



Report of: Corporate Director of Place & Community

Contact for further information:

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SUBJECT: PLANNING APPLICATION REF. 2022/0955/FUL

PROPOSAL: Alterations to two existing shops, creation of second floor and conversion of first and second floors to student HMO.

ADDRESS: 9-11 Moor Street, Ormskirk, L39 2AA

REASON FOR CALL IN:

The application has been 'Called In' to Planning Committee by Councillor Dowling due to concerns regarding impact on the town centre, appropriate development, over saturation and loss of retail space

Wards affected: Scott (Ormskirk)

1.0 PURPOSE OF THE REPORT

1.1 The report advises Planning Committee on an application which seeks permission for the reconfiguration and retention of the two existing retail units (9 & 11 Moor Street) at ground floor alongside the conversion of the existing upper level for Student HMO Accommodation. In total there will be 19 en-suite bedrooms across the first and newly created second floor, which will be grouped on each level with their own communal lounge and kitchen area.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That planning permission be GRANTED subject to conditions

3.0 THE SITE

3.1 The application relates to a two-storey modern commercial unit located to the north of Moor Street in Ormskirk Town Centre. The ground floor is occupied by retail units with associated storage for each shop provided to the first floor. At the time of assessment Unit 9 is vacant and Unit 11 is occupied by a Card and Gift Shop

- 3.2 The site is located within Ormskirk Town Centre and its Primary Shopping Area. The location also forms part of the Ormskirk Town Centre Conservation Area.

4.0 THE PROPOSAL

- 4.1 Planning permission is sought for the reconfiguration of the two existing retail units (9 & 11 Moor Street) at ground floor alongside the conversion of the existing upper level for Student HMO Accommodation. At the ground floor the alterations are confined to internal reconfigurations by way of the rear section of the vacant unit (9) being subdivided to provide ground floor storage area for the occupied unit (11-The Card Shop) which would be in lieu of the storage they currently benefit from on the upper floor.
- 4.2 At first floor level, owing to the significant ceiling heights and roof space of the building, the proposal seeks to create an additional first and second floor which will be converted for the student accommodation. In total there will be 19 bedrooms across the first and newly created second floor, which will be grouped on each level with its own communal lounge and kitchen area. Each bedroom will have an ensuite shower room.
- 4.3 The external alterations to the building itself will be minimal and confined to the installation of conservation roof lights and a number of additional windows to the rear elevation to facilitate the residential conversion. The street level shop fronts will be retained to the principal elevation of the building whilst access to the upper floor student accommodation will be from the rear of the building, which will also contain two car parking spaces, a designated cycle storage area and bin stores.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 **2016/0968/ADV** Display of two new illuminated fascia signs and one new illuminated projecting sign. GRANTED
- 5.2 **2006/0625** Retention of two illuminated fascia signs and one illuminated projecting sign. ADVERTISEMENT CONSENT GRANTED 19.07.2006
- 5.3 **2001/1130** Retention of 2 non-illuminated fascia signs. 05.02.2002
- 5.4 **2001/0616** Retention of 2 no. illuminated fascia signs and one illuminated projecting sign. ADVERTISEMENT CONSENT REFUSED 13.08.2001
- 5.5 **1997/0075** Installation of air conditioning condenser units to side elevation. GRANTED 19.03.1997
- 5.6 **1997/0010** Retention of illuminated fascia and projecting signs. ADVERTISEMENT CONSENT REFUSED 17.06.1997

6.0 CONSULTEE RESPONSES

- 6.1 **Lancashire County Council Highways Department** (09.01.2023)
No objections. Recommended Condition.
- 6.2 **WLBC Environmental Health-** (25.04.2023)
No Objections subject to recommended conditions

7.0 OTHER REPRESENTATIONS

- 7.1 The application has been 'Called In' to Planning Committee by Councillor Dowling due to concerns regarding impact on the town centre, appropriate development, over saturation and loss of retail space

