



Planning Statement

**Ormskirk Indoor Market,
Moorgate,
Ormskirk**

September 2022

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1.0 Introduction

Background

- 1.1 JMP NW Ltd have been instructed by Ormskirk Market Ltd to prepare and submit a planning application for the following development, namely:

“Proposed change of use of the former Ormskirk Indoor Market, Moorgate to a mixed use site comprising of market, food and beverage hall and music venue (Sui Generis).”

- 1.2 This statement will address the relevant national and local planning policies that deal with the principle of the proposed development, and the pertinent planning matters associated with the scheme. This will be addressed as set out below:

Section 2 - Application Site Context

Section 3 - Relevant Planning Policy – National Planning Policy Framework

Section 4 - Relevant Planning Policy – West Lancashire Development Plan

Section 5 - Other Material Considerations

Section 6 – Conclusions

Principle of Development

- 1.3 The National Planning Policy Framework is supportive as a matter of principle of development within built up areas, and particularly on sites which are sustainably located.
- 1.4 It is our view that the development subject of this application is compliant with the core principles of local and national planning policy. Further, that there are other material considerations which also weigh heavily in favour of the grant of consent, and we would therefore kindly request that this application be approved without delay.

Submitted Documentation

- 1.5 This planning application is supported by the following documents and drawings:
- Existing and Proposed Elevations and Floor Plans;
 - Site Layout Plan (Existing and Proposed);
 - Location Plan;
 - Design and Access Statement;
 - Servicing and Management Plan;

- Acoustic Assessment; and
- Planning Statement;

2.0 Application Site Context

- 2.1 The application site is approximately 0.097 hectares in area and is within the built-up development area of Ormskirk.
- 2.2 The site currently comprises of a vacant two-storey property (plus mezzanine) situated within the centre of the town. The property is situated within an area of mixed use and is bounded by a variety of commercial uses, although there are noted to be some residential uses within close proximity.
- 2.3 The site is well located for access to key local services and facilities including shops, eating establishments and other key town centre uses. The proposal is therefore deemed to be compatible with the local area and will support the existing commercial offer within the town.
- 2.4 The property is well related to the main highway network and benefits from off-street, car parking provision within very close proximity. The site is well served by public transport, with bus services located within walking distance of the site at the nearby bus station, as well as additional bus tops on St Helens Road. Ormskirk Train Station is also within walking distance of the property. The site is therefore deemed to be suitably and sustainably located to service the needs of the proposed development.
- 2.5 From a review of the Historic England mapping service, the site subject of this application is not listed, and is outside of the Ormskirk Conservation Area, albeit the site is located on the Conservation Area boundary. However, listed buildings are noted to be in close proximity of the application site including a number of Grade II listed buildings and structures. These structures whilst in close proximity are deemed to be a sufficient distance from the site, and given the form and nature of development proposed, there is not deemed to be significant harm resultant from these proposals.
- 2.6 From a review of the Environment Agency Flood Map, it is noted that the application site is not located within an area at risk from flooding.

Proposed Development

- 2.7 The development subject of this application comprises the change of use of an indoor market, which is understood to have stood partly vacant for a number of years, although it only formally closed in April 2019. The property comprised of large open spaces at ground and first floor levels, with an open mezzanine area overlooking the main open space.
- 2.8 The proposal seeks to change the use of the existing building into a large multi-functional food, drink, and leisure facility with minimal external alteration. The schedule of proposed accommodation is detailed below:

Ground Level

- Food Hall, kitchen prep areas for stall holders, Coffee Shop, Wine Shop and Bar area;

First Floor

- Terrace Bar and Games Room;

Mezzanine Floor

- Seating area, office, store and DJ staging area

- 2.9 The proposed development is deemed to be beneficial as it will secure the suitable and viable re-use of this currently vacant property. Furthermore, the proposed development will not result in harm to the setting or appearance of the adjacent buildings, the character and appearance of the local area, the adjacent historic environment, the visual amenities of the street scene, nor on neighbour amenity. In fact this scheme will assist in promoting the vitality and viability of the town centre to the wider benefit of job opportunities and economic growth.
- 2.10 Given the nature of the proposed use, the fact it will secure the reuse of an existing property, and the sustainable nature of the application site, the scheme as submitted is deemed to be acceptable as a matter of principle.

