

No.4	APPLICATION NO.	2021/1142/FUL
	LOCATION	6 - 8 Aughton Street Ormskirk Lancashire L39 3BW
	PROPOSAL	Proposed mixed use development to create 2 ground floor commercial units and 50 student accommodation bedrooms. The applications includes the internal and external remodelling of the existing building and a two storey upper level extension.
	APPLICANT	Vici Property Group Ltd
	WARD	Knowsley
	PARISH	Unparished - Ormskirk
	TARGET DATE	24th November 2021

1.0 **SUMMARY**

- 1.1 Planning permission was granted in September 2021 under application reference 2021/0811/FUL to subdivide the existing ground floor shop into two retail/commercial units and change the use of the rear section of the ground floor into student accommodation. Permission was also granted to change the use of the first and second floors to student accommodation. A total of 23 student bedrooms would be provided under that permission.
- 1.2 This application seeks permission to extend the existing building to create a full second floor and new third floor to create a four-storey building. A total of 50 student bedrooms will be provided. The current building is shown in the Conservation Area Character Appraisal Update as having a neutral contribution to the character and appearance of the Conservation Area and the building is of limited architectural merit. I do not consider the alterations to the façade and the inclusion of a sensitively designed upper floor will cause harm to the character or appearance of the Ormskirk Town Centre Conservation Area or the street scene. Although the proposed two storey extension would be visible across the service yard to the west of the site, views would be largely contained by the existing buildings which surround the service yard. From Aughton Street the rear extension would be largely unseen, save for a glimpsed view down the passageway. 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 site comprises a part two storey part three storey flat roofed building located in the middle of Aughton Street. The building is located within the Primary Shopping Area and Ormskirk Town Centre Conservation Area. The ground floor currently comprises of an empty commercial unit (formally occupied by Iceland).

4.0 **THE PROPOSAL**

- 4.1 Planning permission is sought to extend the existing part two storey / part three storey building to create a full second floor and new third floor to create a four storey building.
- 4.2 The ground floor will be split into two commercial units with student accommodation to the rear. The first, second and third floors will be occupied by student accommodation. A total of 50 student bedrooms will be provided.

- 4.3 Planning permission has previously been granted in September 2021 under application reference 2021/0811/FUL to subdivide the existing ground floor shop into two retail/commercial units and change the use of the rear section of the ground floor into student accommodation. Permission was also granted to change the use of the first and second floors to student accommodation. A total of 23 student bedrooms would be provided under that permission. The proposal also involved remodelling the shop fronts, extending the staircase extension at the rear of the building and alterations to the window fenestration on the rear and side elevations.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2021/0811/FUL GRANTED Change of use of part of the rear section of the ground floor plan, first floor and second floor from the former Iceland Shop Unit into 23 Student accommodation bedrooms. The subdivision of the ground floor shop into two retail/commercial units. Remodelling of shop fronts, the creation of a new stair extension at the rear of the building to replace an existing single flight stair and alterations to the window fenestration on the northern and western elevations

6.0 CONSULTEE RESPONSES

- 6.1 LCC Highways (20.10.2021) No Objections subject to conditions
- 6.2 Cadent Gas (07.10.21) No Objection

7.0 OTHER REPRESENTATIONS

- 7.1 None received

8.0 SUPPORTING INFORMATION

- 8.1 Design and Heritage Statement
Marketing Information
Student Accommodation Statement

9.0 RELEVANT PLANNING POLICIES

- 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 the Town Centre of Ormskirk 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
RS1 – Residential Development
RS2 – Affordable and Specialist Housing
GN1 – Settlement Boundaries
GN2 – Safeguarded Land
GN3 - Criteria for Sustainable Development
GN4 – Demonstrating Viability
IF2 – Enhancing Sustainable Transport Choice
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of Development

- 10.1 The site is located outside the Primary Shopping Area but still within the Town Centre boundary. Policy IF1 advises *"Within town centres, a diversity of uses will be encouraged outside the Primary Shopping Area, and above ground floor level within the primary shopping area, in order to maximise 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) residential uses and student accommodation"*.
- 10.2 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 retail use at ground floor and residential use including student accommodation above ground floor is therefore acceptable in principle within town centres, provided there is no conflict with other Local Plan policies.

Principle of Development Student Accommodation

- 10.3 The principle of student accommodation in this location was considered under the recently granted scheme 2021/0811/FUL and was deemed acceptable for 23 units. This scheme seeks to increase the number of units to 50.
- 10.4 Policy RS3 (Provision of Student Accommodation) in the Local Plan refers specifically to proposals for student accommodation. It states that 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 to ensure there is no unacceptable impact on residential amenity or the supply of accommodation for other town centre uses such as offices, storage and ground floor retail.
- 10.5 The application site is located within the primary shopping area of the town centre and Policy RS3 specifically allows for a greater proportion of HMO's within town centre accommodation 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.
- 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.
- 10.7 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 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 storage space would not result in a detrimental impact on the provision of such uses within the town centre.

