

APPLICATION REPORT – FUL/351515/23
Planning Committee 21st February 2024

Registration Date: 22nd August.2023
Ward: Saddleworth West & Lees

Application Reference: FUL/351515/23
Type of Application: Full Application

Proposal: Retention of existing public house and erection of 3 no. three-bedroom dwellings (Use Class C3) utilising existing access off Medlock Way with associated parking, hard and soft landscaping and reconfiguration of the car park.

Location: Land Adjacent to The Grapes, 161 Saint John Street, Lees, OL4 3DR

Case Officer: Sophie Leech
Applicant: Punch Partnerships Ltd
Agent: Miss Francesca Pepper

1. INTRODUCTION

- 1.1 The application is a minor development for the retention of existing public house and erection of 3 no. three-bedroom dwellings (Use Class C3) utilising existing access off Medlock Way with associated parking, hard and soft landscaping, and reconfiguration of the car park.
- 1.2 The application has been referred to Planning Committee for determination as it has been called in by Councillor Al-Hamdani on the grounds of highway impact relating to a proposed school street on Medlock Way.

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 following the prior completion of a Section 106 agreement requiring tree replacement contribution of £12,900 for the provision of 43 trees to be replanted off site by the Council.

3. SITE DESCRIPTION

- 3.1 The application site comprises an existing car park associated with The Grapes Public House located on St John Street, Lees. The site lies within the Hey Conservation Area and the Grapes Pub is a Grade II listed building.
- 3.2 The site is surrounded by residential development.

4. THE PROPOSAL

- 4.1 The application seeks planning permission for the erection of 3 no. three-bedroom dwellings (Use Class C3) utilising existing access off Medlock Way with associated parking, hard and soft landscaping and reconfiguration of the car park. The public house will remain with 17 parking spaces reduced from the existing 32 spaces.
- 4.2 The proposed development will comprise of 3no 3 bed, two storey units in a small, terraced row. The accommodation schedule is as follows:
- Plot 1 3b4p – 86m2 (GIA) – 50m2 (Private Garden);
 - Plot 2 3b4p – 86m2 (GIA) – 50m2 (Private Garden); and,
 - Plot 3 3b4p – 86m2 (GIA) – 50m2 (Private Garden).

5. PLANNING HISTORY

Not applicable.

6. RELEVANT PLANNING POLICIES

- 6.1 The 'Development Plan' is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The following policies are relevant to the determination of this application:
- Policy 1 - Climate Change and Sustainable Development;
 - Policy 3 - An Address of Choice;
 - Policy 5 - Promoting Accessibility and Sustainable Transport Choices;
 - Policy 9 - Local Environment;
 - Policy 11 – Housing;
 - Policy 20 – Design; and,
 - Policy 24 – Historic Environment.

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Environmental Health	No objections, subject to conditions for landfill gas, construction noise, watching brief for land contamination.
Highways	No objections, subject to conditions for parking spaces, construction details and drainage.
Tree Officer	No objections, subject to tree replacements on site and off site via 106 agreement.
Conservation Officer	No objections, following amendments to external materials.

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 as a minor development that could impact the character of the Conservation Area by means of neighbour notification letters, display of a site notice, and publication of a press notice.
- 8.2 In response, at the time of publication of this report no responses have been received.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 Policy 1 promotes development which supports the vitality and viability of designated Centres such as Oldham and residential uses in these areas can help support the shops and services they host. Furthermore, Policies 3 and 5 require that residential uses are in highly sustainable locations in respect of access to key services and public transport options. In this regard, the site is within a large village and for the purposes of Policy 5 the site is 'very highly accessible'.
- 9.2 The site lies within a sustainable location close to public transport and key services such as schools, retail and leisure. As such, the principle of housing in this location is acceptable.

10. IMPACT ON LOCAL CHARACTER (AND CONSERVATION AREA)

- 10.1 Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment. This is also reflected in Policy 20, which 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 the Council will protect, conserve and enhance these heritage assets and their settings which adds to the borough's sense of place and identity.
- 10.2 The pub building itself is grade II listed and the site is located within the Hey Conservation Area.
- 10.3 The site is bordered to the north and the west by post-war residential development, with the rear of the beer garden wrapping around to the south of the site with a cemetery backing onto this. To the east is a more historically prevalent residential terraced development and St John the Baptist Church.
- 10.4 From the historic maps present within the submitted Heritage Statement it is clear that development has historically been located upon the application site. Additionally, it is acknowledged that the existing car park is a negative contributor to the setting of the grade II listed public house and within Hey Conservation Area.
- 10.5 Other than the minor changes proposed to the fenestration (blocking up of one window and creation of a new window at first floor level) there are no notable changes proposed to the exterior of the building which would cause physical impacts on the character of the area.

