived benefits from the development are only applicable for 6 months of the year.

Voids are low in the Town Centre.

The Applicant references the current pandemic as a reason for allowing the proposed development, however, this is temporary.

The site has not been adequately marketed.

Policy RS3 states that an increase in purpose built student accommodation can only be allowed if need can be demonstrated.

The reduction in floor area for students will reduce the quality of accommodation.

9.0 SUPPORTING INFORMATION

9.1 Planning, Heritage and Student Needs Assessment.

10.0 RELEVANT PLANNING POLICIES

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

10.2 The site is located within the Primary Shopping Area of the Regional Town of Ormskirk and is within the Ormskirk Town Centre Conservation Area as designated in the West Lancashire Local Plan. The following policies are relevant:

National Planning Policy Framework

Building a strong competitive economy

Ensuring the vitality of town centres

Promoting sustainable transport

Delivering a wide choice of quality homes

Requiring good design

Conserving and enhancing the historic environment

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

RS1 – Residential Development

RS3 – Provision of Student Accommodation

IF1 – Maintaining Vibrant Town and Local Centres

EN4 – Conserving West Lancashire's Natural Heritage

SPD – Design Guide (Jan 2008)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle

11.1 The principle of allowing a residential/commercial use on the site has been established in the granting of planning permission 2016/0340/FUL. 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 and RS1 and IF2 in the Local Plan. The site is considered to be in a highly sustainable location within the Town Centre and easily accessible by public transport. As such, the principle of the redevelopment of the site for residential/commercial use is acceptable subject to compliance with other relevant policy.

Student Accommodation and launderette use

- 11.2 Planning permission has previously been granted for purpose built student accommodation on the application site. Planning approval 2016/0340/FUL allows for 35no. students to live on the premises and this application does not propose to increase these numbers, instead the arrangement of student bedrooms would alter meaning that 3no. bedrooms would be at ground floor, to the rear of commercial frontage, with access taken from the existing passageway which leads from Church Street to The Stiles.
- 11.3 A previous approved planning application on the site has allowed for 35no. student beds, and as this application does not propose to increase this number I am satisfied that this level of accommodation on site has previously been assessed and is acceptable.
- 11.4 The application site is located within the Primary Shopping Area. There is currently an office to the rear of the ground floor and as part of this application the applicant has submitted marketing information relating to the remainder of the ground floor which advises that it has been extensively marketed for A1 retail, A2 financial and professional services, and D1 non-residential institutions on a commercial estate agent's website, property databases and on site since March 2019. The site has been advertised for use as one large commercial unit or subdivided into smaller units, with the landlord being responsible for any necessary subdivision works. To date the premises have not been secured for any of these uses.
- 11.5 Within the Primary Shopping Area Policy IF1 of the Local Plan advocates retention of ground floor uses for A1 retail use. Clearly the provision of student accommodation on the ground floor does not comply with Policy, and a launderette does not fall into A1 retail use. However, the site has been unsuccessfully marketed in line with the requirements of Policy GN4 of the Local Plan and as the ground floor will retain some commercial use (both the existing office and proposed launderette) and importantly will retain a commercial frontage, I am satisfied that the proposed development would not unduly compromise the vitality and viability of the town centre. Furthermore, under the General Permitted Development Order an A1 retail unit is permitted to change to a mixed A1 retail unit and 2no. flats. As such the applicant could introduce 2no. units of residential accommodation into the ground floor of the unit without the benefit of planning permission.
- 11.6 On balance I am satisfied that the introduction of 3no. units of student accommodation on the ground floor of the premises whilst retaining an active commercial frontage is acceptable and in accordance with paragraph 85 of the NPPF which requires planning decisions to recognise that residential development often plays an important role in ensuring the vitality of centres and to encourage residential development on appropriate sites.

Heritage

- 11.7 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities (LPAs) have regard to the statutory priority for the protection of heritage assets, and LPAs should in coming to a decision refer to the principal act which requires paying 'special attention to the desirability of preserving or enhancing the character or appearance of a conservation area' as in s.72(1).
- 11.8 Policy EN4 requires all development in conservation areas to preserve or enhance the area's character or appearance. Policy GN3 requires development to complement or enhance any attractive attributes of its surroundings through sensitive design which

includes appropriate siting, orientation, scale, materials, landscaping, boundary treatment and that development incorporates suitable and safe access and vehicle parking provision.

