

APPLICATION REPORT – VAR/353326/24
Planning Committee 16th October 2024

Registration Date: 22nd August 2024
Ward: Saint James

Application Reference: VAR/353326/24
Type of Application: Variation of Condition

Proposal: Application for variation of condition no. 17 (requirement for traffic calming measures prior to occupation of the approved dwellings) relating to app no. PA/338917/16 to require a scheme for traffic calming measures on Haven Lane to be approved and implemented in full within 12 months of final occupation of the approved dwellings.

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 different Variation of Condition application on this site.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the 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 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 That development is at an advanced stage of construction with a small number of properties ready for sale shortly, and the external fabric of all other properties now largely complete.

4.3 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.”

4.4 The proposed variation would amend the condition to require the implementation of a traffic calming scheme; the details of which will be subject to further consultation through the Traffic Regulation Order process, and for that scheme to be implemented within 12 months of the final occupation of the development.

Environmental Impact Assessment

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

4.6 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.

4.7 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.
- the - Discharge of condition no.16 (Construction Method Statement) relating to app no. PA/338917/16. Part discharged 19 September 2024.
- 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	Recommend approval
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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, 13 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;
- Refuse on highway safety grounds, but need measures such as 20mph signs and road markings;
- Houses should not be occupied without traffic calming in place as required by the Inspector and the Highways Officer;
- The proposed timetable for implementing measures is too long at 12 months after final occupation;
- Existing traffic calming doesn't work in slowing down traffic;
- Lack of consultation on the traffic calming measures;
- The developer has sought to avoid seeking a Traffic Regulation Order for the measures;
- Traffic calming measures outside homes would cause noise each time a car passes over them; and,
- The road humps and tables will make it harder for disabled people to cross the road.

8.3 In respect of the first point above, whilst the issues around the construction process have been noted, the proposal to vary the traffic calming condition must be assessed on its own planning merits only.

8.4 It should also be noted that the required financial contribution towards a traffic calming scheme has already been received from the developer. However, it is necessary for the Council to agree those details and obtain the necessary Traffic Regulation Order as such works on the highway are beyond the applicant's direct control.

8.5 Other comments in respect of the resultant form the traffic calming measures will take

are addressed in Sections 10 and 12 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 An assessment was made of the suitability of the location of the proposed access when

the original planning application (PA/338917/16) was determined.

- 10.2 It was noted that the proposed access is in close proximity to three existing priority-controlled junctions - Havenside Close, Rushton Grove and Longden Avenue.
- 10.3 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.
- 10.4 When the application was taken to appeal, the Planning Inspector agreed with this principle. However, a condition was attached which referred to a specific scheme, despite requests to refer to a scheme with details to be submitted and approved. It was later identified that, due to physical site constraints, the detailed scheme that was agreed by the Inspector and referred to in the condition could not be implemented.
- 10.5 However, 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.
- 10.6 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.
- 10.7 The Local Highway Authority is satisfied that a scheme can be designed and implemented within twelve months of the granting of this permission which will reduce speeds and allow the access to be used safely and without detriment to any user of the highway.
- 10.8 The scheme will be the subject of further consultation with local residents and other Stakeholders (outside of the planning process). This process will allow the various views on the precise configuration of the measures to be employed to be fully considered.

11. CONDITIONS OF THE EARLIER APPROVAL

- 11.1 Should 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 or superseded, the wording of the conditions has been updated or the condition deleted accordingly.

12. CONCLUSION

- 12.1 The principle of the residential development of the site has been established by the approval on appeal of the original outline planning application.
- 12.2 From the determination of that appeal, it has been deemed necessary by both the Planning Inspector and the Highways Officer for a scheme of traffic calming measures to be implemented in order to secure a safe access to the site.
- 12.3 At the Planning Committee meeting on 6th June 2024, a previous application to introduce an alternative traffic calming scheme was refused by Committee, and a decision on that appeal is presently awaited. Concerns had been expressed that the details of the

scheme as presented had not been subject to adequate consultation.

- 12.4 This process will be undertaken as part of the process for a Traffic Regulation Order. The present application recognises the continuing need for a traffic calming scheme to be introduced; but will allow for the further consultation process to be undertaken before the details are finalised.
- 12.5 This is considered to be a satisfactory approach. However, the proposed timeframe would involve an unnecessary delay. The Local Highway Authority has indicated that a 12 month period, from approval by Planning Committee of the variation, would allow sufficient time for the required processes and implementation to be carried out.
- 12.6 It is therefore recommended that the timeframe should be revised accordingly.
- 12.7 It should be noted that the development on site is at an advanced stage. Should such approval not be forthcoming, a scenario will result whereby a number of residential properties would be required to remain vacant for an unknown period of time. This would have the potential of attracting crime and anti-social behaviour. It would also fail to assist in bringing forward much needed housing in the borough.

13. RECOMMENDED CONDITIONS

1. This permission shall be implemented in accordance with plan reference PL-01 Rev A dated 17.06.16. REASON – To ensure the satisfactory implementation of the development having regard to Policy 9 of the Oldham Local Plan.
2. 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 dwelling hereby approved is first occupied. REASON - To ensure the safe development of the site having regard to Policy 9 of the Oldham Local Plan.
3. The development shall be implemented in accordance with the drainage scheme shown on drawing 2893/0100 Rev P05 as approved under application CND/351418/23. REASON - To ensure that the development is not at risk of flooding and does not 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.
4. The development shall be implemented in accordance with the highway specification details submitted under application CND/352346/24. 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.
5. The development shall be implemented in accordance with the Construction Method and Construction Phase Plan approved under application CND/351176/23. REASON - In the interests of the amenity of the area having regard to Policy 9 of the

Oldham Local Plan.

6. Notwithstanding the application description, within 12 months of the grant of this permission, a scheme for traffic calming measures on Haven Lane, to a specification that has previously been approved in writing by the Local Planning Authority, shall be implemented in full. REASON - To ensure highway safety having regard to Policy JP-C8 of the Places for Everyone Joint Development Plan.

SITE LOCATION PLAN (NOT TO SCALE)