Planning History

- 2.11 Having reviewed the planning history for the site as detailed on the Council website, attention is drawn to the following historic applications:

Application Ref: 1980/0766

Description of Development: Outline applications for alterations and extensions to existing building for the purposes of holding an indoor market

Decision: Approved

Date of Decision: 9th January 1981

Application Ref: 1985/0380

Description of Development: Alterations to front elevation of indoor market including: raising and alterations of roofs; erection of 1st floor extension above main entrance area formation of planting area, and alterations to elevational treatment and fenestration

Decision: Approved

Date of Decision: 29th July 1985

Application Ref: 2013/0394

Description of Development: Demolition of existing building and erection of 14 student apartments comprising 83 student rooms with 4 flexible retail units (Use Classes A1-A5) on the ground floor. Single storey bicycle store at rear

Decision: Approved

Date of Decision: 23rd August 2013

- 2.12 The planning history as set out above shows that the local authority have historically supported the re-use of the application site, and the associated loss of the historic market use of the site. In fact, in assessing the merits of this further application attention is drawn to the following extracts of the officer's report associated with consent reference 2013/0394 which read as follows:

"5.4 The site lies within the main settlement area where the principle of residential and retail development is acceptable under the terms of Policies DS1, DE1, DE10 and the Interim Housing Policy in the WLRLP and the emerging Plan. The site is considered to be in a highly sustainable location within the town centre and is easily accessible by public transport. The existing market hall is in a poor condition and part of the site is vacant land contributing little to the appearance or economic opportunity of the area. As such, the principle of the redevelopment of the site complies fully with the aims on aspirations of the NPPF."

“5.8 Although the loss of the existing market hall is regrettable, the applicant advises that it has, in recent years, followed the wider trend of decline of markets and today the number of units has dwindled from a potential of 40 to just 7 meaning that the income generated does not even cover the rates and general overheads. The applicant goes on to say that the economic downturn, the unsuitability of the building and its general decline has left the site in a poor state of repair. The simple redevelopment of the site as a single replacement market hall/retail site is not economically viable without the provision of income generating uses above. I am minded to agree that the current poor condition of the market hall does not enhance the overall setting of the town nor the adjacent Conservation Area...”

2.13 We would argue that the issues referred to above remain pertinent to the determination of this further application. In addition, that the benefits to be achieved through the grant of consent including bringing a currently vacant property back into viable use, and the positive impact this will have on the vitality and viability of the town centre, as well as on the character of the Conservation Area, also weigh heavily in favour of the grant of consent. We therefore kindly request that the Council once again seek to positively support the redevelopment of this site, with a suitable and sustainable use.

3.0 Heritage Impact Assessment

3.1 The following section considers the impact of the development in the context of the legal requirements, as set down in the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

3.2 Of particular relevance are the following provisions:

S66: ‘In considering whether to grant planning permission [F1or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’

3.3 and

S72: *'(1) In the exercise, with respect to any buildings or other land in a conservation area, of any [F1functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'*

- 3.3 This section also reflects the guidance set out the National Planning Policy Framework, namely:

Paragraph 194

'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance...'

