

TRAFFIC REGULATION ORDER PANEL
19/01/2023 at 5.30 pm



Present: Councillor C Gloster (Vice-Chair)
Councillors C. Gloster (Vice-Chair), Salamat and Woodvine

Also in Attendance:

| | |
|--------------|--------------------------|
| Alan Evans | Group Solicitor |
| Paul Rogers | Constitutional Services |
| Andy Cowell | Highways and Engineering |
| Liam Kennedy | Highways & Engineering |

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Bashforth.

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**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 29th September 2022 be approved as a correct record.

Due to the considerable attendance of the public, the Committee agreed to consider item no.10 as the next order of business.

6 **DEFINITIVE MAP AND STATEMENT MODIFICATION
ORDER S53 – WILDLIFE AND COUNTRYSIDE ACT 1981.
CLAIM TO REGISTER A PUBLIC FOOTPATH BETWEEN
DOBCROSS NEW ROAD AND MOW HALLS LANE,
DOBCROSS**

The Council has received an Application in respect of the application route which is claimed as a Footpath through use of the route by the public for more than 20 years. Applications based on use by the public for more than 20 years must meet the legal tests for use 'as of right', which means use without secrecy, without force and without the permission of the landowner. The Application is supported by User Evidence Forms, completed by 34 individuals who claim to have used the application route for periods ranging between 23 and 70 years until the bridge closure in 2015 without challenge, although some user evidence forms claim continued use until 2019. The application route is not recorded on the Definitive Map and Statement for the area and was not identified on either the draft or provisional maps prepared in the early 1950's. The evidence in support of and against the Application must be considered

and the Application determined in line with legal requirements as described in paragraph 1.3 of this report.



The Panel received a late submission from the Wednesday Walkers Club in favour of the application which identified that the route had been included in the Tame Valley Trail laid out by the former Greater Manchester County Council in the late 1970s.

Options considered:

Option 1: To approve the application and add the claimed route to the Definitive Map and Statement as a footpath.

Option 2: Not to approve the application.

The Panel were advised that if they agreed that the use of the claimed route had been with permission of the Council (the officer view), use of the route would not meet the legal test for use 'as of right' and therefore the application should be refused. Alternatively if the Panel considered that the establishment of the Tame Valley Trail through Council owned land which the public were invited to use for recreation purposes could be considered to constitute an acceptance by Oldham Council (as landowner) of the public's right to use the claimed route for highway purposes, the application should be allowed.

Resolved: that

- 1.the Application submitted under Schedule 14 of the Wildlife and Countryside Act 1981 (the 1981 Act), requesting that a Modification Order be made in respect of a route running between Dobcross New Road and Mow Halls Lane, Dobcross (the application route), which is shown on location plan 764/A4/235/1 be approved and a Modification Order be made as the Panel agrees that the establishment and use of the Tame Valley Trail for over 20 years constitutes the acceptance by Oldham Council of the public's right to use the claimed route for highway purposes, thereby meeting the legal test of 20 years use of the claimed route 'as of right'
2. 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.

The applicant for the application attended the meeting and addressed the Committee on the application.

Councillor Lancaster attended the meeting as Ward Councillor and spoke in favour of the application.

The Panel gave consideration to a report which sought approval for the proposed disabled parking places at various places in the Borough.



The Panel was informed that a report recommending the introduction of 41 disabled persons parking places at various locations in the Borough was approved under delegated powers on 3rd August 2022. The proposal was subsequently advertised, and several representations were received in relation to the 7 proposed parking places below –

- 64 Grafton Street, Failsworth
- 4 Andrew Street, Failsworth
- 22 Consort Avenue, Royton
- 6 Kelso Close, Oldham
- 2 Zealand Street, Oldham
- 12 Grove Road, Uppermill
- 5 Staley Street, Oldham

The Council were informed that the applicant at Grafton Street and Andrew Street had moved home. Therefore, those proposed parking places would be removed from the scheme. The applicant at Consort Avenue contacted the Council to request an alternative location for the bay. Therefore, that proposed parking place would be transferred to next year's scheme. One letter of objection was received to the proposed parking place at Kelso Close. In summary the objector states that the position of the bay will impact on their parking arrangements forcing them to park further away from their home. One letter of objection was received to the proposed parking place at Zealand Street but later withdrawn. Therefore, the proposed bay would be introduced as advertised. One letter of objection was received to the proposed parking space at Grove Road. In summary the objector states that the proposed disabled bay would result in a significant reduction in the available space directly outside their property. Three letters of objection were received to the proposed parking space at Staley Street. In summary, the objectors state that there was a limited amount of space on the street for residents to park and the proposed disabled bay would reduce that further.

In light of the objections, it was recommended by Officers that the proposed disabled persons parking places are introduced in accordance with the schedule in the original report except for the bays at Grafton Street, Andrew Street and Consort Avenue.

Options considered:

Option 1: Do not introduce the disabled persons parking places at Kelso Close, Grove Road and Staley Street.