- 10.8 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. The Universities and Colleges Admissions Service (UCAS) state the demand for higher education remains strong and there was a rise in 18 year olds applying for UK higher education for 2020/2021 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 last year in 2020.
- 10.9 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, the University does not provide sufficient accommodation for all applicants and there is 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. Furthermore, 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 a commercial 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.

Principle of Development – Subdivision and reduction in retail floor space

- 10.10 The application site is located within the Primary Shopping Area. Whilst the scheme would retain a commercial / retail use at ground floor, the existing unit would be split into two smaller units and it is proposed to reduce the retail floor space compared to the existing use as the rear section of the ground floor is proposed to be used for student accommodation.
- 10.11 The principle of the reduction in retail floor area at ground floor for student accommodation was considered under the recently granted scheme 2021/0811/FUL and deemed to be acceptable. The site has been unsuccessfully marketed for retail / commercial use since October 2019 and the premises has been vacant in excess of 6 months. Furthermore, the majority of the ground floor will be retained as commercial floor space and split into two smaller units to attract an occupier. More importantly, the ground floor will retain a pedestrian level shop frontage. Therefore, the previous application concluded the proposed development would not unduly compromise the vitality and viability of the town centre and will help maintain the retail / commercial function of the town. Paragraph 86 of the NPPF 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.

Scale, Appearance and 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. Paragraph 206 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.

- 10.13 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 Planning (Listed Buildings and Conservation Areas) Act 1990 should always be given considerable weight in decision making. Paragraph 124 of the NPPF advises the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.14 The site comprises a part two storey part three storey flat roofed building located in the middle of Aughton Street and is identified as making a neutral contribution to the character and appearance of the Conservation Area. The scheme involves improving the façade of the building by retaining a traditional red/brown brick surround and introducing a vertical emphasis to the existing windows whilst introducing contemporary materials such as aluminium framed windows with dark grey metal cladding between the windows.
- 10.15 The front of the building is already viewed as a three-storey building and in order to minimise the impact of an additional floor, the proposed third floor has been set back 2m from the front elevation and designed to be lightweight and clad in dark grey cladding to offer a contemporary contrast to the main elevation. In my view the scale, massing and appearance of the proposed building harmonises with the surrounding properties along Aughton Street whilst introducing a contemporary appearance.
- 10.16 Presently, the rear of the existing building is viewed as a two-storey building with three storey high brick pillars to the west. The principal view of the rear elevation is from a spacious service yard and car park which serves the surrounding commercial properties. The rear of the building in its current form does not make a positive contribution to the appearance of the area. The buildings which back onto this service yard vary in age, style and scale and do not contribute to the character and appearance of the Conservation Area or the street scene. It is proposed to extend across the two-storey rear elevation with a two storey extension to mirror the front of the building. In order to minimise the scale and massing of the proposed four storey building, the lightweight clad third floor has been designed to be set back from the rear elevation by 1.3m. The use of red/brown brick to mirror the existing building ensures the extension respects its context whilst the use of contemporary materials such as aluminium frames and Juliet balconies offer modernising features. Visually it is considered that the proposed external treatment will be acceptable and the mix of window styles, contrasting soldier course and staggered elevation provides interest and avoids creating a single uniform block appearance. Although the proposed two storey extension would be visible across the service yard to the west, views would be largely contained by the existing buildings which surround the service yard. From Aughton Street the extension would be largely unseen, save for a glimpsed view down the passageway.
- 10.17 The northern elevation proposes a remodelling of the façade to the first and second floor, to be remodelled in brick to match the existing to create new angled windows with a north easterly aspect and low-level planting. The southern elevation alterations comprise of new internal fenestration with internal light atrium space to the first and second floor. Given the

north and southern position, of the building these alterations will be imperceptible to passers-by along Aughton Street.

- 10.18 A small communal amenity space will be created at first floor by pulling back the south side elevation which will in turn allow the proposed windows to be set back away from neighbouring commercial uses. This is considered acceptable. A bin storage area is located to the rear of the property to serve both the commercial and residential uses. An internal bike store is proposed on the ground floor lobby area.
- 10.19 Considering the scale and appearance of the existing building and the proposed improvements to the facade of the building and the sensitively designed set back of the third floor, I do not consider the proposal will cause harm to the character or appearance of the Ormskirk Town Centre Conservation Area or the setting of the nearby listed clock tower. 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. Furthermore, I consider that the scale, design and appearance of the development meets with the requirements of policy GN3 of the Local Plan.

