

EXECUTIVE DECISION NOTICE

SERVICE AREA:	GOVERNANCE & PENSIONS Legal Services
SUBJECT MATTER:	DEVELOPMENT AT THE SITE OF THE FORMER GLOBE WORKS, BROOK STREET, HYDE, TAMESIDE - PLANNING APPLICATION 18/00818/FUL
DECISION:	<p>That it be DETERMINED that pursuant to the Council Constitution Part 3a Terms of Reference and Scheme of Delegation para C (1) To institute and defend legal proceedings and (2) To settle disputes and litigious actions that proceedings are brought in the name of Tameside Metropolitan Borough Council, to:</p> <ol style="list-style-type: none">1. Seek an injunction pursuant to section 187B, of the Town and Country Planning Act 1990 to enforce compliance with the planning permission (ref 18/00818/FUL) and related conditions and to prevent any additional occupation of properties of the development until such time as the planning conditions been fully complied with.2. Seek a Section 106 Injunction pursuant to the Town and Country Planning Act 1990 for breaches of the planning permission with reference number 18/00818/FUL.3. Prosecute under Section 35 of the Building Act 1984, for failing to ensure there was in place an adequate system of drainage on the land as required under the Building Regulations 2010. <p>And take any necessary ancillary proceedings or steps to secure full compliance with planning permission 18/00818/FUL and any related planning control in the public interests of residents and the borough of Tameside Council.</p>
DECISION TAKER(S):	Sandra Stewart.
DESIGNATION OF DECISION TAKER (S):	Director of Governance & Pensions
DATE OF DECISION:	3 November 2021
REASON FOR DECISION:	it necessary and/or expedient to apply to the Court for any actual or apprehended breach of planning control to be restrained by injunction and to prosecute for the failures to date as action to date to persuade the developer to comply with the law has failed.
ALTERNATIVE OPTIONS REJECTED (if any):	<p>The development is subject to Planning Permission number 18/00818/FUL dated 12 February 2020, which includes a number of conditions, which have not been complied with.</p> <p>The Council has previously raised issues in relation to the development with regard to compliance with both the relevant building regulations and planning permission (and related</p>

	conditions) to remedy the situation without success.
CONSULTEES:	Planning Service Environmental Services (Public Protection) Trading Standards Highways and Drainage Building Control Environmental Agency
FINANCIAL IMPLICATIONS: (Authorised by Borough Treasurer)	As set out in the exempt report.
LEGAL IMPLICATIONS: (Authorised by Borough Solicitor)	As set out in the exempt report
CONFLICT OF INTEREST:	None
DISPENSATION GRANTED BY STANDARDS COMMITTEE ATTACHED:	n/a
ACCESS TO INFORMATION:	<p>This report contains exempt information relating to paragraph 3 of Part 1 of Schedule 12 A of the Local Government Act 1972 (as amended). On balance, under paragraph 10 of Part 2 of Schedule 12A, it would not be in the public interest to disclose this information to the public because disclosure would, or would likely to, disclose and or prejudice information relating to any individual. 2. Information which is likely to reveal the identity of an individual. 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>



Signed Dated: 3 November 2021
 Sandra Stewart. – Director of Governance & Pensions