



Appeal Decision

Site visit made on 8 September 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2020

Appeal Ref: APP/W4223/W/3248687

Land to the side of 264 Block Lane, Chadderton, Oldham OL9 7QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Carr against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/343901/19, dated 12 September 2019, was refused by notice dated 19 November 2019.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at Land to the side of 264 Block Lane, Chadderton, Oldham OL9 7QB in accordance with the terms of the application, Ref PA/343901/19, dated 12 September 2019, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Paul Carr against Oldham Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The appeal site is a triangular piece of land fronting Block Lane to its south east, and bounded by the Metrolink light rail embankment to the west and residential properties to the east. Block Lane is a classified 'B' road with a 30mph speed limit, with the appeal site situated on the inside of a long and gentle curve in the road. The Metrolink line crosses Block Lane on a skew bridge a short distance to the west of the site. The proposal is to erect a single storey, two-bedroom dwelling, which would be situated towards the northern corner of the site close to the boundaries with 264 Block Lane and the Metrolink embankment. Parking provision for two vehicles is proposed within the site, and there would be room for vehicles to turn within the site to enable exit in a forward gear.
5. There is a bus stop with a shelter on the north side of Block Lane immediately outside the appeal site, and the development would require the formation of a

- new access crossing the pavement next to this. The shelter would obstruct the view east along Block Lane for drivers leaving the appeal site, and so would increase the risk of road accidents taking place. The positioning of the bus shelter is also such that pedestrians passing by must either walk on a hard surfaced area to the rear of the shelter, which is in the appellant's ownership and within the appeal site 'red line' boundary, or on a narrow section of footway in front of the shelter which is not wide enough to provide safe passage for people using wheelchairs or buggies. Transport for Greater Manchester has agreed with the appellant that, if planning permission for the development is granted, it will remove the existing bus shelter and replace it with a pole-type bus stop.
6. The length the view west Block Lane for drivers leaving the site would be limited by the Metrolink bridge abutment. However, the appellant has provided drawings showing that, following removal of the bus shelter, visibility splays of 2.4m x 43m in both directions could be created. These splays would be in line with the standard sought by the Highway Authority for a road with a 30mph speed limit. Nonetheless, the Council considers that there would remain a risk to safety from possible conflict between people waiting at or near the bus stop and drivers entering or leaving the site, as well from the site access being obstructed by any bus waiting at the stop.
 7. Collision data submitted by the appellant, which has not been disputed, shows that during the five years from 2014 to 2018 inclusive there were three traffic incidents within 200m of the appeal site which led to 'slight' injuries. While accidents of any sort are of course regrettable, the evidence does not suggest that Block Lane is substandard or has dangerous traffic conditions at present. From what I saw at the time of my visit it does not appear to carry a heavy traffic flow, and there is no suggestion that the two-bedroom bungalow proposed would be likely to generate a significant number of additional vehicular movements.
 8. Two bus routes use the adjacent stop, providing a combined service of three buses per hour. There is no data before me relating to passenger usage of the bus stop but, while I recognise they represent only a snapshot at a weekday lunchtime, my observations on my site visit did not suggest that it is especially heavily used. It therefore seems unlikely to me that there would be serious conflict between drivers entering or leaving the site and people using the bus stop, or that the number of people using the stop would obstruct the view east along Block Lane for drivers leaving the appeal site to a harmful degree. Although a bus waiting at the stop would block the proposed dwelling's driveway and prevent a vehicle entering or leaving, this would most likely be for only a very short period and any conflict would thus be minor. In urban areas it is not uncommon to find a bus stop next to a driveway or similar vehicular access point, and indeed my attention was drawn to other examples nearby. While each case must be assessed on its own merits, in the context of the wider surrounding area, the proposed arrangement would not present either pedestrians or drivers with an unusual or unexpectedly challenging situation.
 9. The Highway Authority has advised that the siting of vehicle crossing over the footway within 17.5m of the rear face of a bus stop pole would not comply with the standard set out in its 2014 Light Duty Vehicle Crossing Policy. There is nothing before me to suggest that the standard has been incorporated into any

adopted planning policy, although it is of course a matter for the Highway Authority to reach its own decision on an application under the Highways Act 1980 for a vehicle crossing. However, in planning terms I conclude that the proposed development would not be significantly harmful to highway safety.

10. The proposal would therefore comply with Policy 9 of the 2011 Oldham Joint Core Strategy and Development Management Policies DPD (the DPD), which among other things seeks to ensure that development is not harmful to safety, including highway safety. I also note in this regard the requirements of Paragraph 109 of the National Planning Policy Framework. This indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, neither of which I consider to be the case here.

Conditions

11. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance. Where necessary I have altered the proposed wording and ordering in the interests of clarity and effectiveness. In accordance with Section 100ZA of the Town and Country Planning Act 1990, the appellant has provided written agreement to the pre-commencement conditions.
12. In addition to the standard time limit condition (1) in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans (2).
13. A condition relating to land contamination (3) is necessary to protect public safety and to comply with Policy 9 of the DPD, although I have amended the wording from that suggested by the Council so that it defines the standard of assessment required. A condition to ensure satisfactory drainage (4) is required to comply with Policy 9 of the DPD. A condition requiring the removal of the existing bus shelter and its replacement with a pole style bus stop is necessary in the interests of highway safety (5). A condition in respect of landscape works is necessary to protect the character and appearance of the site and surrounding area, and to ensure that the hard and soft landscaping does not obstruct the highway visibility splays (6). Conditions 3 to 6 are pre-commencement conditions as they are fundamental to the development being able to take place in a safe and otherwise acceptable manner.
14. A condition in respect of materials (7) is required in the interests of the character and appearance of the area and to ensure compliance with Policy 20 of the DPD, while a condition requiring that the approved off-street parking and turning areas are retained for those purposes (8) is necessary in the interests of highway safety and to ensure compliance with Policies 5 and 9 of the DPD.

Conclusion

15. For the reasons given above the appeal is allowed.

M Cryan

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Site Plan & Landscaping (Drawing Number: 1257.120)
 - Proposed Floor Plan, Roof Plan & Elevations (Drawing Number 1257.100)
- 3) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority.

If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 15 days of the report being completed and approved in writing by the local planning authority.
- 4) No development shall commence until a detailed drainage scheme, including surface water discharge, has been submitted to and approved in writing by the Local Planning authority. The scheme shall then be completed in accordance with the approved plans and maintained thereafter.
- 5) No development shall take place until a scheme for the provision and location of a new pole-style bus stop to replace the existing bus stop shelter on the north side of Block Lane adjacent to the appeal site has been submitted to and approved in writing by the local planning authority. The approved dwelling shall not be occupied until the existing bus shelter has been permanently removed and the local planning authority approved replacement bus stop has been erected.
- 6) No development shall take place until full details of both hard and soft landscape works with an associated implementation plan, have been submitted to and approved in writing by the Local Planning Authority. The hard landscape details shall include proposed finished levels or contours; means of enclosure; and hard surfacing materials. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass

establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

All planting shall be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority, and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period shall be replaced with specimens of an equivalent species and size.

- 7) No development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of those external surfaces of the development, including any retaining walls and the roof, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved details.
- 8) The dwelling shall not be occupied until the access to the site and car parking space for that dwelling has been provided in accordance with the approved plan Drawing Number 1257.120 and the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access and parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles.

--End of schedule of conditions--