8.0 SUPPORTING INFORMATION

- 8.1 Student Accommodation Statement. (01.09.2023)
8.2 Supporting Letter: NSW Commercial (Marketing of Retail Units) (01.09.2023)
8.3 Design and Access Statement (01.09.2023)
8.4 Noise Impact Assessment (14.11.2023)
8.5 Heritage Statement (14.11.2023)
8.6 Supplementary Information for Planning Committee (16.03.2023)

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.
- 9.2 The application site is located within the Key Service Centre of Ormskirk and lies within the Ormskirk Town Centre Conservation Area as designated in the West Lancashire Local Plan.
- 9.3 **National Planning Policy Framework – (NPPF)**
Achieving well designed spaces
- 9.4 **West Lancashire Local Plan (2012-2027) DPD – (Local Plan)**
SP1 – A Sustainable Development Framework for West Lancashire
RS3 – Provision of Student Accommodation
GN1 – Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF1- Maintaining Vibrant Town and Local Centres
IF2 – Enhancing Sustainable Transport Choice
EN4- Preserving and Enhancing West Lancashire's Cultural and Heritage Assets
- 9.5 **Supplementary Planning Document – (SPD)**
Design Guide (Jan 2008)

All the above Policy references can be viewed on the Council's website at:
<http://www.westlancs.gov.uk/planning/planning-policy.aspx>

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 10.1 The main considerations for this proposal are as follows:

- Principle of Development
- Impact upon the Conservation Area/ Appearance and Design
- Impact upon Residential Amenity
- Parking provision/ Highways

Principle of Development

- 10.2 The site is located within the Primary Shopping Area of the town centre. 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 the 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"*.
- 10.3 The application site comprises of a two-storey building including two retail units on the ground floor and storage space to the first floor. The proposal seeks to retain the ground floor retail units (making minor internal reconfigurations) and the conversion of the upper first and second floors to create student accommodation comprising of 19 en-suite bedrooms including communal lounge and kitchen areas.
- 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 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 conversion of existing dwelling houses to HMOs will be demonstrably reduced*
 - iii) it will not negatively impact the amenity of surrounding land uses*
- 10.5 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 considering 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.
- 10.6 With regards to the implementation of Policy RS3, at present the amount HMOs within the Primary Shopping Area is significantly in excess of the 15%, nevertheless the policy as outlined above specifically allows for a greater proportion of HMOs within this part of the town centre.
- 10.7 The supporting information submitted with the application states that the proposed development would provide much needed accommodation for students at Edge Hill. The applicant indicates they have been advised by the University Accommodation Team that there is a high demand for off Campus accommodation and Ormskirk Town Centre is the preference for the majority of students. The new intake of students each year is over 4000, whilst the campus has on site accommodation for 2340 students therefore supporting the continued demand. The case is felt to be reinforced by the existence of the free bus service for students 'Edgeline' linking the campus and the town centre.
- 10.8 Furthermore, it is acknowledged that 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 residential areas. In this respect the provision of additional student accommodation in the town centre will likely assist in the reduction in conversion of existing dwelling houses
- 10.9 In respect of the impact of the proposed development on the Town Centre profile, the ground floor units will remain in commercial/ retail use. Whilst it is acknowledged that there will be loss of the existing first floor storage area

associated with the ground floor units, I am satisfied that the applicant has submitted a robust case to demonstrate this loss would not prejudice the viability of the retained units. The application is accompanied by both a marketing/ letting appraisal and a supplementary statement (submitted following the Call In request) which justifies the reconfiguration on the basis of the changing requirements/ demands of retail tenants who increasingly indicating that large amounts of upper storage is no longer necessary due to the advent of online ordering and delivery.

