

APPLICATION REPORT - VAR/353105/24
Planning Committee 18th September 2024

Registration Date: 16th July 2024
Ward: Saddleworth South

Application Reference: VAR/353105/24
Type of Application: Full (variation of condition)

Proposal: Variation of condition number 4 (opening times) and 9 (Toilet) relating to application number VAR/351244/23 to the hours of 09:00 - 19:00 Monday to Wednesday including Bank Holidays and 09:00 - 21:30 Thursday to Sunday.

Location: Greenes Bistro, King George V Playing Fields, Uppermill.

Case Officer: Sophie Leech
Applicant: Mr R Scholes
Agent: Mr M Jones

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee as site is council-owned land and there have been objections to the proposed development.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to the conditions set out in this report and that the Assistant Director for Planning, Transport & Housing Delivery 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.

4. THE PROPOSAL

- 4.1 Permission is sought to vary condition number 4 (opening times) and 9 (Toilet) relating to application number VAR/351244/23.

The current opening hours for the bistro and public toilet are as follows:

- 09:00 – 19:00 Monday to Sunday including Bank Holidays

The proposed opening hours for the bistro and public toilet are as follows:

- 09:00 - 19:00 Monday to Wednesday including Bank Holidays
- 09:00 - 21:30 Thursday to Sunday.

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
- 5.3 VAR/351244/23 - 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 café – Approved 20.09.23

6. RELEVANT PLANNING POLICIES

- 6.1 Policy 9 of the Joint Core Strategy and Development Management Policies DPD sets out that the Council will protect and improve local environmental quality and amenity by ensuring development does not cause significant harm to the amenity of the occupants and future occupants; by ensuring there is no significant harm on neighbouring privacy and outlook, and lastly by ensuring there is no significant loss of light.

7. CONSULTATIONS

- 7.1 Environmental Health – No objections – no noise complaints have been received since the business opened.

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 means of neighbour notification letters, site notice and press notice.

- 8.2 4 objections have been received and are summarised below:

- The music is already a nuisance;

- Doors slam shut constantly;
- Longer hours will cause more noise;
- Bin emptying causes noise;
- Alarms are always going off;
- Lack of off road parking for more customers;
- Noise from customers leaving late at night;
- Existing establishments in Uppermill already cater for late night trade;
- One toilet is not enough on site; and,
- Extended times will encourage different kinds of patrons

ASSESSMENT OF THE PROPOSAL

9. RESIDENTIAL AMENITY

- 9.1 In terms of safeguarding existing amenity levels, amongst other criteria, Development Management Policy 9 stipulates that proposed development should not cause significant harm to the amenity of the occupants and future occupants of the development or to existing and future neighbouring occupants or users through impacts on loss of privacy, safety and security, noise, pollution, the visual appearance of an area and access to daylight or other nuisances.
- 9.2 The purpose of the application is to seek permission to extend the permitted opening hours of the café use from 7pm until 9.30pm for Thursdays to Sundays, so that Grandpa Greene's can take advantage of the evening trade. It is also proposed to update the opening hours of the public toilet to reflect that of the café.
- 9.3 The site lies within close proximity of the district centre and to residential properties. It is accepted that the total number of comings/goings to the bistro would increase with extended opening hours between Thursday and Sunday.
- 9.4 The Council's Environmental Health department have been consulted and confirm that there have been no formal noise complaints made from local residents in regard to noise or daily operations of this business. On this basis, the application must be considered on its own merits having regard to the opening hours proposed for both the café and toilet.
- 9.5 Several objections raise overall noise from the site as an ongoing issue and that the increase in opening hours would cause more pressure for parking around the site. Many businesses operate successfully in Uppermill and do not benefit from off road parking due to the nature of the historic village. It is acknowledged that the increase in opening hours for the café and toilet over four days out of seven may lead to additional noise, however it would not be dissimilar to activity that already exists in Uppermill especially during the night-time economy.
- 9.6 In regard to the point raised about only one toilet within the site, the public toilet is for public use only as the café has its own toilets inside, therefore during the evening there may not be any additional impact on usage of the toilet as customers would be using facilities inside the building.
- 9.7 Any other matters in relation to air conditioning, extraction or persistent alarms can be reported to the Council's Environmental Health team for action as these matters fall outside the scope of planning matters.

- 9.8 In line with the Council's requirement to support the local economy, the Agent states that the business has achieved successful daytime trade and customers have expressed an interest in having a meal at Greene's Bistro, in the same way as it takes place at other businesses in Uppermill.
- 9.9 Therefore, it is considered that the proposed opening hours of the café and toilet would not cause a significant detrimental impact to neighbouring residents, and is therefore in accordance with Policy 9.
- 9.10 Given the above assessment, the proposed development is acceptable having regard to Policy 9 of the DPD.

10. CONCLUSION AND RECOMMENDATION

- 10.1 The proposal accords with the objectives of both the Local Plan and the NPPF and as such is recommended for approval, subject to the following conditions:

11. 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 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.
3. The use hereby permitted shall only be open to members of the public/customers during the following hours: 09:00 - 19:00 Monday to Wednesday including Bank Holidays and 09:00 - 21:30 Thursday to Sunday. REASON - To safeguard the amenity of the neighbouring occupiers having regard to Policy 9 of the Oldham Local Plan.
4. 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.
5. 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 JP-P1 of the Places for Everyone Plan (2024).
6. 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.
7. 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 and 21 of the Oldham Local Plan and Policy JP-G7 of the Places for Everyone Plan (2024).

8. 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 of 09:00 - 19:00 Monday to Wednesday including Bank Holidays and 09:00 - 21:30 Thursday to Sunday. REASON - To provide a community facility having regard to Policy 2 of the Oldham Local Plan.
9. 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 and 23 of the Oldham Local Plan and Policy JP-P1 of the Places for Everyone Plan (2024).

SITE LOCATION PLAN (NOT TO SCALE):

