

<b>No.2</b>	<b>APPLICATION NO.</b>	2020/0273/LBC
	<b>LOCATION</b>	The Windmill 24 Wigan Road Ormskirk Lancashire L39 2AU
	<b>PROPOSAL</b>	Listed Building Consent - Change of use, extension and refurbishment of the Windmill Inn into 6 apartments. Erection of a new build two storey side extension to form 3 dwellings and development of disused bowling green to the rear to form 3 further dwellings.
	<b>APPLICANT</b>	McComb Property Ltd.
	<b>WARD</b>	Derby
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	21st July 2020

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## **1.0 SUMMARY**

- 1.1 This Listed Building Consent application is for the refurbishment, extension and change the use of the former Windmill Public House into six one bed apartments spread over three floors. It is also proposed to construct a 1½ storey extension to form three, one bed dwellings. Permission is also sought to re-develop the former bowling green to the rear of the site into three, four bed dwellings spread over 2½ floors with associated communal car parking to the rear. There would be a limited low level of harm to the significance of the Windmill Public House, which is outweighed by the public benefits that would arise from the development, which includes securing an optimum viable use for the vacant building. I consider the benefits of the scheme outweigh the limited harm to the Windmill Public House and that Listed Building Consent should be granted.

## **2.0 RECOMMENDATION: APPROVE WITH CONDITIONS**

## **3.0 THE SITE**

- 3.1 The site constitutes the Windmill Public House which is a Grade II listed building and is set along the frontage of Wigan Road with a former bowling green to the rear of the pub. The site is within the settlement area of Ormskirk; it is located outside of the Town Centre and the Primary Shopping Area.

## **4.0 THE PROPOSAL**

- 4.1 This application seeks Listed Building Consent to refurbish, extend and change the use of the former Windmill Public House into six one bed apartments spread over three floors. It is also proposed to construct a 1½ storey extension to form three, one bed dwellings. Two vehicular access points would remain along Wigan Road leading to 9 parking spaces.
- 4.2 Permission is also sought to re-develop the former bowling green to the rear of the site into three, four bed dwellings spread over 2½ floors with associated communal car parking to the rear. These dwellings will be located fronting and accessed from Mill Street with a vehicular access adjacent to number 2 Mill Street.
- 4.3 A separate planning application has been submitted to consider the proposal under reference 2020/0272/FUL.

## **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 2020/0272/FUL PENDING Change of use, extension and refurbishment of the Windmill Inn into 6 apartments. Erection of a new build two storey side extension to form 3 dwellings and development of disused bowling green to the rear to form 3 further dwellings.
- 5.2 2019/0429/FUL WITHDRAWN Erection of 4 No. row of houses on bowling green land adjacent to Windmill Inn.
- 5.3 2018/0729/FUL REFUSED Change of use, extension and refurbishment of the Windmill Inn into student accommodation. Erection of a new build two storey apartment block on part of the existing bowling green.
- 5.4 2018/0730/LBC GRANTED Listed Building Consent - Change of use, extension and refurbishment of the Windmill Inn into student accommodation. Erection of a new build two storey apartment block on part of the existing bowling green.
- 5.5 2015/0756/FUL – REFUSED Change of use and refurbishment of the Windmill Inn into student accommodation. Erection of a new build two storey student accommodation block on part of the existing bowling green.
- 5.6 2001/0430 – Listed Building Consent GRANTED Partial demolition of boundary wall.

## **6.0 OBSERVATIONS OF CONSULTEES**

- 6.1 Historic England (03.06.20) – No Comment.

## **7.0 OTHER REPRESENTATIONS**

- 7.1 I have received 2 letters of objection from local residents who raise the following concerns in relation to the new build dwellings:

The townhouses are not in keeping with the area;  
Increase in congestion on Mill Street;  
Loss of light and privacy – the three storey dwellings opposite Millers Court apartments will block out afternoon light;  
Would prefer to see two storey, 3 bed dwellings set back with parking at the front which would increase the interface distances with neighbours;  
The building work will cause problems for residents from parking as the road is narrow.

## **8.0 SUPPORTING INFORMATION**

- 8.1 Heritage Statement.

## **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 with the Key Service Centre of Ormskirk as designated in the West Lancashire Local Plan 2012-2027 DPD. The Windmill Public House is a Grade II listed building.

