

APPLICATION REPORT – VAR/353273/24
Planning Committee 16th October 2024

Registration Date: 9th August 2024
Ward: Saint James

Application Reference: VAR/353273/24
Type of Application: Variation of Condition

Proposal: Application for removal of condition no. 17 (requirement for traffic calming measures prior to occupation of the approved dwellings) relating to app no. PA/338917/16

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

Case Officer: Graham Dickman
Applicant: Andy Roberts
Agent: Ailsa Goudie

1. INTRODUCTION

1.1 This application has been referred to Planning Committee for determination as members have recently considered a different Variation of Condition application on this site.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reason 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 remove Condition 17 of the original outline planning permission for residential development (PA/338917/16) which required the implementation of a specific 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.”

Environmental Impact Assessment

- 4.3 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 4.4 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.
- 4.5 Consequently, an Environmental Statement is not required.

5. PLANNING HISTORY

- VAR/352405/24 - 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. Refused 10 June 2024. Appeal pending determination.
- CND/352346/24 - Discharge of Condition 4 (access and parking details) relating to application VAR/349187/22. Pending determination.
- CND/352214/24 - Discharge of condition 7 (retaining wall details) relating to application PA/342449/18. Pending determination.
- CND/351418/23 - Discharge of condition no. 7 (levels) and 9 (drainage) relating to app no. PA/338917/16. Part discharged 11 August 2023.
- CND/351176/23 - Discharge of condition no.16 (Construction Method Statement) relating to app no. PA/338917/16. Pending determination.
- CND/351121/23 - Discharge of condition 2 (materials) relating to application RES/346698/21. Part discharged 25 July 2023.
- NMA/351120/23 – Non-material Amendment relating to app no. VAR/349187/22. Approved 25 July 2023.
- FUL/349189/22 - Pumping station associated with residential development of 23 dwellings. Approved 29 September 2022.
- 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.
- RES/346698/21 - Reserved matters application for appearance, landscaping, layout and scale pursuant to PA/338917/16 for 23 dwellings.
- 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.
- 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.

- 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.
- 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) Joint 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	Recommends refusal on the grounds that the removal of the condition for the implementation of a traffic calming scheme will lead to the manoeuvring of vehicles within the adjacent highways to the detriment of safety of other highway users.
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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, 6 objections have been received raising the following (summarised) issues:
- In carrying out the development, problems have been experienced with contractor parking, no designated loading/unloading areas, lack of communication with residents;
 - Removal of the need for traffic calming measures will put residents at risk; and,
 - There has been a lack of consultation on the future plans for traffic calming measures
- 8.3 In respect of the first point above, whilst the issues around the construction process have been noted, the proposal to remove the traffic calming condition must be assessed on its own planning merits only.
- 8.4 In that regard, the Highways Officer agrees that the removal of the condition would be unacceptable in terms of highway safety for the reasons set out below.

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 removing the need to undertake a traffic calming scheme in advance of the occupation of the development.
- 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.
- 9.7 However, upon reviewing the detailed scheme which had previously been presented by the developer, the Council's Highways Officer considered that the scheme could not be delivered due to existing specific or physical site constraints.

- 9.8 Noting the need nevertheless for a traffic calming scheme to be implemented, the Highways Officer 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.
- 9.9 That scheme was considered by Planning Committee at its meeting on 5th June 2024 and it was determined to refuse the application on the grounds of an adverse impact on on-street parking for existing residents.
- 9.10 The appeal against that refusal has been submitted to the Planning Inspectorate and the outcome is awaited.

10. HIGHWAY ISSUES FOR THE PRESENT APPLICATION

- 10.1 In assessing the original application for development of the site, it was noted that the proposed access is in close proximity to three existing priority-controlled junctions - Havenside Close, Rushton Grove and Longden Avenue.
- 10.2 The Highways Officer commented that the introduction of the additional access in this location would increase the risk of accident without the introduction of appropriate mitigation measures.
- 10.3 The view that a safe access cannot be achieved without the provision of traffic calming measures has not changed. In fact, the provision of traffic calming measures is now more critical.
- 10.4 Since the original planning permission was granted, the remainder of Haven Lane and Counthill Road have been traffic calmed. If the final length of Haven Lane is left uncalmed, drivers will speed up. This will lead to an increase in the risk of accident to the detriment of highway safety.
- 10.5 Therefore, it is not considered that access to the site will operate safely without the provision of a traffic calming scheme along Haven Lane in the vicinity of this development to the detriment of highway safety.

11. CONCLUSION

- 11.1 At present the planning condition imposed by the Planning Inspector requires the provision of a traffic calming scheme which the Local Highway Authority considers to be incapable of practical implementation.
- 11.2 However, the Highways Officer considers that a satisfactory alternative scheme is capable of being introduced to ensure highway safety in the area is not compromised.
- 11.3 Therefore, it is recommended that this application is refused for highway safety reasons.

12. CONDITIONS OF THE EARLIER APPROVAL

- 12.1 Should however planning permission be granted for the removal of Condition 17, 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 REASON FOR REFUSAL

1. The removal of the condition for the implementation of a traffic calming scheme would result in vehicular access to the development being adversely affected by virtue of the nearby road junctions and the speed of traffic on a highway with speeds in excess of 20 mph. The absence of traffic calming measures will lead to the manoeuvring of vehicles generated by the development within the adjacent highways to the detriment of safety of other highway users. The proposed development is thereby contrary to Policy JP-C8 of the Places for Everyone Joint Development Plan and Policy 9 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE):

