

APPLICATION REPORT – VAR/352405/24
Planning Committee 5th June 2024

Registration Date: 1st March 2024
Ward: Saint James

Application Reference: VAR/352405/24
Type of Application: Variation of Condition

Proposal: Variation of Condition 17 of PA/338917/16 to revise the approved traffic calming scheme and for the timing of implementation to permit the occupation of no more than 15 dwellings prior to completion of the traffic calming scheme

Location: Land off Haven Lane, Moorside, Oldham OL4 2QH

Case Officer: Graham Dickman
Applicant: Andy Roberts
Agent: Adam Collinge

1. INTRODUCTION

1.1 This application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation at the request of the Assistant Director of Planning, Transport and Housing Delivery due to the level of public interest in the application and the fact that it relates to the variation of a condition imposed by an Inspector at appeal.

2. RECOMMENDATION:

2.1 It is recommended that the application be approved subject to the amended conditions as set out below.

3. SITE DESCRIPTION

3.1 The application relates to a L-shaped parcel of former grassland to the east side of Haven Lane on which the construction of a development of 23 dwellings has commenced.

3.2 To the north are the rear of properties on Haugh Hill Road. To the south-west, the site extends around the north side and rear of Havenside Close, with a day nursery adjoining the southern boundary. To the east, land levels rise across open fields.

4. THE PROPOSAL

4.1 The applicant is seeking to vary the wording of Condition 17 of the original outline planning permission for residential development (PA/338917/16) to revise the approved traffic calming scheme and for the timing of implementation to permit the occupation of no more than 15 dwellings prior to completion of the traffic calming

scheme.

4.2 At present the condition reads:

“Prior to the first occupation of any dwelling, the access and traffic calming arrangements shown on drawing 2044-001 C shall be implemented in full.”

4.3 The proposed, revised condition would read:

“Prior to the first occupation of the 16th dwelling approved under application PA/338917/16, the access and traffic calming arrangements shown on drawing 2384/A1/134/001 shall be implemented in full”.

Environmental Impact Assessment

4.4 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

4.5 The proposal would represent an Urban Development Project within paragraph 10(b) of Schedule 2 of the Regulations. However, it would not exceed the applicable threshold of 5 hectares or 150 dwellings, nor is the site located within any impact distance of a ‘sensitive area’ as defined in the Regulations.

4.6 Consequently, an Environmental Statement is not required.

5. PLANNING HISTORY

5.1 CND/352346/24 - Discharge of Condition 4 (access and parking details) relating to application VAR/349187/22. Pending determination.

5.2 CND/352214/24 - Discharge of condition 7 (retaining wall details) relating to application PA/342449/18. Pending determination.

5.3 CND/351418/23 - Discharge of condition no. 7 (levels) and 9 (drainage) relating to app no. PA/338917/16. Part discharged 11 August 2023.

5.4 CND/351176/23 - Discharge of condition no.16 (Construction Method Statement) relating to app no. PA/338917/16. Pending determination.

5.5 CND/351121/23 - Discharge of condition 2 (materials) relating to application RES/346698/21. Part discharged 25 July 2023.

5.6 NMA/351120/23 – Non-material Amendment relating to app no. VAR/349187/22. Approved 25 July 2023.

5.7 FUL/349189/22 - Pumping station associated with residential development of 23 dwellings. Approved 29 September 2022.

5.8 VAR/349187/22 - Variation of Conditions No 1 (approved details schedule), 3 (hard and soft landscaping) and 4 (parking, details of construction, levels and drainage) relating to approved application RES/346698/21. Approved 29 September 2022.

5.9 RES/346698/21 - Reserved matters application for appearance, landscaping, layout and scale pursuant to PA/338917/16 for 23 dwellings.

- 5.10 PA/342449/18 - Reserved matters application (for appearance, landscaping, layout, and scale) pursuant to PA/338917/16 for 23 three and four-bedroom detached dwellings. Approved 6 June 2019.
- 5.11 PA/338917/16 - Outline application for residential development of up to 23 dwellings (Use Class C3) with all matters reserved except access. The scheme was granted outline planning permission on appeal in November 2017 with costs awarded against the council for unreasonable behaviour in refusing this application.
- 5.12 PA/336723/15 – Outline application for 29 no. dwellings. Access to be considered. All other matters reserved (Re-submission of PA/336309/14). Refused 13th July 2015.
- 5.13 PA/336309/14 – Outline application for the erection of 30 dwellings with access and layout to be considered. Appearance, landscaping, and scale to be reserved – Refused 12th February 2015.