Option 2: Introduce the disabled persons parking places at Kelso Close, Grove Road and Staley Street.

RESOLVED that, as per the recommendation, the disabled persons parking places on Kelso Close, Grove Road and Staley Street be introduced in accordance with the schedule in the original report as attached at Appendix A.

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OBJECTIONS TO PROPOSED PROHIBITION OF WAITING AND NO STOPPING ON ENTRANCE MARKINGS – CLYDE STREET AND BROADBENT ROAD, OLDHAM

The Panel gave consideration to a report regarding objections received to the introduction of prohibitive waiting restrictions and no stopping along Clyde Street and Broadbent Road, Oldham.

The proposal was promoted to improve visibility along Ripponden Road for motorists emerging from Clyde Street and improved visibility for motorists and pedestrians at the junction of Broadbent Road and Whitecroft Street outside Kingsland School.

The proposal had been approved under delegated powers on 8th December 2021 and subsequently advertised. Two letters of objections had been received. The basis of the objections was that the proposed restrictions would adversely affect their businesses as customers would have less space to park directly outside. One objector believed that the problems had been generated because of a temporary situation with building contractors parking at the junction during recent renovation works to a nearby property.

In light of the objections, the proposal was drafted in 2021 before the renovation works took place. The complaint related to vehicles consistently parking at the junction creating a visibility issue along Ripponden Road and access and egress issues on Clyde Street.

Options considered:

Option 1: Introduce the proposed restrictions as advertised

Option 2: Do not introduce the proposed restrictions

RESOLVED that, as per the recommendation, the objections be dismissed and the proposal be introduced as advertised in accordance with the schedule in the original report.

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OBJECTIONS TO PROPOSED PROHIBITION OF WAITING – DRAKE CLOSE, CROMPTON STREET AND HENSHAW STREET, OLDHAM

The Panel gave consideration to a report regarding objections received to the introduction of prohibitive waiting restrictions along Drake Close, Crompton Street and Henshaw Street, Oldham

The proposal was promoted to prevent damage to the footway and utility infrastructure, it would allow access to the bin store, improved pedestrian access along the footway, improved visibility and access at the junctions of Crompton Street/Drake

Close and Crompton Street/Henshaw Street and improved forward visibility at the bend on Crompton Street



Oldham
Council

The proposal had been approved under delegated powers on 8th December 2021 and subsequently advertised. Two letters of objection had been received. The basis of the objections was that the proposed restrictions would displace parking onto Crompton Street making it more difficult for those residents to park. One of the objectors had a disabled wife and concerns were raised regarding that.

In light of the objections, Officers recognised that there may be some displacement from Drake Close which could result in a further reduction in the availability of on-street spaces on Crompton Street. However, the length of the proposed restrictions was the minimum thought necessary to address the issues reported by First Choice Homes Oldham, to protect nearby junctions and to protect the bend on Crompton Street. The disabled person had been invited to apply for a disabled parking bay to lessen any impact. The application had been received and would be vetted as part of the next annual assessments in Spring 2023.

Options considered:

Option 1: Introduce the proposed restrictions as advertised

Option 2: Do not introduce the proposed restrictions

RESOLVED that, as per the recommendation, the objections be dismissed and the proposal introduced as advertised in accordance with the original report.

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OBJECTIONS TO PROPOSED PROHIBITION OF WAITING – CHURCH ROAD AND WELLMEADOW LANE, UPPERMILL

The Panel gave consideration to a report regarding objections received to the introduction of waiting restrictions at Church Road and Wellmeadow Lane Uppermill.

The proposal was promoted to reinforce guidance published in the Highway Code; 243 which states that motorists should not stop or park on a bend or at a junction.

The majority of residents local to the proposal have the use of off-street parking places and there is on-street parking space away from the junction and bend within walking distance.

Resolved:

That in the light of the objections received the proposed waiting restrictions at Church Road and Wellmeadow Lane as set out in the report be not introduced.

An objector attended the meeting and addressed the Committee on this application.

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DEFINITIVE MAP AND STATEMENT MODIFICATION

**ORDER S257 TOWN AND COUNTRY PLANNING ACT
1990 – DIVERSION OF DEFINITIVE FOOTPATHS 83, 84 &
88 CROMPTON, AT LAND OFF COCKER MILL LANE,
SHAW, AND S53A – WILDLIFE AND COUNTRYSIDE ACT
1981**



The Panel gave consideration to a report which sought approval to the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpaths 83,84 and 88 Crompton as detailed in the report.

The application has been made by Redrow Homes Lancashire in relation to the proposed construction of a residential development of 201 dwellings (FUL/347664/21).

Resolved:

that the Council make a Public Path Diversion & Definitive Map and Statement Modification Order for the diversion of Footpaths 83 & 84 Crompton and the extinguishment of Footpath 88 Crompton under Section 257 of the Town and Country Planning Act 1990 and Section 53A of the Wildlife and Countryside Act 1981 as detailed in the report 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.

The meeting started at 5.30 pm and ended at 6.45 pm