- 10.6 The significance of the Conservation Area arises from both its aesthetic and illustrative value. The aesthetic value of the Area comes through from the general architecture and wide use of local stone'. Additionally, with regards to the setting of the Grapes, 'the surroundings here further add to this significance with buildings of a similar date and many constructed in a similar stone further enhance both the aesthetic and illustrative value of the listed building.
- 10.7 In regard to external materials, stone and render were originally proposed. Reference had been made to the white painted stone property on the corner of Beckett Street and St John Street setting a precedent for the use of white render. However, the white painted stone property and further partly rendered properties along Beckett Street do not positively contribute to the setting of the grade II listed public house or the conservation area. Therefore, on this basis the external material has been changed to stone which is now acceptable. A condition is attached to the recommendation requiring a sample of the external materials to ensure an appropriate match.
- 10.8 Furthermore, the original plans showed a mix of ground floor windows having a stone lintel and the first floor windows only having a stone sill, rather than all windows having either a lintel or/and sill. The window details have now been amended and the frame is also proposed as timber, both of which are acceptable.
- 10.9 Policy 24 states that development within conservation areas must serve to preserve or enhance the character or appearance of the area. However, given the very limited extent of alterations required to the exterior of the building to accommodate the proposed use, it is not considered there would be any harm caused to the character of the conservation area. In this context it is considered that the development accords with policies 20 and 24 of the Local Plan.

11. RESIDENTIAL AMENITY

- 11.1 Policy 9 states that the Council will seek to protect existing levels of amenity. As such, development proposals should not cause significant harm to neighbouring land uses through impacts including loss of privacy, safety and security, noise, pollution, access to daylight or other nuisances.
- 11.2 In respect of the amenity of future residents, the 'Technical housing standards – nationally described space standard' (NDSS) provides guidance to local planning authorities on the minimum standards expected to be achieved in new and converted residential developments. The proposed plans submitted along with details of building and room sizes confirm full compliance with the standards.
- 11.3 The application site will adjoin residential properties to the east and north, and the existing public house to the west. To the south is tree cover with further residential properties on Wrigley Street.
- 11.4 The residential amenity of occupants of the new properties would be acceptable in regard to light, outlook and garden sizes. The end gable first floor window to Plot 1 has been removed to ensure there is no amenity impact with regards to adjacent trees. This is now acceptable. Lastly, each property will be provided with a cycle storage area and new landscaping.
- 11.5 Whilst it is acknowledged that some disturbance may be experienced during the public house opening times, existing properties are sited in close proximity to the existing use and it is considered that the future amenity of occupiers would not be significantly

harmed. As such, is considered that the development accords with Policy 9 of the Local Plan.

12. HIGHWAY SAFETY

- 12.1 Policy 5 of the Local Plan requires that developments do not compromise pedestrian or highway safety and Policy 9 of the Local Plan states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users.
- 12.2 The National Planning Policy Framework explains that planning applications should only be prevented or refused on highways grounds if there would be:
- An unacceptable impact on highway safety; or,
 - Where the residual cumulative impacts on the road network would be severe.
- 12.3 The site is in a sustainable location with excellent links to public transport, opportunities for walking and cycling and access to a wide range of amenities. Each property will be provided with 2no off road parking spaces.
- 12.4 The site is in close proximity to two primary schools, St Edwards RC School and Hey with Zion Primary School. Oldham Council is currently working with both schools on developing a 'School Street' scheme. A 'School Street' is a road outside a school with restricted access for motorised traffic at school drop-off and pick-up times (times agreed with schools).
- 12.5 The site is located with access onto Medlock Way which will form part of a future School Street. At present it is understood that the application site car park is used informally as a drop-off and pick-up location for parents/carers to reduce congestion on Medlock Way. This is a private agreement between the schools and the public house owners.
- 12.6 As part of this application the number of car parking spaces on site at the current public house will be reduced from 32 parking spaces to 17 parking spaces. These 17 parking spaces will be retained for users of the public house.
- 12.7 Whilst it is acknowledged there will be a reduction in off road parking for the public house, the Council does not have adopted parking standards to secure a certain level of parking. The Transport Assessment submitted with the application discusses the impact of reduced parking and notes that this would not lead to severe impacts on the local highway network given the sites sustainable location and this is a view shared by the Council's Highways Engineer.
- 12.8 In relation to the School Street initiative, this is an ongoing project with Oldham Council that has secured funding for road closure measures at certain times. The resultant loss of car parking spaces for the current informal drop-off and pick-up arrangements are unfortunate, however it is important to note this is a private arrangement that does not guarantee any form of off road parking for parents. As the site is in private ownership, the car park cannot be specifically retained for the parking of vehicles for elsewhere outside the site.
- 12.9 The Council's Highways Engineer is satisfied that there will be no significant additional traffic generation or demand for parking to the detriment of highway safety in this location with current arrangements and therefore, raises no objections on highway safety grounds.

