

No.5	APPLICATION NO.	2021/0459/FUL
	LOCATION	3 And 3A Moor Street Ormskirk Lancashire L39 2AA
	PROPOSAL	Facade works to 3 and 3A Moor Street Ormskirk (double retail unit). Removal of existing shopfront glazing and double doors to be replaced with glazed bi-fold doors across full width of unit at ground floor level. Removal of high level tiles at first floor level to be replaced with back lit powder coated aluminium panels and logos.
	APPLICANT	Townhouse Ormskirk Limited
	WARD	Scott
	PARISH	Unparished - Ormskirk
	TARGET DATE	6th June 2021

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Dowling has requested it be referred to Committee to consider the impact of the development on the town centre, local amenity, character of the town and the character of the Conservation Area.

2.0 SUMMARY

- 2.1 The proposed changes to the front façade of the building (introduction of bi-fold doors, removal and replacement of panels above fascia height) would not meet the test to preserve as laid down in the Planning (Listed Buildings and Conservation Areas) Act 1990. The bi-fold doors would present a design which is at odds with the general character of the commercial street scene. The replacement of the ceramic tiles with advertising panels above fascia height would result in a feature harmful to the visual amenity and character of the conservation area. Furthermore, the design of the bi-fold doors meant that they would have to be permanently open (if not fully extended) to allow patrons to enter the premises. This would result in unacceptable noise disturbance to neighbouring residential properties. On this basis I consider that the proposal fails to accord with Policy GN3 and EN4 of the Local Plan and the Planning (LBCA) Act 1990 and as such should be recommended for refusal.

3.0 RECOMMENDATION: REFUSE

4.0 THE SITE

- 4.1 The site comprises of a double commercial unit located to the northern side of Moor Street close to the Market Cross. The unit was previously in use as the retail shop Dorothy Perkins (ground floor, 151sqm) and stock room, staff room and office (first floor 59sqm). The unit is currently vacant.
- 4.2 The site lies within the Ormskirk town centre, primary shopping area and Conservation Area.

5.0 THE PROPOSAL

- 5.1 Planning permission is sought for façade works to the unit. The works include at ground floor level; the removal of the existing shop front glazing and double doors to be replaced with fully glazed bi- fold doors across the full width of the unit.

- 5.2 The proposal includes the removal of high level tiles at first floor to be replaced with back lit powder coated aluminium panels and logos. The alterations to the shop façade are for consideration as part of this application but the proposed advertising which includes the panels above fascia level and a new fascia sign and projecting hanging sign to replace the existing are matters outside the scope of this application as they are covered by the Advertisement Regulations regime.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2021/0460/ADV - New face lit fascia signage on existing signage band. New back lit panelling above shopfront to replace existing worn hanging tiles. New projecting sign to replace existing. PART APPROVED/PART REFUSED

NB Advertisement consent has already been granted for a replacement fascia sign and projecting hanging sign. Advertisement consent has however been refused for the removal of the ceramic tiles and replacement with advertisement panels above fascia height.

- 6.2 2021/0444/FUL – Change of use from retail (class E) to drinking establishment (sui gen). PENDING CONSIDERATION
- 6.3 2004/1257 - Retention of externally illuminated fascia and projecting sign. – ADVERTISEMENT CONSENT GRANTED
- 6.4 2004/0566 - Installation of new air conditioning unit on roof. – GRANTED
- 6.5 2003/0977 - Single storey extension to rear including new roof over new staircase; new shop front. – GRANTED
- 6.6 1998/0482 - Illuminated projecting sign. – ADVERTISEMENT CONSENT GRANTED
- 6.7 1994/0809 - Display of one non- illuminated projecting sign and illuminated fascia sign. ADVERTISEMENT CONSENT GRANTED

7.0 CONSULTEE RESPONSES

- 7.1 Environmental Health Officer – 22.06.2021
Objection received in relation to design of shop front and potential for noise and disturbance.

8.0 OTHER REPRESENTATIONS

- 8.1 None.

9.0 SUPPORTING INFORMATION

- 9.1 The application has been supported by the following documents.
- 9.2 **Design and Access Statement** – Clayton Architects Limited. Received by the Local Planning Authority on 11 April 2021.

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 proposals will be assessed.
- 10.2 The site is located in the Ormskirk town centre, primary shopping area and Conservation Area as designated in the West Lancashire Local Plan.
- 10.3 **NPPF**
Achieving well designed places
Conserving and enhancing the historic environment
- 10.4 **West Lancashire Local Plan (WLLP) 2012-2027 DPD**
Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy IF1 – Maintaining Vibrant Town and Local Centres
Policy IF2 - Enhancing Sustainable Transport Choices
Policy EN4 – Preserving and Enhancing West Lancashire's Cultural and Heritage Assets
- 10.5 **Supplementary Planning Document** – Design Guide (2008)
- 10.6 **Design Guide**, for shop front, advertisements and shop security in West Lancashire

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 11.1 The main considerations for this application are:

Impact on Conservation Area/Design
Impact on Residential Amenity/ Adjoining land uses

