

APPLICATION REPORT - FUL/348807/22
Planning Committee 24th August 2022

Registration Date: 31st March 2022
Ward: Saddleworth South

Application Reference: FUL/348807/22
Type of Application: Full Application

Proposal: 1) Conversion of public toilet to café with ancillary takeaway 2) Provision of public toilet 3) External alterations to building including removal of pitched roof and replacement with green roof 4) Single storey glazed extension 5) Bin store.

Location: Public Toilets, King George V Playing Fields, Wade Row, Uppermill, OL3 6BF

Case Officer: Sophie Leech
Applicant: Mr Rick Scholes
Agent: Mr Mark Jones

INTRODUCTION

Having regard to the Council's Scheme of Delegation the application is referred to the Planning Committee for determination because the site is owned by Oldham Council and a significant number of representations have been received.

RECOMMENDATION

It is recommended that the application be approved subject to the conditions set out in this report and that the Head of Planning shall be authorised to issue the decision.

THE SITE

The application site is located within King George V Playing Fields, also known as Uppermill Park. The development itself relates to a vacant public toilet block located close to the northernmost boundary of the park where it adjoins Wade Row. The building was closed to the public in 2018. The site is accessed from Wade Row and Uppermill Conservation Area. The River Tame is located on the edge of the park to the west.

The site fronts onto one street, namely Wade Row to the north which also has residential units fronting along the opposite side. To the south of the site is St Chad's recreational ground. There are a number of residential and commercial units to the east of the site forming part of the Uppermill Village High Street.

The park is protected by Fields in Trust which is a charity that supports parks and green spaces by protecting them for people to enjoy in perpetuity.

THE PROPOSAL

The application seeks full planning permission for the conversion of the vacant public toilet block to a café with ancillary takeaway, along with the provision of a public toilet, external alterations to the building including the removal of the pitched roof and replacement with a green roof. In addition to this it is proposed to erect a single storey glazed extension and an external bin store.

RELEVANT PLANNING HISTORY

PA/039029/99 – Erection of public toilet block – Approved 10.11.1999

RELEVANT PLANNING POLICIES

The following policies are relevant to the determination of this application:

Joint Development Plan Document

Policy 06 – Green Infrastructure

Policy 09 – Local Environment;

Policy 16 – Local Services and Facilities;

Policy 19 – Water and Flooding;

Policy 20 – Design;

Policy 21 – Protecting Natural Environmental Assets

Policy 23 – Open Spaces and Sports;

Policy 24 – Historic Environment; and,

Saved UDP Policy D1.5 - Protection of Trees on Development Sites.

National Planning Policy Framework (NPPF, 2021).

Statutory and Internal Consultees:

Conservation & Design Advice	The Conservation Officer raised concerns about the design and scale of the originally submitted proposals and questioned whether the extent of public benefits associated with the proposal would outweigh harm caused to the character of the conservation area. Following amendments to the proposals, which included the removal of decking, the Conservation Officer acknowledged that these significantly reduced the net impact on the conservation area.
Highways Engineer	No objection, subject to a condition requiring bollards at the Wade Row entrance to ensure vehicles do not park and obstruct the pedestrian route into and out of the park.
Environmental Health	Following the submission of additional information clarifying how the use would operate raise no objection subject to the imposition of conditions restricting the hours of deliveries and opening times to customers. Initially raised concerns raised about the loss of trees, their proposed replacements not being near the building, and the impact of the proposed bin store on the root protection area of trees.

Tree Officer	Following the receipt of amended information raised no objections providing the replacement trees are provided and retained and the Arboricultural Impact Assessment is fully complied with.
Parks & Open Space Team	No objections
Planning Policy	No objections
Saddleworth Parish Council	No objections, subject to level access to toilet always and disabled toilet accessible by Radar key and toilet checked every two hours and cleaned daily. The decking is a community seating area so no tables and chairs outside the building, permitted activities are maintained. Clarification is needed about the permitted use of CCTV public spaces.
Drainage/LLFA	No objections
Greater Manchester Ecology Unit	No objections received

REPRESENTATIONS

37 support comments have been received.
 0 neutral comments have been received.
 122 objection comments have been received.

1 petition has been received with 1300 signatures.