6. RELEVANT PLANNING POLICIES

- 6.1 The Places for Everyone (PfE) Plan and related documentation took effect and became part of the statutory development plan on 21 March 2024.
- 6.2 The PfE Plan must now be considered in the determination of planning applications, alongside Oldham’s Joint Core Strategy and Development Management Development Plan Document (Local Plan), adopted November 2011, in accordance with the National Planning Policy Framework (NPPF).
- 6.3 As such, the following Places for Everyone policy is considered relevant to the determination of this application:

Policy JP- C8 – Transport Requirements for New Developments

- 6.4 On the Joint Core Strategy and Development Management Policies Development Plan Document adopted in 2011 (the Local Plan), the site is unallocated on the Proposals Map associated with the Local Plan.
- 6.5 The following Local Plan policy is considered relevant to the determination of this application:

Policy 5 - Promoting Accessibility and Sustainable Transport

7. CONSULTATIONS

Highways Officer	No objections to the revised traffic calming scheme or the proposal to occupy some properties in advance of the scheme’s implementation.
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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, 17 representations have been received raising the following (summarised) issues:
- Object to the variation to allow some houses to be built before the traffic calming is implemented and there have been existing problems during the construction of the development in relation to mud and flooding on the road and failure to comply with conditions.
 - Further traffic calming measures are not needed as parking and the width of the road already slows down traffic.
 - The platform at Rushden Grove will make egress more difficult.
 - The tapered table will affect drainage.
 - The measures will lead to a further loss of on-street parking spaces.
 - Impact of noise to residents and on car suspensions due to going over speed bumps.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The principle of the residential development on this site was established under outline approval PA/338917/16, a decision allowed by the Planning Inspector on appeal. The access to the site formed part of that approval.
- 9.2 In granting permission, the Planning Inspector nevertheless determined, through the imposition of Planning Condition 17, that a scheme of traffic calming measures should be implemented. A scheme had been presented before the appeal hearing.
- 9.3 Consideration of the present application is therefore limited to the impact of the revised traffic calming scheme and the proposed occupation of 15 dwellings in advance of the scheme's implementation.
- 9.4 The condition imposed by the Inspector required the implementation of a specific traffic calming scheme (plan ref:2044-001 C). This scheme included the construction of a raised table which would have encompassed both the new site access and the access to Longden Avenue opposite. Speed cushions would have also been inserted between the site access and Ripponden Road.
- 9.5 In accepting that scheme, the Inspector concluded that, although it hadn't been subject to separate public consultation under the Traffic Regulation Order process at that stage, the scheme details had been available for public scrutiny as they had formed

part of the information available for assessing the application.

- 9.6 The Inspector also considered residents' concerns in relation to noise and pollution from the specific siting of the speed humps, concluding that there was no specific evidence of a link between the proposed traffic calming and noise and pollution issues. Nor did the Inspector consider that any displacement of parked vehicles could not be readily accommodated elsewhere.

10. HIGHWAY ISSUES

- 10.1 However, upon reviewing the detailed scheme which had previously been presented by the developer, the Council's Highways Service considers that the scheme could not be delivered due to existing specific or physical site constraints.
- 10.2 Noting the need nevertheless for a traffic calming scheme to be implemented, the Highways Service has prepared a detailed design for an alternative scheme which removes the physical limitations of the previous scheme, whilst ensuring that the programme of traffic calming measures elsewhere along Haven Lane can be completed.
- 10.3 The revised scheme incorporates the following measures:
- A junction plateau at the access to Rushden Grove;
 - Speed cushions to the south of the Haugh Hill Road junction;
 - Realignment of the Haugh Hill Road junction, including widening out the footway crossing to either side and creating new junction markings;
 - A full width tapered table to the north of the Haugh Hill Road junction with a build out of the footway on the eastern side; and,
 - Speed cushions at the northern extent of Haven Lane.

11. ASSESSMENT AND CONCLUSION

- 11.1 At present the planning conditions require the provision of a traffic calming scheme which the Highways Officers considers to be not capable of practical implementation. As a consequence, an alternative scheme has been presented and which would be achievable.
- 11.2 Whilst some concerns have been noted in respect of the impact of individual traffic calming measures in terms of the effect on access in and out of the road junctions, these matters have been carefully considered in the design of the scheme.
- 11.3 As noted previously by the Planning Inspector, there is no definitive evidence that the introduction of the measures will impact on residents' amenity, nor that any potential parking displacement would be sufficiently negative to justify non-inclusion of the measures.
- 11.4 A number of representations have suggested that further traffic calming measures are not required as existing parking and the configuration of the road already serve to slow down traffic. The Highways Service has nevertheless concluded that the measures will make an important contribution towards controlling traffic speeds along the road.
- 11.5 In respect of the request that 15 dwellings are permitted to be occupied before the measures are implemented, this takes into consideration the anticipated completion of

those dwellings in the near future, recognising that the need for an associated Traffic Regulation Order to be completed and for the works to be scheduled would create a significant delay in those complete dwellings from being occupied.