- 11.9 The Design Guide SPD advises that development, which affects a building of historic interest including its setting, or a conservation area needs to be sensitive to the character of the historic environment, be of high quality in terms of design and the materials used and aim to enhance the character and appearance of the wider area.
- 11.10 The proposal concerns the change of use of the ground floor to mixed use A1, with a launderette to the ground floor and additional student accommodation. Externally, the only changes to the building include the insertion of 3 x no. ground floor windows to the side elevations of the building.
- 11.11 The proposed windows given their location would not be seen from public viewing points of the Conservation Area, and would be in keeping with the style and proportions of existing ground floor openings, and are minor alterations to this modern building. The additional windows are minor changes and are consistent with the ground floor windows to existing elevations in respect of design, materials and general proportions and as such I do not consider the 3no. additional windows would have a harmful impact on the character and appearance of the Ormskirk Town Centre Conservation Area and would comply with Local Plan Policy EN4 in this respect.
- 11.12 I do not consider that the current proposal would harm the character and/or appearance of the Ormskirk Town Centre Conservation Area. In doing so the proposal meets the test laid down in the P(LBCA) Act 1990 and complies with the guidance contained in the NPPF and Policies GN3 and EN4 of the Local Plan.

Residential amenity

- 11.13 There is the potential for the proposed launderette use to impact upon occupiers of the student accommodation due to noise. Noise from the ground floor unit can be controlled by appropriate planning condition and I am satisfied that provided adequate noise attenuation measures are imposed the proposed development would not unduly harm the amenities of occupiers of the units of student accommodation.
- 11.14 As regards the potential impact from the use of the premises for student accommodation, this has already been assessed in the granting of planning application 2016/0340/FUL. It is generally accepted that residential occupiers within a town centre location are aware of the potential for more noise than in quieter residential areas, and I am satisfied that in this town centre location noise and disturbance generated by the use of the proposed residential accommodation would not be so significant as to cause harm to the amenity of nearby residents.

Highways and Parking

- 11.15 In respect of parking issues, the scheme does not provide any on-site parking. However the site is in a highly sustainable location and government guidance encourages development in such locations. A development of 35 student beds has previously been allowed on the site and this development would not involve an increase. The previous assessment recognised that demand for parking with student accommodation in such a central location would be low, particularly as there is a regular bus service from the town centre to Edge Hill University and no University parking permits would be issued to residents in this location. Furthermore, there is a public car park directly to the rear of the site for any visitors or customers to the commercial unit. Access will be maintained for

service vehicles to serve the site from the service area adjacent to the Stiles Public House. Thus it is considered that there will not be any undue adverse impact on the level of parking provision or highway safety issues.

Summary

11.16 On balance I consider the provision of 3no. student beds on the ground floor whilst retaining a commercial use and active commercial frontage acceptable in this town centre location. Provided adequate noise attenuation measures are installed there would not be an undue impact on the amenities of future occupiers and the proposed development would not have a detrimental impact on the character and appearance of the conservation area. The proposed development will not harm the vitality and viability of the town centre or residential amenity and satisfactorily meets the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As such, the proposal is considered to be in accordance with Policies GN3, RS1, RS3, IF1 and EN4 of the West Lancashire Local Plan 2012-2027 DPD.

12.0 RECOMMENDATION

12.1 That planning permission be approved subject to the following conditions and reasons:

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:
Plan reference
Site Location and Site Plan, P18-023 10-02-001
Proposed Ground Floor, P18-023 10-03-006
Proposed Elevation 04, P18-023 10-05-008
Proposed Elevation 02, P18-023 10-05-006
received by the Local Planning Authority on 03.06.2020.
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. The development hereby permitted shall be constructed entirely of the materials which are detailed within the planning application form received by the Local Planning Authority 03.06.2020.
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.
4. The proposed laundrette and student flats shall not be brought into use until the walls and ceilings of the premises have been sound insulated in accordance with a scheme which has been submitted to and approved in writing beforehand by the Local Planning Authority.
The sound insulation measures shall be retained in full at all times that the proposed use is in operation.
Reason: To safeguard residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5. The student accommodation shall not be occupied by more than 35 residents at any one time.
Reason: To ensure a suitable standard of residential amenity for future occupants, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
6. The launderette use hereby permitted shall not operate outside the hours 0900 until 2000.
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.

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

RS1 - Residential Development

RS3 - Provision of Student Accommodation

IF1 - Maintaining Vibrant Town and Local Centres

EN4 - Conserving West Lancashire's Natural Heritage

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.