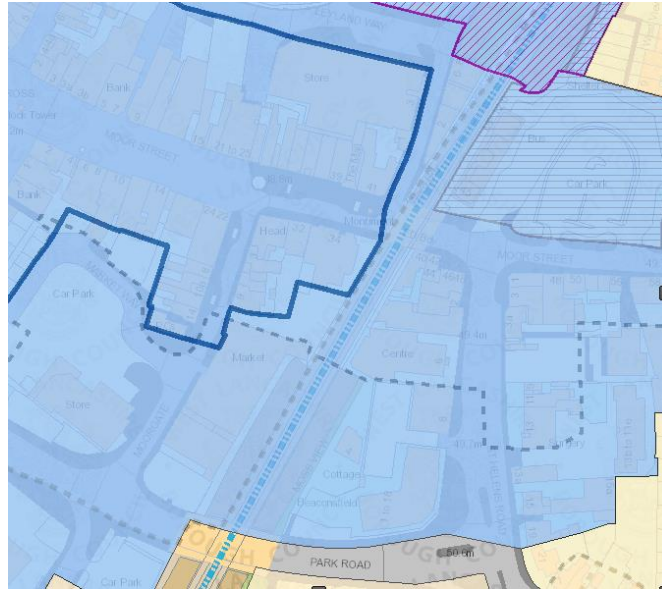
Paragraph 199

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Paragraph 202

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

- 3.4 From a review of the site's location and correspondence resources, it is noted that the site falls outside of the Omskirk Town Centre Conservation Area, as shown on the Policy Map extract below. The site also falls outside of any of the four additional areas that were considered for inclusion within the CA boundary (as mentioned in the CA Re-Appraisal 2008/2009).



Policy Map Extract

- 3.6 Notwithstanding the site's location outside the Conservation Area, the primary principles of what is proposed accords with the general character of the Conservation Area. The original Conservation Area Appraisal notes that there is a high proportion of retail premises within it, and recognises the importance of the services sector, in delivering additional tourism objectives. These uses, that are encapsulated within the proposed development therefore contribute to this character.
- 3.7 In physical terms, the lack of external alterations to the building mean that there will be no impact on the setting of the Conservation Area, nor will it have any impact on views into, or out of, the Conservation Area. It is therefore considered that the proposed development adheres to the statutory requirements, as they relate to Conservation Areas.
- 3.8 Turning to listed buildings, the site is within proximity to a number of listed buildings, as shown on Historic England's mapping data (also below).



Historic England Mapping Data

- 3.6 It is considered that, owing to the location of the application site and any relationship with nearby listed buildings, plus the lack of external alterations, or alterations to the character of the use of the site, the proposed development will have an immaterial impact on the setting of those listed buildings.

Heritage Impact Conclusion

- 3.7 For the reasons set out above, the proposed development will have no impact on the setting of the conservation area, nor its character or appearance. Likewise, the proposed development will have no impact on the setting of nearby listed buildings.
- 3.8 In view of this conclusion, the proposed development will accord with the statutory duties, as they relate to conservation areas and listed buildings, as set down within the Act 1990. In turn, the proposed development accords with the relevant parts of the development plan and the Framework, as it relates to the Historic Environment.

4.0 Relevant Planning Policy and Legislation – National Planning Policy Framework

- 4.1 The development subject of this application needs to be assessed against the provisions of the development plan which comprises the Revised National Planning Policy Framework, the West Lancashire Local Plan (adopted October 2013). This section of the report will focus on the national planning policy position, with local policies addressed at Section 4.

Revised National Planning Policy (NPPF) July 2021

- 4.2 The Revised National Planning Policy Framework was last updated in July 2021, and sets out the Government's planning policies for England, and how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in the decision-making process, and a summary of paragraphs considered material to the determination of this application read as follows:

Section 2 - Achieving Sustainable Development

***“Paragraph 8:** Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) an environmental objective—to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

***“Paragraph 10:** So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.”*

***“Paragraph 11:** Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:*

- c) *approving development proposals that accord with an up-to-date development plan without delay; “*

“Paragraph 12: The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Comment

- 4.3 The application site is sustainably located for the use proposed, with good access to key local services and facilities and public transport links. The proposed development is sited within an area characterised by compatible uses. In short, the site is deemed to be in a suitable and sustainable location, represents the effective use of a previously developed site, and is for a use which is deemed to be both acceptable and appropriate.

Section 4 - Decision Making

- 4.4 In relation to decision-making the NPPF states:

“Paragraph 38: Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

“Paragraph 47: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”

“Paragraph 58: Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to

be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”

Comment

- 4.5 The proposed development represents an effective use of land within the urban area and is therefore deemed to be acceptable as a matter of principle. The application is also supported with the required documentation to demonstrate the suitability of the development in its setting, and in relation to its impact on neighbouring amenity and the street scene. It is therefore our view that the development proposed is compliant with the provisions of the Development Plan when read as a whole, and we would therefore kindly request that planning consent be granted for the change of use of the application site.

