

***TRAFFIC REGULATION ORDER PANEL
Regulatory Committee
Agenda***

Date Thursday 21 January 2021

Time 5.30 pm

Venue Virtual meeting

https://www.oldham.gov.uk/info/200608/meetings/1940/live_council_meetings_online

- Notes
1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Constitutional Services in advance of the meeting.
 2. CONTACT OFFICER for this Agenda is Constitutional Services email constitutional.services@oldham.gov.uk
 3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Monday, 18 January 2021.
 4. FILMING – This meeting will be recorded for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be recorded, except where there are confidential or exempt items and the footage will be on our website. This activity promotes democratic engagement in accordance with section 100A(9) of the Local Government Act 1972.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

MEMBERSHIP OF THE TRAFFIC REGULATION ORDER PANEL IS AS FOLLOWS:

Councillors C. Gloster, Murphy, Davis (Chair) and Surjan

Item No

- 1 Apologies For Absence
- 2 Urgent Business
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest



To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.

4 Public Question Time

To receive Questions from the Public, in accordance with the Council's Constitution.

5 Minutes of Previous Meeting (Pages 1 - 6)

The Minutes of the Traffic Regulation Order Panel held on 26th November 2020 are attached for approval.

6 Proposed Stopping Up of Footpaths - Land Adjacent to Former Chadderton Sports Centre (Pages 7 - 12)

The purpose of this report is to approve the stopping up of footpaths that cross land adjacent to the former Chadderton Sports Centre, Chadderton, for the purpose of developing the area into a car park facility for a new conference / exhibition centre and restaurant



TRAFFIC REGULATION ORDER PANEL
26/11/2020 at 5.30 pm

Present: Councillor Davis (Chair)
Councillors C. Gloster, Murphy and Surjan

Also in Attendance:

Alan Evans	Group Solicitor
Gary Sutcliffe	Unity Highways
Kaidy McCann	Constitutional Services

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

Public questions had been received from Mr Paul Holland:

Question 1 – “Does the council/TRO Panel accept that many roads in the borough are restricted to a single flow of traffic by parking on both sides of the road and why are some areas targeted and others are not? If so, why are some areas actively targeted and others not?”

The Chair read the following response:

“The Council accepts that many roads in the Borough are restricted to a single flow of traffic by parking on both sides of the road.

The Council, as Highway Authority has a Statutory duty to investigate these locations particularly where there are road safety and or traffic management / congestion concerns and where possible take action to mitigate or remove the problem.

It must be stressed that drivers have no right to park on the public highway and the Highway Authority must be able to exercise its powers to maintain the safe and efficient movement of traffic across its network.

Interventions are prioritised across the network with the classified routes in the Borough (A and B roads) given the greatest priority owing to the volumes of traffic and the level of vulnerable road user activity (pedestrians and cyclists etc).”

Question 2 - Does the council/TRO Panel accept that Unity Partnership has a vendetta against areas where TRO's have been rejected and in some cases has continued these for 9 years?

The Chair read the following response:

“The Council does not accept this comment.”

Question 3 – “What environmental factors are considered when evaluating and comparing speed surveys taken during these unprecedented times to previous “normal” speed surveys? What is the estimation of impact that halving the traffic volume on all roads would reduce overall speed on roads due to less holdups and free flowing traffic? Also are new speed reduction signs a major contributing factor to the reduction in speed and if they were non functional at a prior speed survey, can this be accepted as a like for like comparison? Would speed surveys taken at different times of year e.g. when schools are open/closed be regarded direct comparisons?”

The Chair read the following response:

“The two traffic surveys that were undertaken were carried out in accordance with standard (national and TfGM) procedures and took place for 24 hours over a 7-day period and included peak periods during the day and evening / overnight. On this occasion two surveys were carried out, one pre Covid and the other after the first lockdown.

There is little difference between the two surveys with a variance of around 3mph.

The VAS signs have been recently repaired. These devices are advisory and are not part of a process that can issue penalty points to drivers. The devices can and do have a positive effect on drivers behaviour but are not a silver bullet.”

Question 4 – “Why is evidence/comments submitted to Unity Partnership that alleged breaches are by requestors households not disclosed to the Councillors for comments?”

The Chair read the following response:

“Unity Partnership has followed the Strict TRO Panel protocols and these assertions are refuted.”

