

**APPLICATION REPORT – VAR/350629/23**  
**Planning Committee 23<sup>rd</sup> August 2023**

Registration Date: 07/03/2023  
Ward: Medlock Vale

Application Reference: VAR/350629/23  
Type of Application: Full (Variation of condition)

Proposal: Variation of condition No 4 (Landscaping) relating to approved application RES/346214/21.

Location: St. Cuthberts Church, Tanners Fold.

Case Officer: Abiola Labisi  
Applicant: Mr. Jon Walker  
Agent: Mr Steven Winterbottom

**1. INTRODUCTION**

- 1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as the proposal relates to an amendment to a Major planning application that was determined by the Planning Committee.

**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 site comprises of the former St. Cuthberts Church, Tanners Fold, Oldham and measures approx. 1.2 ha in size. In relation to topography, the site is on a relatively higher level than surrounding lands to the west, north and east and is accessed off Tanners Fold.
- 3.2 Following permission granted under planning ref. RES/346214/21, the church building and vicarage have since been demolished and the site has now been redeveloped into a residential estate.
- 3.3 The site is within a predominantly residential area and it is noted that the new dwellings on site have now been occupied.

**4. THE PROPOSAL**

- 4.1 The application relates to a variation of condition No 4 (Landscaping) relating to approved application RES/346214/21 under which permission was granted for the approval of reserved matters including appearance, landscaping, layout and scale following outline planning permission ref PA/344067/19 for 24 dwellings.

- 4.2 Condition 4 of RES/346214/21 states: All hard and soft landscape works shall be carried out in accordance with the approved plan (Ref: M4750.P.10 Rev B) prior to the occupation of any part of the development or in accordance with a programme to be approved in writing by the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority. REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.
- 4.3 The variation sought to the above condition is to allow for the omission of a total of three trees along Tanners Fold road frontage. To make up for the trees to be omitted along the road frontage, two additional trees would be planted within the site. The omission of the trees from the road frontage has been necessitated by the need to avoid a United Utilities easement which runs along the frontage of Plots 21 – 24

## **5. PLANNING HISTORY**

- 5.1 Planning ref. PA/344067/19 - Outline application for the re-development of the St Cuthbert Church site (to include the demolition of all existing buildings) and erection of up to 24 dwellings. Access to be considered all other matters reserved. This was approved subject to a S106 legal agreement on 30/03/2021. It is noted that the S106 contribution of £18,434.00 has been paid.
- 5.2 Planning ref. RES/346214/21 - Application for approval of reserved matters including appearance, landscaping, layout and scale following outline planning permission ref PA/344067/19 for 24 dwelling. This was approved on 03/09/2021.

## **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 1 - Climate Change and Sustainable Development;
  - Policy 3 – An Address of Choice;
  - Policy 5 - Promoting Accessibility and Sustainable Transport;
  - Policy 9 - Local Environment;
  - Policy 10 – Affordable Housing,
  - Policy 11 - Housing; and,
  - Policy 20 – Design.

## 7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Tree Officer	Formal response received. No objection raised.

## 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 major development by neighbour notification letters, display of a site notice, and publication of a press notice.

8.2 In response, one representation has been received raising the following (summarised) issues:

- i. Loss of privacy (addressed under para 13.2 below)
- ii. Flooding of neighbouring garden

With regard to the second objection issue referred to above, whilst the objector has provided some evidence of surface water draining onto neighbouring lands from the application site, this matter has however not been considered under this application as it is not relevant to the subject matter of the application (variation of landscaping condition) neither would the proposal lead to surface water drainage issues.

## 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 and is located within a predominantly residential area.

9.2 The site is also subject of a previous planning application reference RES/346214/21 which was for approval of reserved matters including appearance, landscaping, layout and scale following outline planning permission ref PA/344067/19 for 24 dwelling. This was approved on 03/09/2021 and constitutes a material consideration in the assessment of the current proposal.

9.3 Significantly, following the grant of permission under RES/346214/21, the site now accommodates 24 dwellings. Having regard to these considerations the principle of development is acceptable.

### 10. RESIDENTIAL AMENITY

10.1 Having regard to the requirements of Policy 9 the impact of the development on surrounding residents needs to be considered alongside ensuring that the proposals provide suitable accommodation for future occupiers.

10.2 Whilst the application relates to an amendment to the approved scheme for a residential development, the proposed amendment does not however affect the design

or layout of the houses. The amendment only relates to the approved landscaping and therefore, having regard to the nature of the proposed amendment, it is considered that the proposal would not lead to any significant adverse impact on the residential amenity of the occupiers of neighbouring properties.

- 10.3 In respect of suitable accommodation for the future occupiers of the development, it should be noted that the proposal does not affect the approved design, size and layout of the dwellings. The approval granted under RES/346214/21 has established that the scheme would provide suitable accommodation for future occupiers and as the current proposal would not affect the design, size and layout of the approved dwellings, it is considered that the proposal would not detract from the amenity of the future occupiers, in so far as suitable accommodation is concerned.
- 10.4 As such, the proposal would not be contrary to the requirements of Policy 9 of the Oldham Local Plan.

## **11. DESIGN AND INTEGRATION WITH LOCAL CHARACTER**

- 11.1 The proposed amendment does not affect the approved design of the development. In terms of the amenity of the area, whilst the variation sought to the approved landscaping scheme would lead to the loss of three trees along Tanners Fold, it is noted that two additional trees would be planted within the site. The omission of the trees along Tanners Fold is to avoid a United Utilities easement in the area. The omission would ensure that access to United Utilities' assets is not hindered
- 11.2 As the proposal would not affect the approved design and with it only leading to the net loss of a single tree within the site, it is considered that the proposal would not lead to any significant adverse impact on the local character of the area.
- 11.3 Significantly, the proposal has been reviewed by the Council's Tree Officer and they have not raised any objection to the proposed variation of the approved landscaping scheme.