- 10.10 The reconfiguration of the units to create additional storage for the card shop will enable its continued lease, and whilst the Sqm of the second unit will be slightly reduced, it is not considered that this will harm its viability or re-let potential. Indeed, the applicant indicates they are in the process of securing a 10-year lease with a National Company for the second unit. The resultant impact of the proposals would therefore support the long-term tenure and occupation of two prominent shops within the Primary Shopping Area of Ormskirk.
- 10.11 On balance, given the above, I am satisfied the proposed development meets the requirements of Policy RS3 both in respect of the provision of student accommodation and furthermore will not unduly compromise the vitality or viability of the town centre. The principal of development is therefore considered acceptable

Impact upon the Conservation Area/ Appearance and Design

- 10.12 Policy GN3 of the Local Plan states that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Policy EN4 of the Local Plan is also relevant as is the guidance contained in the NPPF in terms of the impact of the proposed development on heritage assets- in this case the Ormskirk Town Centre Conservation Area.
- 10.13 The NPPF in determining advises that Local Planning Authorities 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 and the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.14 Local Planning Authorities should in coming to decisions refer to the principal act which requires in this case to have special regard to preserving the character and appearance of the Conservation Area (s.72) Recent Court judgements have shown the statutory duty prescribed under the Planning (Listed Building and Conservation Areas) Act 1990 should always be given considerable weight in decision making.
- 10.15 The application site is located within the Primary Shopping Centre and Ormskirk Town Centre Conservation Area. The building itself is relatively modern and the scope of the external alterations are confined to the addition of first and second floor windows to the rear elevation and roof lights. As the roof lights would front onto Moor Street and thereby the most visible and sensitive elements of the changes, it is considered appropriate that these should be conservation style fitting and this detail can be secured by condition
- 10.16 The additional fenestrations to the rear and side owing to their location would be considered to have negligible impact upon the overall design and appearance of the building and the Conservation Area. The window frame design and scale should be similar to those on the existing building and the submission of this detail can also be secured by condition of any future permission

10.17 As I am required to do so, I have given the duty imposed by s.66(1) of the Planning (LBCA) Act 1990 considerable weight in my comments. I consider the proposal meets the statutory test 'to preserve' the Ormskirk Town Centre Conservation Area and in principle is accordant with Policy EN4 and GN3 of the Local Plan

Impact upon Residential Amenity

10.18 In relation to an assessment of the proposed development upon residential amenity, Policy GN3, criterion iii of the West Lancashire Local Plan (2012-2027) DPD states that any development should retain reasonable levels of privacy and amenity for occupiers of the neighbouring and proposed properties.

10.19 The application site is located within the Town Centre and is a purpose-built commercial building surrounded by a similar mix of retail, commercial and residential uses. Within the immediate vicinity there are other examples of premises where upper floor conversions to residential/ student accommodation have already taken place. In this context I do not consider that the proposed conversion of the first and second floor of the application building for student accommodation would be detrimental to the amenities of the area by way of noise and disturbance. It is generally acknowledged that 'above the shop' living within town centres increases surveillance of the area in the evenings and creates a more mixed and vibrant atmosphere. Further it is accepted that occupiers of such premises are aware of the potential for more noise than in quieter residential areas.

10.20 The application buildings existing first floor use was for storage associated with the ground floor commercial units and the scope of the conversion to residential including the creation of a secondary level, necessitates the installation of several additional upper floor windows to the side and principally the rear elevation of the building. Given the location of the windows in relation to the adjacent land and building uses and noting the existing density and amenity relationship between the premises in this location I am satisfied the additional windows would not result in any significant additional harm to the amenity afforded to neighbouring occupants or businesses.

Amenity of future occupants

10.21 In respect of the mixed use of the building, with ground floor being retained in commercial/ retail use, consideration must be given to the amenity of the future occupants of the student accommodation above. Given the Town Centre setting and nature of the purpose-built commercial premises, it is accepted that it is not possible to create any additional garden or external amenity areas for the residents of the proposed units. The provision for cycle and bin storage is proposed to the rear yard of the building is however considered appropriate for the scale and type of accommodation proposed. It is further acknowledged that there is public open space within close vicinity of the building including the nearby Coronation Park together with the University Campus itself which provides amenity and recreation areas for students

10.22 Given the nature of the conversion and mixed use, future occupants should be protected from external and internal noise transfer through the respective dwellings and ground floor use. The submission is accompanied by a Noise Impact Assessment which along with the scope of the proposals has been considered by the Councils Environmental Health Officer.