Question 5 – “Does any member of the TRO Panel, any Councillor or any employee at Unity Partnership have any relationship of any kind with any residents on the North Side of Denshaw Road and if so has this been Declared?”

The Chair read the following response:

“No TRO Panel members or Unity employees have relationships with the residents on the north side of Denshaw Road.”

Question 6 – “Does the council accept that poorly designed traffic management plans are not re-evaluated when further schemes are planned as this would show failure?”

The Chair read the following response:

“The Council does not accept this allegation. The effects of Traffic Regulation orders are monitored and in some cases, proposals are modified or adjusted following feedback.”

Question 7 – “Does the Council/TRO panel acknowledge that Experimental Traffic Regulation Orders are used as a method of bypassing due process and removing the need for public consultation and are used when proposed TRO’s have been previously defeated.”

The Chair read the following response:

“The Council does not accept that Experimental Traffic Regulation Orders are used as a method of bypassing due process. Experimental TRO’s are often used to test a proposals efficacy and to gain an understanding of the merits (or not) of a permanent TRO that will have long term effects.”

Public questions had been received from Mrs Claire Holland:

Question 1 – “Why have the Council published a further report (dated 17th November 2020) with full details of their recommendations and evidence in support without engaging with local residents directly affected by the proposals as they have promised to do on several occasions?”

The Chair read the following response:

“This is the TRO objections process.

The proposals are presented alongside the objections to them alongside in the accompanying TRO Panel report.”

Question 2 – “What provisions are there for those directly affected by proposed schemes, to consider any objections raised and consider any further reports prior to the issue being put to the TRO panel for a final decision?”

The Chair read the following response:

“The TRO Panel will consider the objections and will make a decision at the meeting to reject or uphold the objections. The decision of the Panel will be final.”

Question 3 – “Why was the Council’s initial report on the proposed scheme dated 15th November 2018 not released until 15th July 2019, some 8 months later? What are the normal timescales for such publications to be released?”

The Chair read the following response:

“This is the TRO objections process.”

Question 4 – “Why do those members of the public who are directly affected by the proposals only get 3 WORKING days to raise any questions prior to the matter being heard at the TRO panel?”

The Chair read the following response:

“This is the TRO objections process.”

RESOLVED that the public questions and responses provided be noted.

5 **MINUTES OF PREVIOUS MEETINGS**

RESOLVED that the minutes of the meetings held on 24th September 2020 and 12th October 2020 be approved as a correct record.

6 **OBJECTIONS TO PROPOSED PROHIBITION OF WAITING
- DENSHAW ROAD, DELPH**

The Panel gave consideration to a report regarding objections received to the introduction of double yellow lines along Denshaw Road, Delph.

Complaints had been received from local residents on the Northerly side of the road that their driveway access was regularly obstructed and pedestrians were being forced to walk further into the carriageway in conflict with moving vehicles. Observations confirmed that residents could park their vehicles in the additional available space on the South side of Denshaw Road between the school and their properties which meant residents would have to walk a short distance of up to 100 metres to and from their property.

The proposal had been approved under delegated powers on 3rd December 2018 and subsequently advertised. Eleven letters of objection had been received from local residents. The basis of the objections was that there was a lack of on-street parking for residents in the terraced properties and a perceived speeding problem resulting from the removal of the bottleneck previously created by parked vehicles on both sides of the road that now allowed traffic to flow freely at higher speeds.

In light of the objections, it was acknowledged that properties similar to the ones located on the South side of Denshaw Road were throughout the Saddleworth area, however purchasers might not have given enough consideration to where their vehicles would be kept when they are not in use as privilege parking could be removed at any time. Speed and Volume surveys were undertaken in June/July 2019 and July 2020 showed that the average speed of traffic in all directions were

32.2mph and 29.3mph respectively resulting in the concerns of the residents not being realised.



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Options considered.

Option 1: To approve the experimental order be made permanent.

Option 2: Not to approve a permanent order and allow the obstructive parking to resume.

RESOLVED that, notwithstanding the objections received, the double yellow lines be introduced as detailed in the report.

7

LOMAS STREET, FAILSWORTH - OBJECTION TO TRAFFIC REGULATION ORDER

The Panel gave consideration to a report regarding objections received to the introduction of double yellow lines along Lomas Street, Failsworth.