SUMMARY OF OBJECTIONS:

- Loss of open space,
- Impact on conservation area,
- Too many cafes in the area,
- Impact on other local business,
- Noise implications,
- Litter problems,
- Loss of privacy and outlook,
- Damage and loss of trees,
- Highway safety issues,
- Lack of onsite parking,
- Lack of roadside parking,
- Public toilets should be back in use.

PLANNING CONSIDERATIONS

The main issues to consider are:

1. Principle of the proposed development;
2. Design/impact on the conservation area;
3. Residential amenity;
4. Highway safety;

5. Ecology and Trees;
6. Flood risk; and,
7. Other matters.

Principle of Development

The application site forms part of the Uppermill Conservation Area, is located in Flood Zone 1 on the Environment Agency's Flood Risk Maps, and forms part of a Green Corridor/Link.

Having regard to the Development Management policies in the Local Plan, Policy 1 explains that the Council will, amongst other things, ensure the effective and efficient use of land and buildings, promote the vitality of the borough's centres, and to promote economic prosperity by meeting the needs of existing and new businesses in sustainable locations. However, it also seeks to promote development away from areas at risk of flooding, ensure that development respects local character, distinctiveness and sense of place, and that it respects the natural, built and historic environments, and Green Infrastructure.

Policy 16 promotes the need for local shops, leisure facilities and offices which will be met by permitting new local services and facilities where appropriate within existing built-up areas. The policy permits, outside of designated Centres, local shops with a gross floorspace of 500m² or less. With recent changes to the Use Classes Order, shops now fall within the generic Use Class E, which also would be the use class of the proposed development. As such, given the floorspace proposed is significantly below the 500m² threshold applicable outside a designated Centre, it is considered that proposal complies with the requirements of this policy.

Given that the site is located on open space, Policy 23 is engaged. It states that the Council will protect, promote and enhance existing open space in the borough. The policy states that the loss of open space will be permitted where, amongst other criteria, the proposals comprise of a small-scale development which is ancillary or complementary to the open space function of the site, and that the quality and character of the site is maintained.

The revised proposal will result in the loss of a small area of public open space that extends to approximately 52m² in floor area. When considering the benefits of the proposal, the conversion of the toilet block into a café will bring a vacant building back into use, compliment the use and function of the park by enabling visitors to purchase refreshments whilst using the park and play area, and also provide a public toilet for users of the park and wider village. As such, the proposed development accords with the overarching aims and objectives of Policy 23.

Having regard to the requirements of Policies 1, 16 and 23, it is considered that the principle of development is acceptable, subject to complying with relevant development plan policies and national guidance discussed below.

Design and Impact on the Uppermill Conservation Area

Policy 20 requires proposals to respond positively to the environment, contribute to a distinctive sense of place, and make a positive contribution to the street scene. Policy 24 states that development within conservation areas must serve to preserve or enhance the character or appearance of the area, as an appropriate response to context.

Paragraph 194 of the NPPF (2021) states that 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.

Heritage statements have been submitted as part of the planning application which assesses the principle of development, the impact on the setting of the Uppermill Conservation Area and provides justification for the proposed size and design of the building.

It is agreed that the stone-built toilet block with a steeply pitched hipped roof is not of any notable heritage significance and neither does it positively enhance the setting of the Uppermill Conservation Area, which is a designated heritage asset. The Council's Conservation Officer raised concerns regarding the design of the proposal including the external decking area, along with the size of the extension, and revised drawings were submitted on 20 May 2022 with the following amendments:

- All external decking has been removed.
- The external timber cladding to the stonework and brickwork has been removed and the existing stonework retained.
- The blue bricks at the plinth are to be painted black.
- The retractable roof material has been changed to dark grey.
- A natural stone plinth to match the stonework on the toilet building is proposed around the base of the new extension with ashlar stone coping.
- Ashlar stone coping heads and cills to all external doors and windows are now proposed to reflect architectural detailing found within the conservation area.
- Horizontal transoms are shown on the windows to break up the expanse of glass.
- Steppingstones are proposed across the grass.
- 6 no. tree replacement planting shown in close proximity to the premises.
- The entrance to the cafe to the west has been reduced in size. This results in an overall reduction in extension size by 5m². The proposed extension is now 52 square metres in floor area, making a total floorspace of 85 sq metres.
- Disabled access is now shown near the main entrance to the west with a new pathway down.
- The bin store has been significantly reduced in size with 2no. lightweight bin shelters. Bin stores to accommodate 3no. domestic bins each – 140 litres each.