13. TREES & LANDSCAPING

13.1 The site lies within Heys Conservation Area whereby all the trees are afforded protection (by virtue of being sited within a conservation area).

13.2 Saved UDP Policy D1.5 (Protection of Trees on Development Sites) states that in determining a planning application for development of a site containing existing trees, or adjoining a site containing trees, the Council will only permit a proposal where:

- a) the development is designed, insofar as is reasonably practicable, to maximise the retention and continued health of the trees in question; and
- b) development comprising residential accommodation is positioned in relation to retained trees so as to avoid an unacceptable degree of overshadowing of both internal accommodation and garden areas.

In those cases where it is agreed that trees will be lost to accommodate the development, adequate replacement planting will be required as a condition of planning permission for the development.

Where trees are to be lost to development, the Council will require, as a minimum, replacement at a ratio of three new native trees for each mature or semi-mature tree lost. Where possible the replacement trees should be accommodated on or immediately adjoining the development site. In exceptional circumstances (e.g. certain small infill sites), where it is agreed that on-site replacement planting is not practicable, arrangements must be made for the planting of replacement trees on a suitable site in the wider locality through a section 106 planning obligation.

13.3 The proposed development would require the removal of 40no. trees which are subject to protection by virtue of their location within a conservation area. In order to consider this acceptable, tree replacements would be required at the minimum 3:1 tree replacement policy.

13.4 Of the 40 trees to be removed, 28 of those trees are classed as conifers. The Council's Tree Officer and Agent discussed the provision of replanting on site and given that the conifers are not like for like quality to the mature trees on site, an agreement was made to replace trees at 3:1 and conifers at 1:1.

Replacement calculation

40 trees – 28 conifers = 12 trees to be replaced.

12 trees at 3:1 policy = 36 trees

28 conifers at 1:1 = 28 trees

36 + 28 = 64 trees

21 trees to be planted on site

43 trees off site via 106 agreement

13.5 The Applicant's Agent has confirmed that the replanting of 21 trees will occur within the site boundary, and a financial contribution for the replacement of 43 trees is to be sought via a Section 106 Agreement. The Council's Tree Officer has raised no objection to this approach and, as such, the proposed development complies with the overarching aims and objectives of 'saved' UDP Policy D1.5.

14. CONCLUSION

- 14.1 The proposal is considered compliant with Development Management Policies 1, 9, 20 and 24 of the Oldham Local Plan, saved Policy D1.5 and guidance within the revised National Planning Policy Framework. It is therefore recommended that the application be approved, subject to the imposition of the conditions provided below.

15. 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 the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including the roof, gutters and windows have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details. 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. No dwelling shall be occupied until the access to the site and car parking spaces for the dwellings have been provided in accordance with the approved plans and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles. REASON - To ensure adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policies 5 and 9 of the Oldham Local Plan.
5. No development shall commence unless and until a site investigation and assessment into landfill gas risk and ground contamination has been carried out and the consultant's written report and recommendation have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition. REASON - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan.
6. Prior to the commencement of any part of the development hereby approved, details of the method of surface water and foul water drainage from the site shall

be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first occupation of the approved development and shall be maintained thereafter. REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to ensure that the site is satisfactorily drained having regard to Policy 19 of the Oldham Local Plan.

7. Prior to the commencement of any part of the development hereby approved, including site clearance, excavation or construction works or the entry of vehicles or plant into the site, all existing retained trees and hedges on and adjacent to the site, other than those indicated for removal on the approved plans, shall be physically protected from damage by plant, equipment, vehicles, excavation, deposit of excavated material and any other cause. This shall be achieved by the erection of 2.3 m high fencing using vertical and horizontal scaffolding poles, or other stout fencing to Local Authority approval with the uprights driven well into the ground, erected in accordance with BS5837:2005, outside the canopy. The fencing shall be maintained for the duration of the development operations and no operations or storage whatsoever shall take place within the fenced protection areas. REASON - Prior approval of such details is necessary to protect existing trees and hedges having regard to saved Policy D1.5 of the Unitary Development Plan.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no additional windows or other openings shall be formed in any side elevation of the property without the prior written approval of the Local Planning Authority. REASON - To protect the amenity of occupiers of nearby property having regard to Policy 9 of the Oldham Local Plan.
9. Prior to the commencement of any part of the development hereby approved, the details of 21 trees to be planted on site shall be submitted to and approved in writing by the Local Planning Authority. All planting shall then 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.

SITE LOCATION PLAN (NOT TO SCALE):