Impact upon the Conservation Area / design

- 11.2 Policy GN3 of the Local Plan states that proposals for development should be of a high quality design and have regard to visual amenity and complement or enhance any attractive attributes and / or local distinctiveness within its surroundings through sensitive design, including appropriate materials.
- 11.3 The site is located within the Conservation Area and as such Paragraph 193 of the NPPF and Policy EN4 of the Local Plan are relevant as well as the Planning (LBCA) Act 1990.
- 11.4 The application has not been supported by a Heritage Statement which is required.
- 11.5 Any proposed change should provide for an attractive frontage and enhance the appearance of the existing shopfront and have a positive impact on the character and appearance of the Conservation Area.
- 11.6 Significant concern is raised regarding the proposed external design changes to the façade of the building. It has already been established under the advertisement consent (2021/0460/ADV) that the Council consider that the changes above fascia height, removal of the ceramic tiles and replacement with advertising panels result in a harmful appearance. The ceramic tiles above fascia height are a decorative feature and a consistent design along the row of shops at first floor height. Introducing a new material, which is alien to the character of the Conservation Area would result in a feature of harmful appearance.

- 11.7 The proposed bi-fold doors are also considered to be a harmful feature in terms of their design and specifically their impact on the character and appearance of the Conservation Area.
- 11.8 The replacement of the existing shopfront (whilst not traditional but generally an acceptable design) within the Town Centre is unacceptable and would present a design, which is at odds with the general character of the commercial shopping street. Whilst I can appreciate the reason for an open frontage onto the street, which presumably will look to include an outdoor seating area, I am mindful of the proposed change affecting the proportions of the existing shopfronts occupying the two units, which result in a harmful impact. With any application seeking change in a Conservation Area, a proposal should preserve character and appearance, and be an enhancement. In its current form, the proposed length of bi-fold door arrangement achieves neither of these policy objectives.
- 11.9 Decision makers are required to give the duties imposed by the Planning (LBCA) Act 1990 considerable weight in the planning balance. Paragraph 193 of the NPPF states that great weight should be given to the conservation of heritage assets and their settings. In principle, the proposal in part (loss of shop front, removal of ceramic tiles and replacement with advertisement panels above fascia height) does not meet the test to preserve as laid down in the Planning (LBCA) Act 1990, and thereby fails to comply with the guidance contained in the NPPF and Policies EN4 and GN3 of the Local Plan and the Council's Design Guide for Shop fronts.

Impact upon residential amenity / adjoining land uses

- 11.10 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of amenity for occupiers of the neighbouring properties and minimises risk from all forms of pollution.
- 11.11 As part of the application process the Environmental Health Team (EH) have been consulted. They have raised an objection to the proposal on the following grounds.
- 11.12 This application relates to a licensed premises with live and recorded music and late opening.
- 11.13 The plans show two bi-folding doors across the entire width of the ground floor front façade with no other means of entrance. This means that the bi-fold doors would have to be permanently open, even if not fully extended open, in order to allow patrons to enter the premises. This is not appropriate for a venue of this nature which will have noise associated with both music and patrons as there is no means to have the premises closed, in order to contain noise.
- 11.14 Usually the Council would require late night licensed premises of this nature to have an entrance consisting of a vestibule with a double set of doors so that patrons can enter and any internal noise is contained by the double door set. As such the Environmental Health Officer objects to this application on the basis that the proposed development, by virtue of its design may result in noise and disturbance to nearby residents. Several of the shops on Moor Street have residential accommodation at first floor level and whilst some noise at later hours is to be anticipated in a town centre environment, the design of the shop front does not facilitate control of noise pollution which would result in potential detriment to the amenities of nearby residents.
- 11.15 Therefore as a result of the bi-fold doors which by the nature of their design would have to be permanently open, coupled with the intended use as a licensed premise with live

and recorded music opening late, I consider that the proposal would result in an unacceptable noise impact to neighbouring properties. This is contrary to Policy GN3 of the Local Plan.

Summary

11.16 Given the above I consider that the proposal fails to meet the requirements of the NPPF, Policies GN3 and EN4 of the West Lancashire Local Plan 2012-2027 DPD and the Planning (LBCA) Act 1990 and should be therefore be recommended for refusal.

12.0 RECOMMENDATION

12.1 That the application should be REFUSED for the following reasons:

Notes

1. Refused plan reference:
399- 03 - Proposed plans and elevations
399-06 - Facade details
Received by the Local Planning Authority on 11.04.2021.

Reasons for Refusal

1. The proposed loss of the shop front and its replacement with bi-fold door and the replacement of ceramic tiles with advertisement panels above fascia height, is contrary to the NPPF , Policies GN3 and EN4 of the West Lancashire Local Plan 2012-2027 DPD, the Council's SPG Design Guide for shop fronts in West Lancashire and does not meet the test to preserve as laid down in the Planning (LBCA) Act 1990 in that the proposed design would be out of character with this part of the Conservation Area and harmful to its visual amenity.
2. The proposed development conflicts with Policy GN3 of the West Lancashire Local Plan in that the bi-fold doors, by the nature of their design would have to be permanently open, to allow patrons to enter the premises. Noting the nature of the proposed venue as a licensed premise, open until late in the night, the resultant impact would be noise and disturbance to nearby residential properties, to the detriment of amenity.