

Report To: **SPEAKERS PANEL (PLANNING)**

Date: 22 March 2017

Reporting Officer: Ian Saxon – Assistant Executive Director, Environmental Services

Subject: **PRIVATE STREET WORKS POWERS AT ST STEPHENS CHURCH BENNETT STREET HYDE TAMESIDE SK14 4PP**

Report Summary: The report outlines the mechanism to secure the making up of a private access road to adoptable standard at no cost to the council.

Recommendations: That the Assistant Executive Director, Environmental Services, be authorised to use the Councils statutory powers under the Highways Act 1980 to enable the approved development to take place and at the developers expense.

In that the section of unadopted street is not to the Authority's satisfaction, sewered, levelled, channelled, metalled, flagged, made good and lighted, the Authority should execute streetworks on it under part XI of the Highways Act 1980.

That the Assistant Executive Director Environmental Services be authorised to approve the specification, plans, sections, estimate, and provisional apportionment.

That on completion of the works the Assistant Executive Director Environmental Services proceed on expiry of the maintenance period declare the street to be a highway maintainable at public expense.

Links to Community Strategy: The proposals underpin a number of targets within the Tameside Community Strategy (2009-2019) and more especially in the promotion of a Safe Environment through the provision of safer roads in our Town Centres and elsewhere.

Policy Implications: None arising from the report.

Financial Implications: The costs of advertising the proposal and subsequent construction are to be fully met by the developer. There will be no financial burden to the Council.

(Authorised by the Solicitor to the Fund)

When the residential development is complete an Education S106 contribution of £25,000 is due from the developer towards the cost of the new Discovery Academy, Godley Hyde. This will be payable before the first dwelling is occupied.

Legal Implications: All the procedures are to be carried out in accordance with standard legal and Council practice under Part XI of the Highways Act 1980.

(Authorised by the Borough Solicitor)

Risk Management: There is no financial risk to the Council. The frontagers do not have a right to object as there is no financial burden which falls on them.

Background Papers:

Further background information may be obtained from the report author S Oxford ext. 3916 or steve.oxford@tameside.gov.uk

1. BACKGROUND TO REPORT

- 1.1 Approval was granted by Speakers Panel in 2015 for a residential development on the land at the rear of St Stephens Church Hyde with an access from Bennett Street (15/01034/FUL). At this time details of the access were approved.
- 1.2 As a part of the approval the existing private access road to the site from Bennett Street was to be improved and subsequently adopted under a highway agreement.
- 1.3 It has since become evident that a section of this private road approximately 45m in length falls outside the ownership of the developer, and is in unknown and unregistered ownership.
- 1.4 To enable the adoption of the new access road over the area in unknown and unregistered ownership, it is proposed that Private Street Works (PSW) Powers contained within the Highway Act 1980 are used to secure the making up of the existing access road and its subsequent adoption in combination with a Section 38 Agreement (Highways Act 1980) to secure its construction and subsequent adoption.
- 1.5 The costs of advertising the proposal and subsequent construction are to be fully met by the developer.
- 1.6 In normal circumstances request for authority to use Private Streetworks powers would be included within the Planning Application report to Speakers Panel but the fact that a section was not within the applicant's ownership was not known at that time.
- 1.7 Frontagers to the street upon which works are to be carried out have the right to object to the cost apportionment of the work. In this instance there is no apportionment between frontagers as all costs are to be met by the developer.
- 1.8 This report seeks the approval of Speakers Panel to undertake the procedures required to undertake works under PSW.

2. RECOMMENDATION

- 2.1 As detailed on the front of this report.