## **12. HIGHWAY SAFETY**

- 12.1 The proposal would not lead to any detrimental highway issues.

## **13. RESPONSE TO ISSUES RAISED IN LETTER OF OBJECTION**

- 13.1 The issues raised in the letter of objection relate to impact on privacy and drainage. The objector's property is located to the rear of the site and the objector states that the trees planted along the common boundary are not enough to protect their privacy.
- 13.2 The proposed amendments to the approved landscaping scheme do not affect the trees to be planted along the rear boundary and as such, the current scheme would not impact on the privacy of the objector.

## **14. CONCLUSION**

- 14.1 The proposed amendment to the landscaping scheme approved under the Reserved Matters application ref. RES/346214/21 would not lead to any significant adverse

impact on the character and amenity of the local area neither would it impact adversely on the residential amenity of the occupiers of neighbouring properties.

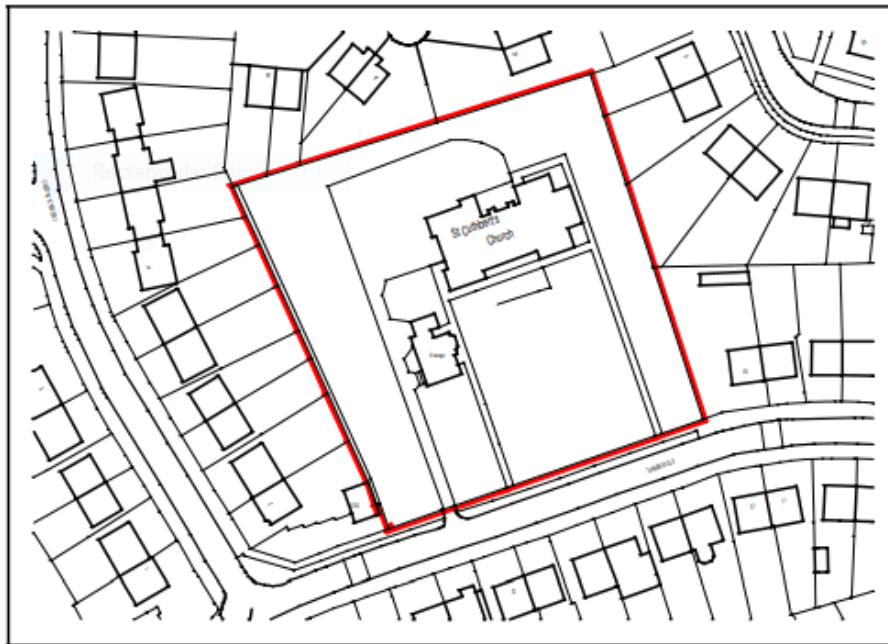
- 14.2 As such, the variation would be in accordance with relevant provisions of Policies 9 and 20 of the Oldham Local Plan.

## **15. 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 RES/346214/21 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/347652/21 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. No dwelling shall be occupied until the access to the site and the car parking space for that dwelling have been provided in accordance with the details approved under planning ref. CND/347652/21. 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.
4. All hard and soft landscape works shall be carried out in accordance with the approved plan (Ref: M4750.P.10 Rev D) prior to the occupation of any part of the development or in accordance with a programme to be approved in writing by the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority. REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9, 20 and 21 of the Oldham Local Plan, and saved Policy D1.5 of the Unitary Development Plan.
5. 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 Classes A, AA, B or E of Part 1 of Schedule 2 shall be carried out within Plots 8 to 17 inclusive unless written permission is granted by the Local Planning Authority. REASON - The excluded types of development would not be appropriate without full assessment due to the relative levels between existing and proposed dwellings having regard to Policies 9 and 20 of the Oldham Local Plan.
6. The development hereby approved shall be carried out and maintained in accordance with the physical security specifications set out in Section 4 of the submitted Crime Impact Statement Version A: 26th March 2021 - Ref: 2019/0947/CIS/01. REASON – To ensure a safe form of development in accordance with Policy 9 of the Oldham Local Plan.

7. The development shall be implemented and maintained in accordance with the surface water drainage details approved under planning ref. CND/347645/21. REASON - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution having regard to Policy 19 of the Oldham Local Plan.
8. The development shall be implemented and maintained in accordance with the land contamination remediation strategy approved under planning ref. CND/347645/21. REASON - To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of pollution having regard to Policy 9 of the Oldham Local Plan.
9. Prior to any part of the development being occupied, a verification report demonstrating the completion of works set out in the land contamination remediation strategy approved under planning ref. CND/347645/21, and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. REASON - To ensure that the site does not pose any further risk to human health or the water environment having regard to Policy 9 of the Oldham Local Plan.
10. The development shall be implemented and maintained in accordance with the biodiversity enhancement scheme approved under planning ref. CND/347645/21. REASON - To ensure the protection and enhancement of features and species of ecological interest having regard to Policy 21 of the Oldham Local Plan, and to the Wildlife and Countryside Act 1981.
11. The development shall be implemented and maintained in accordance with the details set out within the Energy Statement approved under planning ref. CND/347645/21. REASON - To ensure that the development accords with the provisions of Policy 18 of the Oldham Local Plan.

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



**LOCATION PLAN**