Section 6 – Building a Strong, Competitive Economy

“Paragraph 81: Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”

Comment

- 4.6 The application site has been in use historically as an indoor market, but sadly the previous use is long since expired, and the building has for a number of years been in a poor state of repair. The scheme subject of this application seeks to reinvigorate and re-use the existing space for an indoor food and drink hall and leisure facility, ensuring an active re-use of the site. The proposal will assist in the creation of jobs in the local area and support the wider vitality and viability of Ormskirk Town Centre. In a currently challenging economic climate, the benefits to be achieved through approval of this

application, alongside the enhancements of the wider town centre and character of the adjacent Conservation Area, all support approval of the development. In view of the provisions of paragraph 81 of the NPPF we trust that consent will be granted for this development.

Section 7 – Ensuring the Vitality of Town Centres

- 4.7 **“Paragraph 86:** *Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:*
- a) *define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;*
 - b) *define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;*
 - c) *retain and enhance existing markets and, where appropriate, re-introduce or create new ones;*
 - d) *allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;*
 - e) *where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and*
 - f) *recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.”*

Comment

- 4.8 The former indoor market has stood vacant and in decline for a number of years. The Council in 2013 previously supported the loss of this existing facility and its replacement with student accommodation. The Applicant in this instance however is

not seeking to lose the market hall, but merely to regenerate it and bring it back into an active use. The proposed mixed (sui generis) use of the site is deemed to be compatible with the character of the wider town centre and appropriate for the site. The proposal secures the reuse of an existing property, with a use which will support and promote the vitality and viability of Ormskirk town centre and maintains the character of the former market use on site. The scheme is therefore deemed to be wholly compliant with the provisions of section 7 of the NPPF.

Section 8 – Promoting Healthy and Safe Communities

4.9 Attention is drawn to the following provisions:

“Paragraph 92: Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) *promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
- b) *are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and*
- c) *enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”*

“Paragraph 93: To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- b) *take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*

- c) *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."*

Comment

- 4.10 The proposal will enhance opportunities for social interaction and social integration given the nature of the proposal and the proposed facilities available within the site. The development has been shown not to result in harm to neighbouring amenity and will not result in environmental or social harm within the wider local area.

Section 9 - Promoting Sustainable Transport

- 4.11 Due regard is drawn to the following paragraphs of the NPPF:

"Paragraph 110: *In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) *safe and suitable access to the site can be achieved for all users;*
- c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*
- d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

"Paragraph 111: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

"Paragraph 112: *Within this context, applications for development should:*

- a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the*

- catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”*

Comment

- 4.12 As set out within earlier sections of this statement, the site is well located for access to public transport links and the main highway network. Key services and facilities are also noted to be within walking distance of the property. As such, we are of the view that the site is sustainably and suitably located given its town centre position. The level of additional traffic to be created by the proposed development is not understood to result in an increased risk to highway safety, nor increase congestion in the local area. The proposal is therefore deemed to be acceptable in highway safety terms with such matters addressed in more detail within the Technical Note provided by SCP and submitted in support of this application.

Section 11 - Making Effective Use of Land

- 4.13 Attention is drawn to paragraphs 119 and 120 of the Framework which read as follows:

“Paragraph 119: Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”

“Paragraph 120: Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental*

- gains – such as developments that would enable new habitat creation or improve public access to the countryside;*
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*
 - c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
 - d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and*
 - e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.”*

Comment

- 4.14 The proposal represents an appropriate use of an existing property. This scheme is simply seeking to use the site more effectively and efficiently to the benefit of the wider local community. In view of the comments laid out above, the scheme as submitted does not result in detrimental impacts to neighbouring properties, nor impact on the character of the local area or neighbouring historic environment. The NPPF is clear therefore in its support for developments which represent an effective and efficient land such as that proposed, and in this regard we would kindly request that planning permission be granted for this scheme.

Section 12 - Achieving Well-Designed Places

- 4.15 The importance of good design is addressed at section 12 of the Framework and includes the following guidance:

“Paragraph 126: Advises that the creation of high quality, beautiful and sustainable 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”

Comment

- 4.16 The development comprises the re-use of an existing property within the defined settlement boundary, and within a sustainable location. The scheme is deemed to represent a well thought out and sensible re-use of the application site, with a design and layout which is deemed to be acceptable. The scheme will not result in detrimental harm to neighbour amenity, nor on the visual amenities of the street scene, and does not require the provisions of significant amendment to the external elevations of the property. The proposal is therefore deemed to be acceptable in design terms.