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

## **Supplementary Planning Advice**

SPD – Design Guide (January 2008)

### **10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

- 10.1 The main consideration for the determination of this application relates to whether the proposed works would preserve the character of the listed building on site and its setting.
- 10.2 Policy EN4 of the Local Plan is relevant as is the guidance contained in the NPPF in terms of the impact of the proposed development on listed structures. The NPPF, in determining such planning applications, advises Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.3 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a heritage asset great weight needs to be given to the asset's conservation. The more important the asset, the greater the weight to be provided. Paragraph 194 and 195 require that where a proposal leads to less than substantial harm to a designated asset, this harm should be weighed against the benefits of the proposal including securing its optimum viable use. 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.
- 10.4 Local Planning Authorities should in coming to decisions refer to the principle act which requires in this case to *"having special regard to the desirability of preserving listed buildings or their settings"* (s.66). This requirement should not be 'weighed' in the same way that is required under the NPPF (P195). Recent Court judgements have shown that the statutory duty prescribed under the P(Listed Buildings and Conservation Areas) Act 1990 should always be given considerable weight in the Council's decision.
- 10.5 The sustainable re-use of the historic buildings is encouraged and is supported by Chapter 16 of the NPPF relating to conserving and enhancing the historic environment.
- 10.6 The main issue, from a heritage viewpoint, relates to whether the proposed works including the change of use would preserve the character (defined as the significance) of the listed building. It is important that the right planning balance is struck between preserving the key values (significance) of the building and achieving an economic and viable scheme which secures a sustainable reuse.
- 10.7 The Windmill is a Grade II Listed Building, formerly a house and in use as a Public House in the latter half of the C19th. Dated circa.1700, the building has been altered over time, including later extensions to the rear. The building is constructed in handmade brown brick in a Flemish bond with red brick dressings and slate roof. Externally, many original features exist and form the building's architectural and historic interest such as original windows, the double ogee brick window heads to all openings, the single storey bay to the west elevation, a single storey porch with semi-circular hood to the east elevation, and the semi-circular fanlight to the main entrance fronting Wigan Road.

- 10.8 The Windmill has been vacant for some years and is beginning to fall into a state of disrepair with spates of vandalism, water ingress, damp and plant growth exacerbating the decline. An internal inspection of the building has shown that there is very little original or historic fabric remaining. The building has been altered over time and internally reconfigured, most likely before it was listed in 1972 and this has involved C20th modernisation over the three floors and original features, such as fireplaces and staircases, removed. One early C19th fireplace survives to the ground floor with two 6 panelled doors to existing toilet facilities and an original timber Georgian sash window to the elevation fronting Windmill Avenue. These surviving features, where they exist should be retained and form part of the conversion, protecting the historic interest of the building. The windows to the front elevation would originally have been multi-paned, sash windows with no horns. One original window with its fine glazing bars exists and the detailing matched to all new windows to the front elevation. The retention of historically accurate fenestration detailing rather than reinstating later C19th windows protects the intrinsic historic character of the Listed Building.
- 10.9 The proposed 1½ storey side extension and single storey rear extension are considered to be subservient to the listed building so that they do not compete. Visually, the scheme is sympathetic to the appearance of the historic elements of the building. The design of the 1½ storey extension has been amended to brick and the fenestration simplified with fewer glazing bars and vertical proportions, with stone lintels above the windows and arched brick headers above the doors, which is considered to be consistent with the principle building. Therefore, it is considered the proposed extensions would not harm the character of the existing building.
- 10.10 The immediate curtilage is cobbled and whilst inevitably some of this will be removed when the formal footpath is installed along the frontage, it is important the remaining cobbles are integrated into the scheme. This historic original surface treatment makes a positive contribution to the historic interest of the building and its setting so a condition will be imposed seeking further details of the surfacing of the external areas to ensure the cobbles are retained. Subject to further details being provided by way of planning conditions, regarding the refurbishment proposals, I am confident that the historic significance of the building will be retained.
- 10.11 In respect of the new build dwellings which will front Mill Street, it is considered their scale, height and form are appropriate within this historic context. The design takes some reference from the historic character of the listed building which is welcomed. When viewing the site along Wigan Road, whilst the new dwellings would be clearly seen in the street-scene, because the dwellings sit behind and would be off-set, I am satisfied that the listed building would still be seen as being the predominant and principle building. The creation of gardens to the front and rear of the proposed dwellings is positive, and the part retention of greenspace is welcomed behind the former public house. Overall, it is considered that the proposed new buildings would not unduly harm the significance of the existing setting of the listed building.
- 10.12 As I am required to do so, I have given the duty imposed by s.66(1) of the P(LBCA) Act 1990 considerable weight. Paragraph 193 of the NPPF states that great weight should be given to the conservation of heritage assets, which includes their setting. In this case I am content that the proposal causes only a low level of harm (defined as being less than substantial by Paragraph 196 of the NPPF) to the identified heritage assets. Whilst Paragraph 194 states that any harm to heritage assets requires clear and convincing justification, Paragraph 196 allows the limited harm to be balanced against any public benefits, which includes securing the building's optimum viable use. Accordingly in this instance I feel the benefit of bringing a vacant listed building back into a new and viable use should be afforded considerable weight in the planning judgement. For the above

