

**APPLICATION REPORT – VAR/351244/23**  
**Planning Committee 20<sup>th</sup> September 2023**

Registration Date: 04/07/2023  
Ward: Saddleworth South

Application Reference: VAR/351244/23  
Type of Application: Full (Variation of condition)

Proposal: Variation of Condition 2 (approved plans) of application ref: FUL/348807/22. Amendments to approved odour extraction system, screen planters and increasing depth of fascia around the cafe.

Location: Greene's Bistro, King George V Playing Fields, Wade Row, Uppermill, OL3 6BF

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

**1. INTRODUCTION**

- 1.1 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 objections to the proposal have been received.

**2. RECOMMENDATION**

- 2.1 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.

**3. SITE DESCRIPTION**

- 3.1 The application site is located within King George V Playing Fields, also known as Uppermill Park. The development itself relates to a formerly vacant public toilet located close to the northernmost boundary of the park where it adjoins Wade Row. The building was closed to the public in 2018 but has since been brought into active use pursuant to the planning permission granted in August 2022 to incorporate the building into a new café and ancillary takeaway which has involved contemporary extensions and alterations (reference number FUL/348807/22). The River Tame is located on the edge of the park to the west.
- 3.2 There are residential properties on Wade Row to the north of the site and 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.
- 3.3 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.

#### **4. THE PROPOSAL**

- 4.1 The application relates to a variation of condition 2 (approved plans) of application ref: FUL/348807/22. The amendments proposed relate to the approved odour extraction system flue, the addition of screen planters around the flue, and increasing depth of fascia around the cafe. For the avoidance of doubt the application is made on a part retrospective basis since the extraction flue has already been erected.

#### **5. PLANNING HISTORY**

- 5.1 PA/039029/99 – Erection of public toilet block – Approved 10.11.1999
- 5.2 FUL/348807/22 - 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 – Approved 25.08.22

#### **6. RELEVANT PLANNING POLICIES**

- 6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is not allocated in the Proposals Map associated with this document. As such, the following policies are considered relevant to the determination of this application:

- 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).

#### **7. CONSULTATIONS**

<b>CONSULTEE</b>	<b>FORMAL RESPONSE</b>
Environmental Health	Formal response received. No objection raised.
Saddleworth Parish Council	Formal response received. Comments Noted.

#### **8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS**

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised by neighbour notification letters, display of a site notice, and publication of a press notice.

- 8.2 In response, six representations have been received raising the following (summarised) issues:
- i. Impact on conservation area.
  - ii. Noise, disturbance, and odour.
  - iii. Not in accordance with the approval.
  - iv. The work has already been completed.
  - v. The sedum roof is now dead.
  - vi. There is no regard for following the rules.

## **ASSESSMENT OF THE PROPOSAL**

### **9. PRINCIPLE OF DEVELOPMENT**

- 9.1 The application site is unallocated within the Proposals Map associated with the Joint Development Plan Document.
- 9.2 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.
- 9.3 Significantly, following the grant of permission under FUL/348807/22, the site now accommodates a café, ancillary takeaway, and a public toilet. Having regard to these considerations the principle of development is acceptable.

### **10. RESIDENTIAL AMENITY**

- 10.1 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.
- 10.2 The extraction system is sited on the roof of the building and the extended fascia boards will wrap around the building. In regard to amenity of residents opposite the site, the development is sufficiently spaced approximately 17.3m away from habitable windows to cause no impact on outlook or light.
- 10.3 A number of objections have been raised stating that the extraction system makes a loud noise constantly. Two site visits have been undertaken and no noise or odour was present on site. Environmental Health have been consulted on the application who have raised no concerns in regard to the development as built. However, extraction equipment can, if not maintained properly, result in elevated noise levels and should such issues be of concern to occupiers of nearby properties this can be reported to Environmental Health separately as a statutory noise/odour nuisance. As such, the development would not be contrary to the requirements of Policy 9 of the Oldham Local Plan.

## **11. DESIGN AND IMPACT ON CONSERVATION AREA**

- 11.1 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.
- 11.2 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.
- 11.3 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.
- 11.4 The extraction system is larger than previously approved; however it remains central on the roof and matches in material and colour. Wooden planters are proposed around the base to screen the extraction pipe. When viewing from long distance views across the park and along Wade Row and Hopkinson Close, the extraction system does not appear unduly prominent. The screen planters would also provide some greenery to the roof to enable the development to blend in with the sedum roof and wider tree cover of the park.
- 11.5 The proposed fascia board around the building will result in a minimal addition to the building and would not give rise to any harm.
- 11.6 In this case it is considered that the extraction system represents 'less than substantial harm' to the heritage asset. The fascia boards and planters represent no harm. 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.
- 11.7 The public benefits in allowing the extraction system will ensure the business can continue trading within the park with the required systems to ensure its safety. The previous application provided a range of benefits to this proposal upon the local economy of Uppermill and it is considered the extraction system is required to allow this business to continue. As such, the development complies with Policy 24 of the Oldham Local Plan and the provisions of the NPPF.

## **12. HIGHWAY SAFETY**

- 12.1 The development would not lead to any impact upon highway safety.

### **13. CONCLUSION**

- 13.1 The proposed amendment to the scheme approved under application ref. FUL/348807/22. would not lead to any significant adverse impact on the character and amenity of the local area, Uppermill Conservation area, neither would it impact adversely on the residential amenity of the occupiers of neighbouring properties.
- 13.2 As such, the variation would be in accordance with relevant provisions of Policies 9 and 20 of the Oldham Local Plan.

### **14. RECOMMENDED CONDITIONS**

1. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on the decision notice relating to FUL/348807/22. except as modified by the Approved Details Schedule list attached to 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.
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. The development shall be retained in accordance with the external materials details approved under planning ref. CND/350212/22. REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan.
4. The use hereby permitted shall only be open to members of the public/customers during the following hours: 9:00 - 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 shall be retained in accordance with the bollard details approved under planning ref. CND/350212/22. REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policy 20 of the Oldham Local Plan.
7. The bin storage as shown on plan ref: 1004 Rev G and 1005 Rev D 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). Six replacement trees shall be provided in the first available planting season following the completion of the development, in accordance with details first submitted to and approved in writing by the Local Planning Authority. All

replacement trees 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.

**SITE LOCATION PLAN (NOT TO SCALE):**