Complaints had been received from NatWest bank that the car park was regularly being obstructed and bank employees who used the car park were experiencing verbal abuse from the drivers of the parked vehicles. Observations and discussions with the NatWest Bank confirmed that a reduction to the length of double yellow lines to one side of the road would allow the bank access to their car park which would leave a small amount of on-street parking available.

The proposal had been approved under delegated powers on 17th December 2019 and subsequently advertised. One letter of objection had been received from a nearby business. The basis of the objection was that there was a lack of on-street parking for customers who would struggle to find alternative parking nearby.

In light of the objections, it was acknowledged that the length of restrictions could be reduced and access protection marking at the car park entrance could be introduced to ensure parking did not obstruct access.

Options considered.

Option 1: Introduce the original proposal and remove all on-street parking to the detriment of other businesses.

Option 2: Do nothing and let the obstructive parking continue.

Option 3: Amend the proposal and introduce restrictions on one side of the road only.

RESOLVED that, notwithstanding the objections received, the double yellow lines be amended as detailed in the report.

8

PUBLIC PATH DIVERSION ORDERS - DIVERSION OF DEFINITIVE FOOTPATHS 118 AND 185 SADDLEWORTH (PART), AT THE OLD VICARAGE, STREETHOUSE LANE, DOBCROSS AND AT MOUNT SORREL, MOUNT LANE, DOBCROSS

The Panel gave consideration to a report which sought approval to the making of a Combined Diversion, Modification of Definitive Map and Statement Order for Footpaths 118 Saddleworth (part) and 185 Saddleworth (part) at The Old Vicarage, Streethouse Lane and Mount Sorrel, Mount Lane, Dobcross.



An application had been received from the owner of The Old Vicarage and Mount Sorrel for the diversion of 118 Saddleworth that passed through the physical buildings of The Old Vicarage and 185 Saddleworth that passed through the proposed development and garden of Mount Sorrel. In light of draft guidance on public rights of way passing through gardens and a new development, it was considered that in the interest of the resident and footpath users, the footpath should be diverted as users would not feel comfortable following a path that could infringe on the privacy of a house owner. The new alignment would take the paths away from any buildings and across farm fields.

RESOLVED that:

1. A Combined Public Path Diversion Order for the diversion of Footpath 118 Saddleworth (part) pursuant to Section 119 of the Highways Act 1980 and a Combined Public Path Diversion order for the diversion of Footpath 185 Saddleworth (part) pursuant to s257 Town & Country Planning Act 1990 as detailed in the report be agreed and officers be authorised to carry out the necessary procedures with a view to confirming the Order in the event that no objections are made to the Order.
2. A Modification Order to the Definitive Map and Statement for Footpaths 118 (part) and 185 (part) be agreed as detailed in the report.

The meeting started at 5.30 pm and ended at 6.28 pm



Report to TRO Panel

Proposed Stopping Up of Footpaths – Land Adjacent to Former Chadderton Sports Centre

Portfolio Holder:

Councillor B Brownridge, Cabinet Member for Neighbourhood and Culture

Officer Contact: Deputy Chief Executive – People and Place

Report Author: Sarah Robinson, Traffic Engineer

Ext. 4377

21 January 2021

Reason for Decision

The purpose of this report is to approve the stopping up of footpaths that cross land adjacent to the former Chadderton Sports Centre, Chadderton, for the purpose of developing the area into a car park facility for a new conference / exhibition centre and restaurant.

Recommendation

It is recommended that the footpaths detailed in the schedule at the end of this report be stopped up under powers contained in section 257 of the Town and Country Planning Act 1990

Proposed Stopping Up of Footpaths – Land Adjacent to Former Chadderton Sports Centre**1 Background**

- 1.1 MCS Commercial Investments Ltd have purchased the former Chadderton Sports Centre and the adjacent land and have obtained Planning consent for conversion to a conference / exhibition centre and restaurant with associated car parking, Planning Application PA/339179/16 refers.
- 1.2 The area to be designated as car park is the large grassed area adjacent the former sports centre building, however, running through the site are a series of footpaths which connect Milne Street with Middleton Road, which are currently used by members of the public. The footpaths require stopping up due to the change in use of land, consequently an application has therefore been received from MCS for the footpaths to be stopped up.
- 1.3 The removal of the footpaths will not be detrimental to pedestrians as the existing footways along Milne Street and Middleton Road are open for use.