reasons I feel the current proposal meets the statutory test 'to preserve' and as such the proposal accords to the planning guidance contained in Chapter 16 of the NPPF and Policy EN4 of the Local Plan.

## **11.0 RECOMMENDATION**

11.1 That Listed Building Consent be GRANTED subject to the following conditions

### **Conditions**

1. The works to which the consent relates 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference Wigan Road Proposed Front Elevation G04 Rev D and Wigan Road Proposed Side and Rear Elevation G05 Rev C received by the Local Planning Authority on 23rd October 2020  
Plan reference Wigan Road Proposed Ground and First Floor Plan G01 Rev D and Wigan Road Proposed Second Floor and Roof Plan G02 received by the Local Planning Authority on 1st October 2020  
Plan reference Site Layout Plan L03 Rev B received by the Local Planning Authority on 16th July 2020  
Plan reference Site Location Plan L01 Rev A, Mill Street Proposed Front and Side elevations G07, Mill Street Proposed Side and Rear Elevations G08, Mill Street Proposed Floor Plans G03 received by the Local Planning Authority on 23rd March 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. 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 of any stone or brick work and coursing of any roof 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 special architectural and historic character of a Listed Building and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
4. Prior to the commencement of any above ground construction works details of any windows/doors to be formed or altered in connection with the proposed development hereby permitted (including details of all mouldings, transoms, mullions and opening mechanisms) shall be 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 special architectural and historic character of a Listed Building and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5. The external window and door frames shall be constructed of painted timber and recessed from the external wall face by a minimum of 100mm, and moreover, all the external window frames to be installed shall be constructed in accordance with details and specifications to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground construction works. The submitted details shall include cross-sections of the window frames and their method of opening. 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 special architectural and historic character of a Listed Building and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
6. 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 special architectural and historic character of a Listed Building and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
7. Any rainwater goods, including gutters, downspouts and associated items, to be provided or replaced in connection with the proposed development shall be constructed in a semi-circular or ogee profile, cast iron or aluminium, and shall be sited in accordance with details which have been submitted to and approved in writing the Local Planning Authority prior to the commencement of any above ground construction works. Any such rainwater goods shall be painted black within three months of being placed on the building subject to this permission.  
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 special architectural and historic character of a Listed Building] and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
8. Notwithstanding the submitted information, no development shall commence until full a schedule of repair and refurbishment works to the Windmill Public House is submitted to and approved in writing by the Local Planning Authority. Details shall indicate the nature and extent of the refurbishment works including the reconfiguration of the internal spaces, partitions, proposed internal treatment of existing and new walls, ceilings, doors, sash window, timber skirting and architraves, insulation, pipework for services and lighting. Work Methodology should also be supplied.  
Development shall be carried out in accordance with the approved details and completed prior to the occupation of the new building.  
Reason: To preserve the historic fabric and integrity of the Listed Building and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
9. 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 all hard surfaces within the development site have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The historic cobbles should be retained as part of the proposals and included in the scheme.  
The development shall be carried out using only the agreed materials.  
Reason: To ensure that the external appearance of the site is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

10. The architectural feature namely brick headers, original window to side elevation, fanlight and any other historic/original feature should be retained and shall be incorporated in the works hereby authorised, further details of which shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any above ground construction works.

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 protect and preserve the heritage asset in accordance with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

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.