Section 16 – Conserving and Enhancing the Historic Environment

*“**Paragraph 194:** In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

*“**Paragraph 202:** Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

Comment

- 4.17 The proposed development represents the re-use and conversion of an existing unlisted building adjacent to a defined conservation area. The majority of works associated with this proposal comprises of internal changes to the building, with only

limited external changes, beyond refurbishment of the property. The proposals will not harm the character or appearance of the Conservation Area and will not result in harm upon the character or setting of other designated heritage assets within the wider local area. In fact, one could argue bringing this currently vacant building back into use could in fact enhance the character of the adjacent Conservation Area and bring life back into the town.

Summary

- 4.18 It is clear for the reasons set out above that the development proposed is in accordance with the paragraphs and requirements of the National Planning Policy Framework. Therefore, in line with the provisions of paragraph 11 of the Framework, we would kindly request that the Council grant consent for the proposed development without delay.

5.0 Relevant Planning Policy – West Lancashire Development Plan

- 5.1 The Development Plan currently comprises the West Lancashire Local Plan as adopted in October 2013.
- 5.2 It is understood from a review of the local authority Proposals Map (extract included below for ease of reference) that the site subject of this application is located within the settlement boundary of Ormskirk, and within the defined town centre. The site is also within an allocated landscape character area.

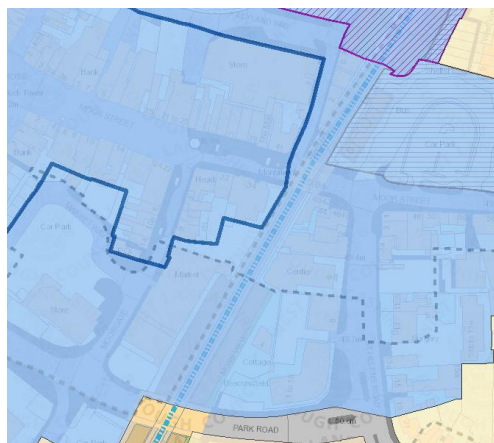


Figure 1: Proposals Map Extract

- 5.3 Included below is a list of the adopted key determinative development plan policies of relevance to the determination of this application:

West Lancashire Local Plan (2013)

- Policy SP1 – A Sustainable Development Framework for West Lancashire;
- Policy GN1 – Settlement Boundaries;
- Policy GN3 – Criteria for Sustainable Development;
- Policy IF1 – Maintaining Vibrant Town and Local Centre;
- Policy IF2 – Enhancing Sustainable Transport Choice;
- Policy IF3 – Service Accessibility and Infrastructure for Growth;
- Policy IF4 – Developer Contributions;
- Policy EN1 – Low Carbon Development and Energy Infrastructure; and
- Policy EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

5.4 Of the policies detailed above specific attention is drawn to the provisions of policy IF1 which reads as follows:

“Retail and other appropriate town centre development will be encouraged within town and local centres, followed by edge of centre locations, in line with national policy. Retail and other main town centre uses will only be considered in out-of-centre locations if a specific local need is proven for the proposed development and there is no suitable site available within a town, village or local centre. When considering edge of centre and out of centre sites, a preference will be given to accessible sites that are well connected to the town centre. When assessing proposals outside of town centres for comparison retail that involve an increase in floorspace of over 500m² gross, or for supermarkets / superstores that involve an increase in floorspace of over 1,000m² gross, an impact assessment will be required.

The hierarchy of town centres within West Lancashire is as follows:

Hierarchy	Centres
1: Town Centre	Skelmersdale, Ormskirk, Burscough
2: Large Village Centre	Tarleton, Hesketh Bank, Up Holland, Banks, Parbold
3: Small Village Centres and Local Centres	All other centres, as defined on the Policies Map

The Policies Map defines the extent of all town, village and local centres, and defines the primary shopping areas of town centres. Within the primary shopping areas of

Ormskirk and Burscough town centres, within Skelmersdale town centre as a whole and within local centres proposals for the change of use from retail (i.e. Class A1 of the Use Classes Order) to other uses will be required to meet the following criteria:

- The proposal, when taken cumulatively with other existing or consented non-retail uses, does not have a detrimental effect upon the vitality and viability of the centre;*
- The proposal retains a pedestrian-level shop front with windows and display;*
- Any proposed non-A1 use should, wherever possible, have operational hours that include at least a part of traditional opening times (i.e. 9am – 5pm). Uses that involve operational hours in the evening or night should not create inappropriate disturbance to residents or other users of the town centre and surrounding areas;*
- There is evidence that the unit has been marketed as a retail unit in accordance with Policy GN4.*

At least 70% of pedestrian level units within the above areas should remain in Class A1 retail use. A unit within a primary shopping area (PSA) should only be released from a Class A1 retail use if at least 70% of the units within the immediate area⁽¹⁵⁾ and within the PSA as a whole are in Class A1 use. The Council will not necessarily take the approach of allowing all proposals for change of use away from A1 until the proportion of units in A1 use drops down to, or below, 70%.

When assessing the effect of the change of use of A1 floorspace upon the vitality and viability of a PSA, the following factors should be taken into account:

- The size (amount of floorspace) of the unit proposed for change from retail to other uses and whether this is significant in relation to the total retail floorspace of the PSA;*
- The extent of alternative provision in the PSA and in the wider area, including the range of retail units remaining, and their size, type and quality;*
- The level of demand for retail units in the PSA;*
- The nature of the immediate area;*
- Whether conversion of the unit in question would cause the proportion of A1 uses to drop to around, or less than, the target (70%) of pedestrian level units in the immediate area, or in the PSA;*
- Any traffic / highways issues that may arise from certain A1 uses, especially in a pedestrianised area such as Ormskirk town centre;*

- *Whether the proposed use is a use that would typically be expected in a town centre, and the likely contribution it would make towards economic activity and the vitality and viability of the centre compared with the original retail unit; and*
- *In the case of proposals to bring a Class A1 retail unit that has been vacant for six months or more back into non-A1 use, whether the boost to economic activity resulting from bringing inactive floorspace back into use outweighs any negative impact associated with loss of the A1 floorspace.*

Similar principles to the above will apply, where relevant, when assessing proposals for non-retail use of retail units in local centres and in Skelmersdale Town Centre. Development proposals within Skelmersdale Town Centre must be in accordance with Policy SP2, and must ensure that the vitality and viability of the Concourse is protected.

Other uses in Town Centres

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 cultural facilities, restaurants and cafés, drinking establishments and nightclubs, financial and professional services, offices and residential uses, student accommodation, as well as uses relating to non-residential institutions, and leisure / recreation uses that are appropriate in a town centre.

Office development will be encouraged within or on the edge of the town centres of Skelmersdale, Ormskirk and Burscough, within the Ormskirk Business Area and White Moss Business Park, and on other sites allocated for Class B1 development. Small-scale (i.e. up to 1,000m²) office uses will be permitted elsewhere within settlements, provided that they comply with other Local Plan policies, they are of a suitable scale, and they do not have an unacceptable impact on their locality, for example in terms of traffic generation. New office developments should be readily accessible by public transport. Any proposals for office developments within PSAs will still be subject to the policy above regarding the change of use from retail (Class A1) uses.

The loss of community, leisure and cultural facilities and services within town and local centres will be resisted unless it can be demonstrated that the facility is no longer

needed, or it can be established that the services provided by the facility can be served in an alternative location or manner that is equally accessible by the community.”

Comment

- 5.5 The policies contained within the adopted Local Plan appear to set a focus on supporting a diversification of uses within the town centre (outside of the Primary Shopping Area) to support the vitality and viability of the High Street. The Local Plan is also clearly supportive of suitable and appropriate uses within accessible and sustainable locations. Given that this development seeks to secure the viable re-use of a property within the town centre, which has stood vacant for a significant period of time, for a town centre compatible use, and given the sustainable nature of the application site, the scheme as submitted is deemed to be wholly compliant with the provisions of the Development Plan. The principle of the development subject of this application is therefore deemed to be compliant with the provisions of the Local Plan when read as a whole.