2 Options/Alternatives

- 2.1 Option 1: To approve the recommendation
- 2.2 Option 2: Not to approve the recommendation

3 Preferred Option

- 3.1 The preferred option is Option 1

4 Justification

- 4.1 As planning consent has been granted for the car park area, the footpaths running through the site should be stopped up as the routes cannot be accommodated within the car park layout.

5 Comments of Chadderton North Ward Councillors

- 5.1 The Ward Councillors have been consulted and Councillors B Brownridge, Councillor M Ali and Councillor F Haque have no objection to the proposal.

6 Financial Implications

- 6.1 The applicant has paid the standard Stopping Up fee of £2,620. This fee covers the costs of advertising, site notices and administration incurred by the Council.
- 6.2 All costs will be met from the Highways Unity Budget. There is adequate funding within the 2020/21 revenue budget to meet this charge. (Nigel Howard)

7 **Legal Services Comments**

- 7.1 Section 257 of the Town and Country Planning Act 1990 enables the Council to authorise the stopping up or diversion of any footpath or bridleway if it is satisfied that it is necessary to stop up or divert the footpath or bridleway in order to enable development to be carried out in accordance with planning permission granted under the Act. In the event of objections the application will be referred to the Secretary of State who must be satisfied that it is necessary to stop up or divert the footpath or bridleway and who has a discretion as to whether to confirm the stopping up/diversion. In the exercise of that discretion the Secretary of State is obliged to take into account any significant disadvantages or losses flowing directly from the stopping up/diversion which have been raised and must also take into account any countervailing advantages to the public, along with the planning benefits and the degree of importance attached to the development. He must then decide whether any such disadvantages or losses are of such significance or seriousness that he should refuse to confirm the stopping up/diversion. (A Evans)

8 **Co-operative Agenda**

- 8.1 In respect of this proposal there are no Co-operative issues or opportunities arising and the proposals are in line with the Council's Ethical Framework.

9 **Human Resources Comments**

- 9.1 None.

10 **Risk Assessments**

- 10.1 None.

11 **IT Implications**

- 11.1 None.

12 **Property Implications**

- 12.1 None.

13 **Procurement Implications**

- 13.1 None.

14 **Environmental and Health & Safety Implications**

- 14.1 Energy – Nil.

- 14.2 Transport – Nil.

- 14.3 Pollution – Nil.

- 14.4 Consumption and Use of Resources – In accordance with current specifications

- 14.5 Built Environment – Alteration to visual appearance of area.

14.6 Natural Environment – Nil.

14.7 Health and Safety – Nil.

15 **Equality, community cohesion and crime implications**

15.1 None.

16 **Equality Impact Assessment Completed?**

16.1 No.

17 **Key Decision**

17.1 No.

18 **Key Decision Reference**

18.1 Not applicable.

19 **Background Papers**

19.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act :

None.

20 **Proposal**

20.1 It is proposed that the footpaths detailed in the following schedules be stopped up under powers contained in Section 257 of the Town and Country Planning Act 1990 and in accordance with drawing number 764 / A4 / 223 / 1.

Footpaths to be Stopped Up

Length A – C

Commencing from Point A, located 47 metres north north-east of the reference point at the north easterly radius of the Middleton Road / Milne Street junction for a distance of 21 metres in a generally south south-westerly direction to point C which is located 27 metres north east from the reference point at the north easterly radius of the Middleton Rd / Milne St junction.

Length B – C

Commencing from Point B located on Milne Street, 24 metres north north- east of the reference point at the north easterly radius of the Middleton Rd / Milne St junction for a distance of 8 metres in a generally east south-easterly direction to the said point C.