- 10.23 Appropriate noise guidelines have been followed within the report including BS 8233:2014 Guidance on sound insulation and noise reduction for buildings, the Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise. The proposed development should be of a standard that will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35dB LAeq - 16 hrs daytime and more than 30 dB LAeq - 8 hours in bedrooms at night.
- 10.24 The applicant is required to ensure adequate façade/glazing/ventilation design is provided additionally, in addition to appropriate sound installation between separate units to ensure future occupiers are protected. This can be secured by condition. It is considered that the submitted acoustic assessment has adequately concluded that with specified mitigation and ventilation strategy the development will meet the required noise standards as required by Local Plan guidelines and is therefore acceptable in Environmental Health terms.
- 10.25 Subject to the described conditions and the recommendations of the report being incorporated within the fabric of the building I am satisfied noise from the ground floor commercial units can be adequately controlled to protect the amenity of future occupants. Furthermore, I am satisfied the development can be delivered whilst retaining reasonable levels of amenity for the surrounding residential/ student properties. A mixed commercial and residential use is considered appropriate for this town centre location and will maximise Ormskirk's vitality and viability, complementing existing uses without resulting in significant harm to amenity in line with Policy GN3 of the Local Plan

Parking Provision/ Highways

- 10.26 The application site is located on Moor Street within the Ormskirk Town Centre Primary Shopping Area. The proposals are confined to internal reconfigurations and changes to the upper floors for student accommodation and do not include new or altered access to the public highway. No additional parking has been proposed with the plans indicating that 2 no car parking spaces will be provided to the rear of the property as is the current situation with the existing commercial use. Access to this parking is off Leyland Way
- 10.27 Whilst the proposal does not include any on-site parking provisions for residents it is acknowledged that the site is in a highly sustainable location and government guidance encourages development in such circumstances. It is also considered that demand for parking with student accommodation in such a central location would be low, particularly given the regular bus service from the town centre to Edge Hill University. In any case no university parking permits would be issued to car owning residents in this location. There are furthermore public car parks available in various locations around the town centre and directly to the rear of the property.
- 10.28 LCC Highways have considered the proposals and raised no objections in principle to the development and on balance I am satisfied the proposals are accordant with Policy IF2 and GN3 of the Local Plan
- 10.29 Notwithstanding the above, it is noted that within the LCC Highways consultation comments reference is made to a suggested condition relating to a 'legally binding clause for the landlord to prevent the car ownership of future occupants'. Paragraph 55 of the NPPF makes clear that planning conditions should be kept to a minimum, and only use where they satisfy the tests including being necessary, relevant,

enforceable, precise and reasonable. In this respect it is not considered that the suggested condition would satisfy this criterion being neither enforceable by the Local Authority nor, given the sustainable location of the site and the nature of the accommodation, is necessary or reasonable. Therefore as it would be contrary to the NPPF it is NOT intended that this condition will be applied to any future permission

11.0 Conclusion

11.1 The proposed development is considered compliant with the NPPF and Policies IF1, IF2, RS3, GN3 and EN4 of the West Lancashire Local Plan 2012-2027 DPD and the application is recommended for approval

12.0 Recommendation

12.1 That planning permission be GRANTED subject to the following 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 Dwg: 2635/10c Received by the Local Planning Authority on 1st September 2023

Existing and Proposed Plan (Elevation, Floor and Layout) Dwg: 2635/1a Received by the Local Planning Authority on 1st September 2023

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 materials to be used on the external surfaces of the extension hereby permitted shall match those outlined in the Materials Section of the Planning Application Form Received by the Local Planning Authority on 1st September 2022

If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.

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. 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.

5. The development shall not proceed except in accordance with the noise assessment prepared by Spratt and Hamer and received by the Local Planning Authority on 14th November 2022

All approved control measures shall be implemented prior to the occupation of the residential accommodation and shall be retained as such thereafter.

Reason: To safeguard local residents from noise and disturbance, and to comply 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:

Policy RS1- Residential Development

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

Policy IF2 - Enhancing Sustainable Transport Choices

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.

13.0 SUSTAINABILITY IMPLICATIONS

- 13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

- 16.1 There are no health and wellbeing implications arising from this report.

Background Documents

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

Appendices

None.