

NOMINATION OF THE MOSSLEY TOWN COUNCIL FOR LAND
AT SPRING STREET MOSSLEY TO BE INCLUDED ON THE
COUNCIL'S LIST OF ASSETS OF COMMUNITY VALUE
(REF CA16)

A. SECTION 1

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A. SECTION 1

Voluntary or Community Body Details

| | |
|--|--|
| Organisation | Mossley Town Council |
| Address | c/o [REDACTED] [REDACTED] [REDACTED] |
| Registered or trading name if different from above | As above |
| Contact name | [REDACTED] |
| Position in Council | Clerk to the Council |
| Correspondence address (if different to above) | As above |
| Daytime tel. no. | [REDACTED] [REDACTED] |
| E mail address | theclerk@mossley-council.co.uk |
| Web address | www.mossley-council.co.uk |
| Nature of organisation | Town (Parish) Council |
| Company registration number, registered charity number or Financial Services Authority registration number | Not applicable |

Community Nomination – Asset Detail

| | |
|---------------------------------------|---|
| Asset address | Landscaped area and car park at Spring St Mossley (The site recently advertised for sale by auction by Tameside MBC) |
| What is the asset | Community Car Park and local amenity area |
| Asset owner | Tameside MBC |
| Asset / land use over last five years | Community Car Park and local amenity area |

Evidence – Asset of Community Value

Confirm why you feel the asset is an asset of community value

The Spring St/Mill Lane community car park provides vital parking provision in Mossley for both residents and parents.

Being located in close proximity to Milton St John's Primary School and Nursery, the car park is used by parents of primary and nursery school children attending at school start and finish times.

The site is used by parents to park when dropping off their children and collecting them at the end of the day.

Removal of this car parking facility will result in serious road safety issues at school start and finish times.

Nearby Mill Lane is used as a busy fast 'rat run' from 'Top' to 'Bottom' Mossley. The school is located approximately half way down this dangerous road thus exacerbating the danger of accidents in both directions.

There is a strong belief in the community that retention of this parking facility will continue to alleviate the numbers of cars fighting for already very limited parking space on nearby and adjacent streets involving indiscriminate parking and damage to pavements including blocking pedestrian access.

The community is extremely concerned at the prospect of more cars being forced to park on already full, narrow and busy streets. Adjacent streets including Carhill Road are all saturated with parked cars owned by local residents.

There really is nowhere else to park for residents. The parking facility on Spring St is not 'wasted, surplus or under-utilised' land.

The car park was created in 1985 as part of the Tameside Spring Street Area

Action Plan - a development plan to modernise the dense Victorian streets and in recognition of the parking shortfalls in the area even back then.

Since that time, car ownership has increased significantly, particularly over the last 30 years adding even further pressure. This car park is hugely important to residents and parents.

The green garden next to the car park provides valuable amenity space and a safe space for children to play (even more necessary since the recent decision to enclose Milton St John's School playground and field) and for residents to sit outside.

Houses on Spring St, Vernon St and Archer St have no green gardens of their own and only limited outdoor space. This garden provides those residents with a green 'lung' of fresh air away from the stresses and strains of being indoors. This aspect is particularly important for young families, the elderly and those not able to walk far.

The garden adds significantly to their quality of life.

In summary, both the car park and open space area are highly valued and the site should be retained for such community uses.

In the event of the site being listed as a community asset, the Town Council will, wherever possible and subject to consideration of any detailed proposals for the site, work with and offer assistance to local residents in implementing future proposals for the site.

Evidence of this

There has been widespread opposition throughout the locality to the proposal by Tameside MBC to sell the site by auction.

Local Mossley Town and Tameside MBC Councillors have received many requests for assurance that the site will not be sold or redeveloped.

A public meeting was organised by concerned local residents on Wednesday 29 March and was attended by between 120 and 150 residents all of whom were opposed to the sale or redevelopment of the land.

No representations supporting sale or redevelopment have been received.