Length C – E

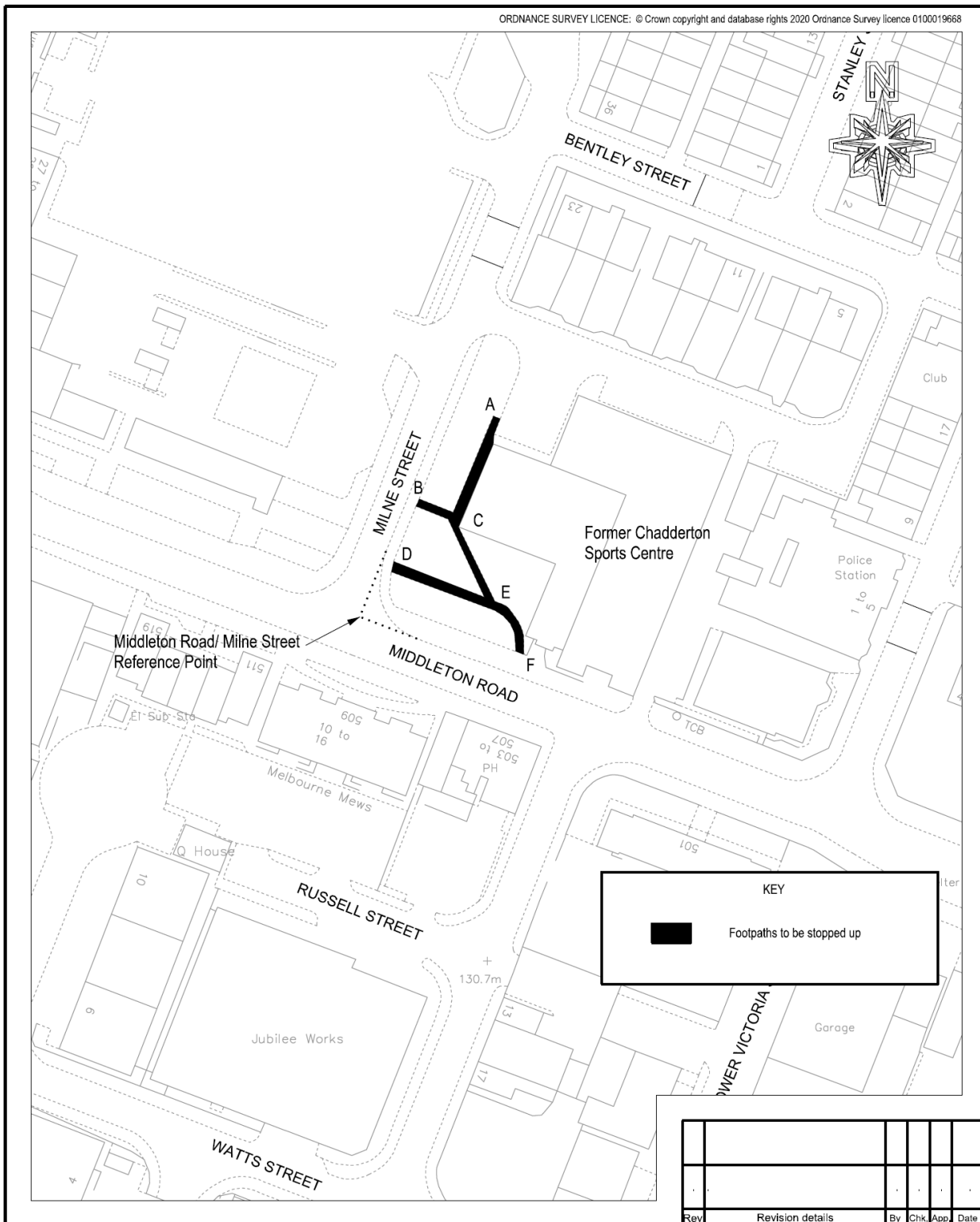
Commencing from the said Point C for a distance of 17 metres in a south easterly direction to Point E, located 25 metres east north-east of the reference point at the north easterly radius of the Middleton Rd / Milne St junction.

Length D-E

Commencing from point D located on Milne Street 11 metres north north-east of the reference point at the north easterly radius of the Middleton Rd / Milne St junction to the said point E.

Length E- F

Commencing from the said point E for a distance of 12 metres in a generally south easterly direction to Point F located on Middleton Road 31 metres from the reference point at the north easterly radius of the Middleton Rd / Milne St junction.



	Client Oldham MBC		Revision details		By	Chk	App	Date
	Project File Ref TM2/245		Title Stopping up of Footpaths at the former Chadderton Sports Centre					
	Drawn by RW	Date 12-20	Purpose of issue information					
Checked by SR		Date 12-20	Scale at A4 size 1:1000		Drawing No. 764/A4/223/1		Rev.	
Approved by GS		Date 12-20						

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