



Appeal Decision

Site visit made on 29 April 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2025

Appeal Ref: APP/W4223/W/25/3358312

151 Roundthorn Road, Oldham OL4 1QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Abdul Rashid against the decision of Oldham Metropolitan Borough Council.
 - The application Ref is FUL/353180/24.
 - The development proposed is described as 'change of use from residential to retail outlet'.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from residential (Use class C3) to retail (Use class E) at 151 Roundthorn Road, Oldham OL4 1QN in accordance with the terms of the application ref FUL/353180/24, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing: elevations and floor plans (AR5424).
 - 2) Within three months of the date of this decision, a scheme outlining details of facilities for the storage and removal of refuse and waste materials, including a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved timetable and retained thereafter.
 - 3) The use hereby permitted shall only take place between the following hours 09.00 – 21.00 Mondays to Sundays, including bank holidays.

Preliminary Matters

2. The description of development in the decision above has been taken from the Council's decision notice and the appeal form, rather than the application form, as it is more precise.
3. The appeal development is retrospective, as the application form states that the change of use was completed in February 2024. I have considered the appeal on this basis.

Main Issue

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

Reasons

5. The appeal site relates to an end-of-terrace building, located at the junction of Roundthorn Road with Brewerton Road, in a highly dense predominantly

residential area. The appeal building has been operating as a retail unit for some time.

6. There is a pedestrian crossing in front of the appeal building on Roundthorn Road. There are railings and bollards on both sides of Roundthorn Road for some distance when approaching the pedestrian crossing from both directions. The bollards extend around the corners of Brewerton Road and Salford Street. The section of Roundthorn Road where the appeal site is located has a speed limit of 20 miles per hour. The nearby streets also have a speed limit of 20 miles per hour. There is a further mechanism in place, in the form of speed humps, immediately before and after the pedestrian crossing, which minimises vehicles' speed in proximity of the appeal site and the pedestrian crossing.
7. On street parking is common within the area, and I observed during my site visit that vehicles were parked on both side of Brewerton Road and Roundthorn Road. There is also a similar parking situation on the other nearby streets. However, the existing mechanisms, such as the railings and bollards, discourage parking in proximity of the pedestrian crossing, and thus vehicles are parked some distance away from the junction, away from the pedestrian crossing. The on-street parking available on nearby streets does not interfere with visibility close to the junction, so as to affect the pedestrians using, or vehicles approaching, the zebra crossing.
8. Although only a snapshot in time, I observed at my site visit that traffic was travelling within the speed limit and that the traffic calming slowed vehicles speeds near the pedestrian crossing. I acknowledge the Council's concerns regarding the potential for drivers' inappropriate choices regarding parking and the risks of accidents. However, such parking is prohibited within the highway and can be enforced by the appropriate authority. In any case, while the change of use might have increased car trips to the appeal site by a small number there is little to suggest that those travelling by car to the shop are parking illegally. Furthermore, the retail shop has been operational since February 2024 without any accidents being recorded in the vicinity.
9. Nevertheless, given the highly dense area, which is predominantly residential, the size of the unit, and the lack of a designated parking area for the shop, I agree that it is likely that most customers would be pedestrians. Accordingly, I find that because of the combination of factors, including the existing traffic calming, the speed limit, the arrival of many customers on foot, and the lack of accidents records, the appeal development is not, either individually or cumulatively with the other nearby commercial units, detrimental to traffic flow or to the safety of the highway's users.
10. In conclusion, the development is not harmful to highway safety. Thus, it complies with the aims of Policy 9 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies 2011, which states that developments should minimise traffic levels and not harm the safety of road users. The development also accords with the aims of the Framework, which at paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Conditions

11. Having had regard to the requirements of the Framework and the Planning Practice Guidance I have imposed standard condition concerning compliance with the submitted plans, in the interests of precision and certainty. To safeguard the amenity of the occupiers of nearby premises, to protect the character and appearance of the area, and to prevent any obstruction to pedestrian movement, a condition requiring details of facilities of the storage and removal of waste materials, including a timetable for the scheme's implementation, is necessary.
12. The application form outlines the hours of opening for the retail unit. The Planning Officer's report indicates that the Environmental Health has not objected to the use, nor to the proposed opening times. Given the close proximity of the appeal building to residential properties, a condition securing the proposed hours of opening is necessary to protect the living conditions of the occupiers of nearby properties.

Conclusion

13. For the reasons given above I conclude that the development complies with the development plan. Therefore, the appeal is allowed.

Andreea Spataru

INSPECTOR