Emerging West Lancashire Local Plan

- 5.6 West Lancashire Borough Council are noted to be making progress on a New Local Plan for the Borough. The draft Plan was placed on consultation for the Scope, Issues and Options stage from November 2021 until January 2022. The plan therefore remains at a very early stage in the production process and is not therefore considered to hold any weight in the determination of the scheme now under consideration.

Other Relevant Policy Documents

- 5.7 In addition to the adopted planning policies referred to above, there are noted to be a number of adopted Supplementary Planning Documents in West Lancashire. Given the nature of the development and proposed use of the former Ormskirk Indoor Market, none of the currently adopted Supplementary Planning Documents are deemed to be determinative to this application; albeit we are aware of the provisions of the CiL Charging Schedule.

Development Plan Summary

- 5.8 For the reasons set out above, it is our view that the development subject of this application represents an acceptable and appropriate form of development. The scheme will secure the re-use of an existing property within a defined town centre and within a sustainable location. The nature and scale of use will also be commensurate with the wider local area, and with the use and character of adjacent properties. The

site is well located for access to public transport links and wider services within Ormskirk and is well suited to the development as proposed.

- 5.9 The proposed use of the former indoor market within Ormskirk as a food and drink hall and leisure development, is therefore deemed to be compliant with the provisions of the development plan, and there is therefore a legitimate expectation that consent will be granted for this proposed change of use application.

6.0 Other Material Considerations

- 6.1 Section 70(2) of the 1990 Act requires that the authority, in dealing with the application, shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. It has been demonstrated above that the proposed development is in accordance with the relevant provisions of the Development Plan, including national and local plan policy. In addition to this, material considerations exist that weigh further in favour of the development, including:

Sustainable Development

- 6.2 The scheme as submitted represents a sustainable form of development given its re-use of a previously developed site within a built up area. The application site is well located for access to public transport and other key local services and facilities. The proposed internal layout has been well designed to meet the needs of the development whilst limiting the visual and amenity impacts on adjacent land uses.

Conservation Area

- 6.3 As set out above, the application site is not within the Ormskirk Town Centre Conservation Area but is accepted to be located adjacent to it. The Conservation Area and impact on designated heritage assets will therefore be of relevance to the determination of this application. In our view the re-use of this currently vacant building, which is now in a poor state of repair will offer significant benefits to the character of the adjacent Conservation Area.

Economic Growth

- 6.4 The application site has stood vacant for a significant number of years. The scheme subject of this further application can be seen to be an opportunity to regenerate and reinvigorate this part of the town centre with a suitable and active use. The scheme will secure the provision of job creation both on site and within the local supply chain,

and will assist in supporting the local economy through increased footfall within the town centre.

Visual Amenity

- 6.5 As set out throughout this statement, the application site has stood vacant for a number of years and has been in poor state of repair for an even longer period. This vacancy and standard of property create harm to the visual amenities of the street scene, and on the character and appearance of the adjacent Town Centre Conservation Area. The development subject of this application seeks to secure the viable re-use of this existing property with the associated refurbishment of the building. This offers significant gain to the wider local community in relation to the enhancement of the visual amenities of the local area.
- 6.6 As such, whilst we remain of the view that the development is compliant with the policies, provisions and principles of the Development Plan when read as a whole, there are also a number of clear material benefits to the grant of consent which also tip the balance in favour of the development as submitted. We therefore kindly request that this application be approved without delay.

7.0 Conclusions

- 7.1 It has been demonstrated throughout this submission that the development subject of this application, accords with the relevant statutory duties and the Development Plan when read as a whole. The proposed development is acceptable in principle, by virtue of the provisions of the National Planning Policy Framework and the West Lancashire Development Plan. Furthermore, other material considerations weigh in favour of the grant of consent, and these have been dealt with in detail above.
- 7.2 Section 70(2) of the Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where an application accords with the relevant Development Plan and material considerations are in favour, applications should be determined positively. As such, based on the above principles, we would therefore kindly request that the Council seek to support this proposal and issue a grant of consent for this application without delay.
- 7.3 Should you require any further information in advance of validation of the application, or during the determination process, please do not hesitate to contact us. Otherwise,

we look forward to hearing from you shortly with confirmation of the officer appointed to deal with our application, and details of the application reference number and target determination date.