

**David Moore**  
**Interim Director**

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Doc Ref	FOI 7764
Ask for	Peter Taylor
Direct Line	0161 342 5242
Date	21 August 2018

Mr D Buckle

By Email:

[request-497084-8f1beda2@whatdotheyknow.com](mailto:request-497084-8f1beda2@whatdotheyknow.com)

Dear Mr Buckle,

**Freedom of Information Request – Request for Information**  
**Unique Reference No: FOI 7764**

Thank you for your email received 12 July 2018 and further to my email sent to you on the 9 August 2018, apologising for the delay in responding to your request due to the coordination of collating the information you requested which has taken longer than anticipated. You have requested the following information:

- 1. Under the Environmental Information Regulations and Freedom of Information Act, please disclose all Tameside MBC planning information/advice given to the applicants for the Construction of 5 No. detached houses and associated works, 18/00119/FUL including emails, phone calls, notes, daybooks, memos, letters etc. from the submission date 12<sup>th</sup> February (i.e. after pre-planning advice, to date. 12/07/2018).*
- 2. Please can you also disclose the names and roles of all Council Officer(s) involved (including any elected councillors) in the application advice stage. Give details of all Councillors, past, present, or deceased.*
- 3. Can you provide full details of any ecological surveys carried out since the application date, 12/02/2018 or since the superseded resubmission date 21/06/2018, of the immediate area applicable to this planning application.*
- 4. Can you please disclose details of data held, and to who this information was communicated to, relating to the expiry target date for the decision (i.e. 09/04/2018). In relation to phone calls, notes, daybooks, letters, memos, emails etc. extending this time limit beyond the normal timeframe for such a decision. Also give details of the decision maker allowing the extension of such. I request to know why it has exceeded the Ministry of Housing, Communities and Local Government guidelines in respect of determining this application.*
- 5. Is this application subject to an Environmental Impact Assessment? Please give details.*

A response to each of these questions is provided below:

1. For the avoidance of doubt, the planning application referred to is a live planning application currently under consideration, and further communication with the applicant or their appointed agent is inevitable. However, the attached correspondence provides information held by the Council in respect of advice between the planning officer (Mr Ian Berry), Environmental Services Manager (Mr Steve Oxford), and the applicant's appointed agent, to date.
2. Since the submission of the planning application on 12 February 2018 the following officers have been involved in providing "advice" (to the applicant/appointed agent):
  - Mr Ian Berry – Planning Officer, Tameside Council; and,
  - Mr Steve Oxford – Environmental Services Manager (Highways and Development).

However, in the interests of full disclosure, please be advised that the following Council officers have provided consultation comments to Mr Ian Berry as part of the planning application process:

- Mr Steve Oxford – Environmental Services Manager (Highways and Development);
- Mr Tony Hill – Arboricultural and Countryside Estates Officer;
- Mr Craig Richardson – Environmental Strategy Officer; and,
- Mr Michael Hughes – Sustainable Travel Officer.

Involvement of councillors:

- (current) Councillor Vimal Choksi - made representations on the application objecting to it;
  - (former) Councillor Lynn Travis – made representations on the application objecting to it; and,
  - (deceased) Councillor Catherine Piddington – made representations on the application objecting to it.
3. No ecological survey was submitted with the application nor has one been submitted since its submission. However, the Greater Manchester Ecology Unit has been formally consulted on the planning application (18/00119/FUL) and has raised no objection.
  4. Once a planning application has been validated, the local planning authority should make a decision on the proposal as quickly as possible, and within the statutory time limit unless a longer period is agreed in writing with the applicant. The statutory time limit for determining a 'minor' application such as this is 8 weeks.
  5. However, if a valid application is already being considered, and it becomes clear that more time than the statutory period is genuinely required, then the local planning authority should ask the applicant to consider an agreed extension of time. Any such agreement must be in writing and set out the timescale within which a decision is expected. The timetable set out in a planning performance agreement or extension of time may be varied by agreement in writing between the applicant and the local planning authority.

An extension of time was originally agreed with the applicant until 2 July 2018. However, whilst no further extension of time has been agreed with the applicant, given that amendments to the proposals have been considered necessary this target date has been missed. The consideration of the application is nevertheless within the spirit of the advice provided in Paragraph 38 of the National Planning Policy Framework which states that "[local planning authorities should] work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area." It also states "Decision-makers at every level should seek to approve applications for sustainable development where possible."

As requested, I have attached an email from the applicant's appointed agent requesting an extension of time. However, whilst there is no record of a written acceptance as such from Mr. Berry to the proposed extension of time, that revised target date was nevertheless recorded on our 'Uniform' system as shown in the extract below:

App No.	18/00119/FUL	Pre-App	<input type="checkbox"/>	Address	Land South Of Grove Street Ashton-Under-Lyne Tameside
U.P.R.N.	010014258821				
Status	PCO - Pending Consideration				
<hr/>					
Proposal	Construction of 5 No. detached houses and associated works				
Date App. Valid	12.02.2018	Target Date	09.04.2018		
Case Officer	IB - Mr I Berry	Determination Date	09.04.2018		
		EoT Revised Expiry Date	02.07.2018		

Where an extension of time is suggested by the applicant or their appointed agent there is no reason for the local planning authority not to accept it since it demonstrates a continued proactive approach in assessing the application and moving towards a decision. This is within the spirit of the requirements of the National Planning Policy Framework. Should the applicant not agree to an extension of time, and a decision is not made within six months, then the applicant has the right of appeal to the Planning Inspectorate on the grounds of non-determination.

6. The application is not subject to an Environmental Impact Assessment.

If you have any queries about this letter, please do not hesitate to contact me.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint, or request a review of the Council's decision, please write to Sandra J Stewart, Borough Solicitor, at Tameside Metropolitan Borough Council, Dukinfield Town Hall, Dukinfield Tameside SK16 4LA.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. The Commissioner cannot normally make a decision unless you have exhausted the complaints procedure provided by the Council. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF and at [www.ico.gov.uk](http://www.ico.gov.uk).

Yours sincerely,

**Peter Taylor**  
**Head of Planning**