- 11.6 The alternative would be for the completed dwellings to stand empty for an extended period, which would not assist in ensuring the supply of new homes. It may also lead to anti-social behaviour if the site remains vacant.
- 11.7 For those reasons, it is considered that the permitting of some occupation in advance of implementation of the traffic calming would be beneficial, whilst ensuring the measures are implemented before the development is completed.

12. CONDITIONS OF THE EARLIER APPROVAL

- 12.1 Should planning permission be granted for the amended traffic calming scheme, all other conditions imposed on the earlier permission will continue to apply. However, as some of the conditions will subsequently have been discharged, the wording of the conditions has been updated accordingly.

13. RECOMMENDED CONDITIONS

1. Application for approval of reserved matters must have been made before 4th December 2020 and the development must have been begun not later than: (i) the expiration of three years from 4th December 2017 or (ii) two years from the date of approval of the last of the reserved matters to be approved. REASON - To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Details of the Reserved Matters of appearance, landscaping, layout, and scale shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved. REASON - The application is granted in outline only under the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.
3. This permission relates to the following plans:
 - Drawing no. PL-01 Rev A – Site location plan.
 - Drawing no. PL-04 Rev A – Illustrative masterplan.
 - Drawing no. 2384/A1/134/001 – Draft Traffic Calming Proposals
 - Drawing no. 18-053-1005 Rev B – Site Layout with Traffic Calming Features.

REASON – To ensure the satisfactory implementation of the development.

4. The development shall be implemented in accordance with the measures approved for dealing with land contamination and landfill gas under application CD/343161/19. A verification report shall be submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby approved are first occupied. REASON - To prevent pollution of the surrounding environment and to ensure the safe development of the site having regard to Policy 9 of the Oldham Local Plan.

5. The development shall be implemented in accordance with the details of a scheme of foul and surface water from the site as approved under an application which seeks approval for the reserved matter of layout. The duly approved scheme shall be implemented before any of the dwellings are first occupied and shall be maintained/managed as such thereafter. REASON - To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water having regard to Policy JP-S4 of the Places for Everyone Joint Development Plan Document.
6. The development shall be implemented in accordance with the details of a scheme for the design, construction and drainage of the site access, the position and layout of which is determined under an application which seeks approval for the reserved matter of layout. The site access shall thereafter be constructed in accordance with the duly approved scheme and made available for use before any of the dwellings hereby approved are first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent order following the revocation or re-enactment thereof (with or without modification), the visibility splay at the junction with Haven Lane shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over one metre in height. REASON - To ensure a suitable and safe means of access to the site for vehicular traffic having regard to Policies JP-S4 and JP-C8 of the Places for Everyone Joint Development Plan Document.
7. The development shall be implemented in accordance with a scheme for the layout, design, construction and drainage of the estate road and associated footways which is determined under an application which seeks approval for the reserved matter of layout. The estate road and associated footways shall be provided in accordance with the duly approved scheme before any of the dwellings are first occupied. REASON - To ensure the satisfactory construction of roads and footways to serve the development and to provide satisfactory facilities for vehicle access, circulation and manoeuvring in the interests of highway safety having regard to Policy JP-C8 of the Places for Everyone Joint Development Plan Document.
8. The development shall be implemented in accordance with a scheme for the following matters as determined under an application which seeks approval for the reserved matter of layout.
 - the means of access the dwellings, including driveway gradients and sight lines at their junctions with the estate road;
 - the means of servicing the dwellings;
 - parking and/or garaging provision for each dwelling which allow vehicles to be parked clear of the highway.

The development shall thereafter be implemented in accordance with the duly approved details before any of the dwellings are first occupied. REASON - To ensure a safe means of access to the dwellings, appropriate access for service vehicles and adequate off-road parking provision having regard to Policy JP-C8 of the Places for Everyone Joint Development Plan Document.

9. The development shall be implemented in accordance with a landscaping scheme,

and include measures to protect retained trees, hedgerows, and other vegetation, as determined under an application which seeks approval for the reserved matter of landscaping. The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted. REASON - To ensure suitable retention and strengthening of landscaping on the site in the interests of visual amenity, to provide a buffer with adjoining land uses and to secure biodiversity enhancements having regard to Policy JPG7 of the Places for Everyone Joint Development Plan Document.

10. The development shall be implemented in accordance with the Construction Phase Plan submitted under application CND/351176/23. REASON - In order to ensure that appropriate measures are put in place before any development commences to limit noise, nuisance, and disturbance to the occupiers of neighbouring properties during the construction of the development having regard to Policy 9 of the Oldham Local Plan.
11. Prior to the first occupation of the 16th dwelling approved under application PA/338917/16, the access and traffic calming arrangements shown on drawing 2384/A1/134/001 shall be implemented in full. REASON - To ensure highway safety having regard to Policy JP-C8 of the Places for Everyone Joint Development Plan Document.

SITE LOCATION PLAN (NOT TO SCALE)