When considering the impact of a proposed development on the significance of a designated heritage asset, Paragraph 199 of the NPPF states that 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.

In this case it is considered that the proposed glazed dining extension, removal of pitched roof and replacement flat sedum roof, and the cladding of the stonework with cedar cladding represent 'less than substantial harm' to the heritage asset. Paragraph 202 of the NPPF explains that 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. An assessment of the public benefits is provided below.

Public Benefits

Public Toilet:

The extension to the building will provide a public toilet to be used by the public regardless of any purchase at the proposed café/takeaway. This will be a disabled toilet which will be made available and be managed by the Applicant during times when the business is open to customers. This is a positive benefit to the village of Uppermill where no public toilets have operated since 2018.

Re-use of a Public Building:

The re-use of this existing building will bring a derelict building within the Uppermill Conservation Area back into a viable economic use.

Improvement to Design of Building:

The proposal results in the removal of the inappropriately designed hipped roof and its replacement with a low-level green sedum roof that will bring environmental benefits to the wider park area.

Conclusion:

The NPPF advises that any harm to the significance of a designated heritage asset should require clear and convincing justification. The public benefits outlined above would cumulatively bring significant weight and are considered to outweigh harm to the Conservation Area. As such, the proposal would preserve and enhance the character or appearance of the Uppermill Conservation Area in accordance with DPD Policy 24 and the NPPF.

Residential Amenity

Policy 9 states that consideration must be given to the impact of a proposal on the local environment. It seeks to ensure that development, amongst other matters, is not located where it would be adversely affected by neighbouring land uses, does not cause significant harm to the amenity of the occupants of the development or to existing and future neighbouring occupants or users through impacts including safety, security, and noise.

The building is located approximately 15.6m from the facing windows of properties to the north at no.s 9, 10, 11 and 12 Hopkinson Close, and approximately 11.3m would be retained between the proposed extension and the residential terrace on Wade Road (no.1).

The elevation facing properties on Hopkinson Close will serve as the entrance/exit to the building and no extension is proposed on this elevation aside from the overhanging sedum roof.

The only new feature is the proposed bin store which will be sited in front of the existing boundary to the park opposite the main entrance to the café. This small-scale structure will not give rise to any loss of light, outlook or privacy. Furthermore, its addition is unlikely to give rise to any unwanted odour and Environmental Health have raised no concerns in this regard.

In regard to noise, a condition is included on the recommendation preventing deliveries to site before 8am Monday to Saturday and before 9am on Sunday and Bank Holidays. This is considered acceptable to ensure that neighbouring amenity is maintained with regards to any excess noise. It is considered the use of the building to a café would not give rise to any serious noise issues given the building will only operate during daytime hours. In addition,

Environmental Health have advised that the building shall not be open to customers before 9am and after 7pm Monday to Sunday including Bank Holidays, and a condition is attached to the recommendation for this. Therefore, the proposed development is considered acceptable having regard to the provisions of DPD Policy 9.

Amenity of the Site:

A Litter Management Plan has been submitted with the application detailing how often the waste will be removed from site. Environmental Health have not raised any issues regarding this. As such, the proposed development is considered acceptable having regard to the provisions of DPD Policy 9.

Highway Safety

The Council's Highway Engineer has been consulted regarding the proposed development and has raised no objections on highway safety grounds as the change of use is in a sustainable location with excellent links to public transport and access to a wide range of amenities.

A condition has been recommended to install collapsible bollards at the park entrance on Wade Row to prevent cars parking and obstructing the access to the park. The collapsible bollards will allow deliveries to the building when required which is acceptable. Therefore, the proposed development is considered acceptable having regard to provisions of DPD Policy 9.

Ecology and Trees

The site forms part of a wider designation covering the wider park as a Green Corridor / Link in recognition of its value for recreation and supporting biodiversity. Policy 6 explains that such allocations form part of the borough's Green Infrastructure Network and that development proposals in such areas must promote and enhance this. Policy 21 explains that development proposals must protect and maximise opportunities for Green Infrastructure at or near to the site. Having regard to the small scale of development proposed, which is ancillary and complimentary to the park, and which brings back into use a vacant building, it is considered that the wider function of the Green Corridor/Link is not compromised and no objections have been raised to the proposals from the Greater Manchester Ecology Unit.

