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Date	29 October 2018

Dear **RE. DEVELOPMENT ON LAND ADJ. 143 MANCHESTER ROAD, MOSSLEY (PLANNING
APPLICATION REF. 17/00732/FUL)**

I am writing to clarify a number of points regarding the above application, following your letter to the Chair of the Speakers Panel (Planning) and subsequent correspondence.

Issues raised in your letter to the chair:

In your letter to the chair of the Speakers Panel, dated 12 December 2017, you raised 4 specific points that you thought needed to be addressed before the application is determined. These issues were:

1. The fact that the plans are incomplete, unworkable and do not meet the requirements
2. The ability to prove the status of Bury Street
3. Why the issue of the consent required by frontagers onto Bury Street has been overlooked
4. The Authority's ability to remove your longstanding parking area and give to a third party.

I will take each of these issues in turn below:

1. The originally submitted plans are considered to be fit for purpose in that they show the point of access to the site, the location of the proposed parking bays and the area within the existing green space that is included within the application site. However, since the Panel meeting in December 2017, a further plan has been submitted which clarifies the exact location of the area to be enclosed as private garden and the location of the parking bays. This simply highlights more clearly the information showed on the proposed site plan originally submitted with the application.

Officers have requested additional plans from the applicant which show the swept path of vehicles entering each of the proposed parking spaces so that they can be included as part of the application. Council Engineers have produced a plan to this effect for their own purposes and are satisfied that there is sufficient turning space for the proposal to maintain highway safety.

As you are aware, a period of further consultation has taken place for 14 days, inviting any additional comments from residents on the proposals following receipt of these plans.

Council Engineers as the Local Highway Authority have examined the proposals in detail and have visited the site to ensure that it is possible to enter and leave the spaces in a forward gear, within the confines of the highway. Engineers are satisfied that this is the case, subject to a condition requiring a retaining wall to be erected along the southern edge of the car parking spaces. From officers' point of view, the proposal is therefore workable and would not result in a detrimental impact on highway safety.

2. The Council's adoption records show that the section of highway from the northern end of Bury Street down to the southern edge of no. 66 is adopted highway. At the point where the highway narrows, [REDACTED] the remainder of road is not adopted. The Council is responsible for maintaining the adoption record and the status of the road at the time of determining this application is the relevant point, as opposed to its historical status. The Council is satisfied that the adoption records are correct as to the current status of Bury Street.
3. Planning decisions must be based on material considerations. Consents required under other regulatory regimes and civil law are not material planning considerations as they are not covered by planning legislation. The need to gain the consent of frontagers onto Bury Street does not therefore have any bearing on the assessment or determination of this (or any other) planning application. In a situation where it appears unlikely that such consent would be forthcoming, that is not a reason to withhold the planning permission, because it is not a relevant consideration in the decision making process. Nor is it necessary for an applicant to own or lease land which is the subject of a planning application. That is not a material consideration in planning terms. There may be restrictions through other areas of law that affect the implementation of a planning permission, but that does not make those matters relevant to the determination process.
4. The test that the planning application must be judged against is whether or not it is harmful to highway safety. Officers are satisfied that there is space on the eastern side of Bury Street, [REDACTED] for parking associated with that property and that this area would not be infringed upon by the proposed development. On that basis, officers consider that there are no highway safety grounds on which to recommend refusal of the application. I am advised that the Council has never given you permission to park on its land. The fact that you choose to do so is matter for you, but you do not and have never had exclusive right to park there. I am aware however that you do own a substantial area of land to the [REDACTED] and therefore have ample space to create parking for yourself on land owned by you without the need to encroach on Council land.

Progression of the planning application to the Panel meeting on 14 November 2018:

The 14 day re-consultation on the additional information expired on 12 October 2018. No material planning reasons have been given that indicate that the application should not now be determined. On that basis there is no reason to delay the decision making process any further and the application is to be referred back to the Speakers panel at the meeting on 14 November.

As I understand it, this covers all your planning concerns with regards to this application which you raised last year with the previous Head of Planning when you were assured this application would not be dealt with until those concerns had been responded to.

I am therefore satisfied that now they have been looked into, there is no reason why this application cannot be determined by the Speaker's Panel for Planning and indeed it would be inequitable to delay it any further.

Yours sincerely,

Peter Taylor
Head of Planning