Residential Amenity

- 10.20 This area of the town centre comprises of a mix of commercial and residential properties. Immediately to the north of the site is 4 Aughton Street, a commercial unit on the ground floor with student accommodation above and to the south is 10-12 Aughton Street which comprises of commercial units on the ground and upper floors.
- 10.21 In order to avoid direct overlooking from the proposed windows on the northern elevation which will serve the proposed living accommodation to the existing student accommodation windows in 4 Aughton Street, angled windows have been introduced which will look directly down the passageway to avoid directly overlooking the adjacent residents. This is considered to be an acceptable solution. In respect of the proposed windows on the rear elevation, these will overlook an existing service yard and is considered acceptable.
- 10.22 Noise from the commercial use and the impact upon residential units in the adjoining rooms was considered under the previous application. In order to ensure future residents are fully protected from noise, sound insulation measures will need to be introduced between the commercial and residential uses as well as between each residential unit. Furthermore, residents will need to be protected from noise from the adjacent car park, nearby commercial uses including deliveries and plant / equipment. Therefore, I consider it is appropriate to impose a condition requiring sound insulation mitigation measures to be submitted and installed prior to the first occupation of the premises.
- 10.23 Subject to the imposition of conditions, I am satisfied that the proposed development can be delivered while retaining reasonable levels of amenity for the occupiers of neighbouring properties and without detriment to the amenities of nearby residents. A mixed commercial and residential use is an appropriate use for this town centre location and will maximise Ormskirk's vitality and viability, complementing existing uses and will not result in significant noise disturbance to neighbouring uses.

Highways and Parking

- 10.24 In respect of parking issues, the scheme does not provide any on-site parking. However, it is recognised that the site is in a highly sustainable location and government guidance encourages development in those locations. It is considered that the 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 are public car park nearby for any visitors or customers to the commercial units. The layout of the development will utilise the existing delivery and servicing area to the rear. Secure cycle storage will be provided within the main student lobby area. Thus, it is considered that there will not be any undue adverse impact on the level of parking provision or highway safety issues.

Drainage

- 10.25 The existing drainage arrangements at the site will be utilised and the Council's Drainage engineer is of the view that the proposed development should have a negligible impact on flood risk within the immediate vicinity of the site.

Conclusion

- 10.26 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 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 Proposed Elevations L108_P2, Proposed Ground Floor and First Floor Plan L105_P2 and Proposed Second floor and Third Floor Plan L106_P2 received by the Local Planning Authority on 9th December 2021.
Plan reference Site Location Plan L100 and Existing & Proposed Site Block Plans L101 received by the Local Planning Authority on 24th September 2021.
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 external construction works shall take place until samples and / or full specification of materials to be used externally on the building 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 and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.
The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.

Reason: 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. No part of the development hereby permitted shall be commenced until a scheme for the protection of the proposed residential accommodation from noise from external road traffic and existing and proposed commercial uses have been submitted to and approved in writing by the Local Planning Authority.

All habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows.

Sound insulation of the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining residential units, namely [e.g. living room and kitchen above bedroom of separate unit] shall demonstrate that the sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ is enhanced by at least 5dB above the Building Regulations value.

Sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from noise sensitive premises shall demonstrate that the sound insulation value $D_{nT,w}$ [and $L'_{nT,w}$] is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the noise sensitive premises.

No residential unit shall be occupied until the approved sound insulation and ventilation measures have been installed in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To safeguard occupiers from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5. The ground floor commercial units shall not be open for business between the hours of 2200 hours and 0800 hours on any day.

Reason: 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.

6. No servicing, deliveries, 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.

Reason: 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. The ground floor commercial units shall not be occupied for the sale of food and drink until details of a scheme to control the emission of fumes and odours from the premises including:

- a. the provision of odour filters;
- b. the siting of any external ventilation stack; and,
- c. details of any measures which are necessary to attenuate noise from the ventilation stack;

have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully installed and operating prior to commercial premises being

brought into use for the sale of food or drink. It shall thereafter be retained , maintained and operated to the approved specification.

Reason: To safeguard the amenities of neighbouring occupiers, in respect of odour and noise generation and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

8. Foul and surface water shall be drained on separate systems.
Reason: To secure proper drainage and to manage the risk of flooding and pollution and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. The student accommodation shall not be occupied by more than 50 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.
10. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan/statement shall provide:
 - Details of the parking of vehicles of site operatives and visitors;
 - Details of loading and unloading of plant and materials;
 - Measures to protect vulnerable road users (pedestrians and cyclists);
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing facilities;The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.
Reason: These details are required prior to the commencement of development in the interests of public & highway safety and to comply with the provisions of Policies GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document
11. Prior to the occupation of development hereby permitted full details (including elevations, materials and colour) of the bin stores/sheds shall be submitted to and approved in writing by the Local Planning Authority.
The bin stores/sheds shall be constructed in accordance with the approved details prior to the first occupation of the building.
Reason : In the interests of residential amenity and to ensure compliance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document
12. The indoor cycle store on the ground floor as shown on plan reference L105_P2 shall be retained for the duration of the development.
Reason: To ensure that adequate provision is made for parking cycles on the site in accordance with Policy GN3 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:

SP1 - A Sustainable Development Framework for West Lancashire
RS1 - Residential Development

RS2 - Affordable and Specialist Housing
GN1 - Settlement Boundaries
GN2 - Safeguarded Land
GN3 - Criteria for Sustainable Development
GN4 - Demonstrating Viability
IF2 - Enhancing Sustainable Transport Choice
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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.