The proposed development will result in the loss of two trees which are protected by virtue of being within a Conservation Area. The proposed site plan shows the replacement of these trees with six new trees to be sited in close proximity to the building to provide the same level of visual amenity. The Council's Tree Officer is satisfied with the submitted tree reports and has raised no objections, subject to the works being carried out in accordance with the submitted documents. Therefore, the proposed development is considered acceptable having regard to the provisions of Saved Policy D1.5 subject to the imposition of a condition which is attached to the recommendation requiring such works to be carried out.

Flood Risk

The application site is located in Flood Zone 1 (lowest risk) on the Environment Agency Flood Risk Maps and has carried out a Flood Risk Assessment. The nature of the proposal means it is regarded as 'less vulnerable' from effects of flooding and is therefore considered to be appropriate in this location. Furthermore, no objections have been received from the Lead Local Flood Authority who have been consulted on the application.

Other Matters

Site Security & Anti-Social Behaviour:

No specific details have been provided regarding site security. Whilst it is acknowledged the building could be subject to vandalism the Agent has advised that no roller shutters or bars on windows will be required. Such additions would require a planning application to be made for them.

CONCLUSION

It is considered that the change of use of the building together with a single storey extension and new roof would amount to 'less than substantial' harm to the character and appearance of the Uppermill Conservation Area. However, as a whole, the proposals will contribute to the park and wider economy of the village by offering a public toilet facility, the reuse of a public vacant building, and design improvements to a designated heritage asset. As such, the application is recommended for approval, subject to the imposition of conditions set out below.

RECOMMENDED CONDITIONS:

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. No development comprising works to the exterior of the building shall take place until samples and details of any external materials, including stonework, are submitted to the Local Planning Authority, made available on site, where necessary, for inspection and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. REASON - In the interests of the character and appearance of the Conservation Area, having regard to Policies 20 and 24 of the Oldham Local Plan.
4. The use hereby permitted shall only be carried out during the following hours: 09:00 – 19:00 Monday to Sunday including Bank Holidays. REASON - To safeguard the amenity of the neighbouring occupiers having regard to Policy 9 of the Oldham Local Plan.
5. No deliveries shall take place before 08:00 or after 21:00 Monday to Saturday and no deliveries shall take place before 09:00 or after 20:00 on Sundays and Bank Holidays. REASON - To safeguard the amenity of the neighbouring occupiers having regard to Policy 9 of the Oldham Local Plan.
6. The development hereby approved shall not be brought into use until bollards have been provided in the area outside the gates on Wade Row in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be retained

thereafter. REASON – To ensure that vehicles do not park and obstruct the pedestrian routes to and from the park having regard to Policy 9 of the Oldham Local Plan.

7. The development hereby approved shall not be brought into use until the bin storage as shown on plan ref: 1004 Rev G and 1005 Rev D has been provided. The bin storage shall be retained thereafter for the life of the development. REASON - To ensure satisfactory storage of waste having regard to Policy 9 of the Oldham Local Plan.
8. The development hereby approved shall be undertaken in full accordance with the submitted details as specified within the Arboricultural Method Statement and Arboricultural Impact Assessment by Mulberry (ref: TRE/UPUO/RevB 29 May 2022). All replacement tree planting shall be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period shall be replaced with specimens of an equivalent species and size. REASON - Prior approval of such details is necessary as the site may contain features which require incorporation into the approved development, and to ensure that the development site is landscaped to an acceptable standard having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.
9. The toilet as indicated on the submitted plan shall be made available for general public use at all times that the business is open to the public between the operating hours 09:00 to 19:00 Monday to Sunday including Bank Holidays. REASON – To provide a community facility having regard to Policy 2 of the Oldham Local Plan.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 2, Class A shall be carried out unless permission is first granted by the Local Planning Authority. REASON - In order to protect the openness and visual amenity of the park having regard to Policies 9, 20 and 23 of the Oldham Local Plan.

LOCATION PLAN (NOT TO SCALE):