Name of person authorised to sign on behalf of the organisation

██████████

Position / status within the organisation

Clerk and Responsible Financial Officer

Date

29 August 2017

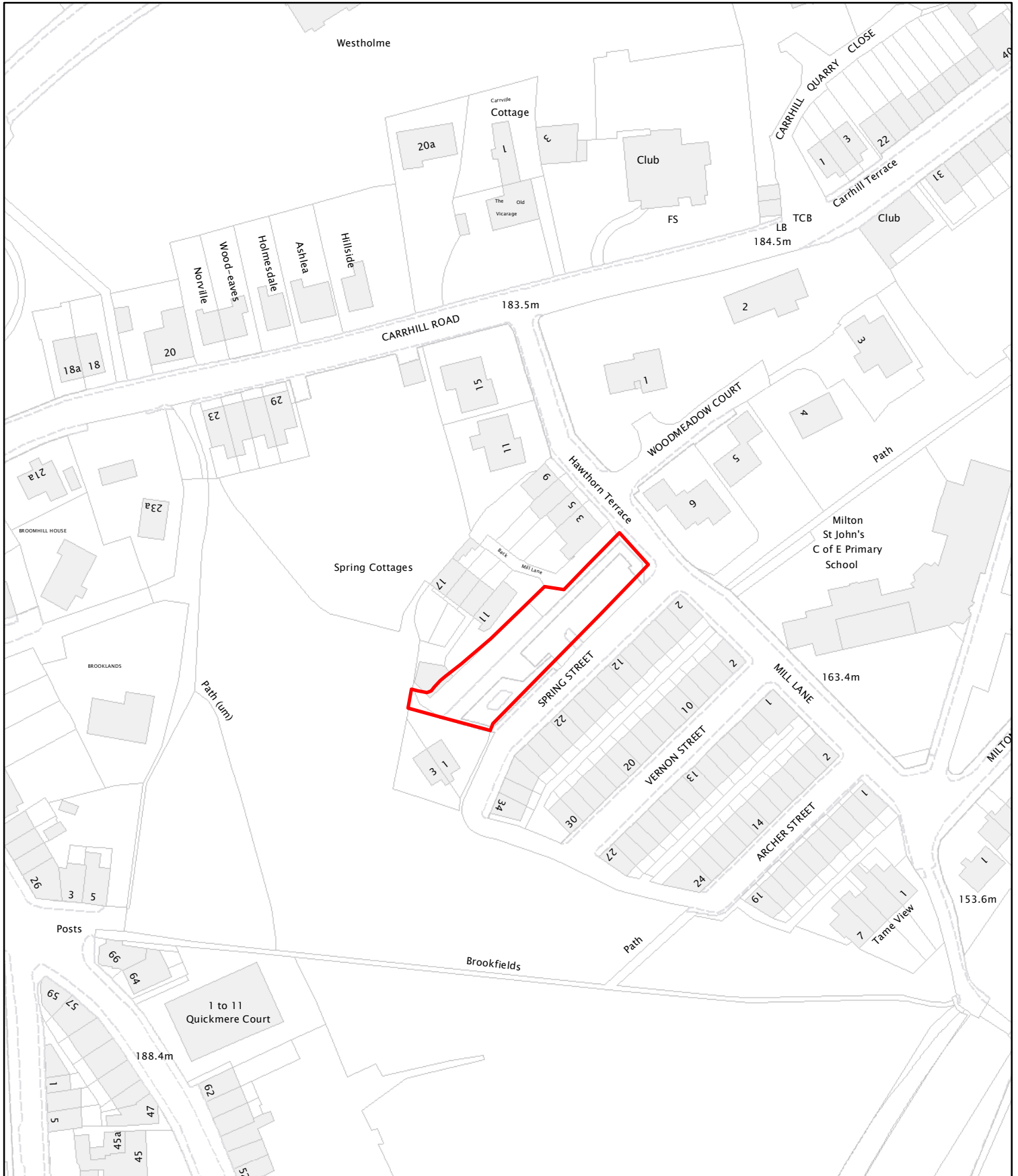
Signature

██████████

Land at Spring Street Mossley



Area 862 sq metres



1:1,250

SD9702NW



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Ordnance Survey 100022697

Plan prepared by Bill Boaden 28/10/2015



Estates & Asset Management Unit
c/o Dukinfield Town Hall
King Street
Dukinfield
SK16 4LA







Peter McCaughley

From: Peter McCaughley
Sent: 08 September 2017 11:56
To: Ian Coulson; David Absolon; Ade Alao; Bill Boaden
Cc: Damien Bourke
Subject: ACV Nomination - CA16 Land at Spring Street Mossley
Attachments: 219974 - Spring ST ACV app(second).pdf

Gents

Mossley Parish Council has resubmitted its nomination for the land at Spring street to be included on the Council's list of ACVs. You will recall the Parish Council originally submitted the nomination but then withdrew it after the sale was withdrawn from the auction. Now that the site has been put up for auction again, the nomination has been re submitted.

Previously you informed

1. The actual current use of the land is as part free car park used by local people/part overgrown landscaping which has been tidied up very recently by local residents and part unused outside the boundaries of the car park and landscaping.
2. There is no ancillary use of the land.
3. In respect of the actual current use of the land furthering the social wellbeing or social interests of the local community the use of the car park relieves congestion on the adjoining streets and when children arrive and leave the nearby school.
4. Regarding future use and the furtherance of the social wellbeing or social interests of the local community if the land is sold it is highly likely that a future owner will seek to redevelop the land and this will make off street parking unavailable.

Can you confirm that the above information is still accurate.

Can you also confirm that the land is due to go to auction, and if so please provide the date. If it is not to go to auction can you confirm what the plans are for the land.

Bill can you confirm there are no leases on the land.

Can someone advice advise when the land became a car park/amenity area and what it was before that. From an FOI request that I have seen it is suggested that 12 terraced houses previously stood at the site and planning permission was given in 1987 for the creation of an amenity space, play area and car park at the site.

Can someone also clarify whether there is in fact a play area on the site.

Can I have a response by no later than 22 September please.

Regards

Peter McCaughley
Principal Solicitor General Law

Legal Services

Governance

Governance, Resources and Pensions

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Tel. 0161 342 4354

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LS - 003729/00226485

Peter McCaughley

From: Peter McCaughley
Sent: 08 September 2017 11:01
To: Councillor Tafheen Sharif; Councillor Jack Homer; Councillor Frank Travis
Subject: ACV Nomination - CA16 Land at Spring Street Mossley
Attachments: 219974 - Spring ST ACV app(second).pdf

Dear Councillors

The Council has received a nomination that land known as the Car Park and Amenity Area at Spring Street, Mossley be included on the Council's list of Assets of Community Value. I attach a copy of that nomination for your consideration

The nomination has been made by Mossley Town Council.

Matters for Consideration when Determining whether Land is an ACV

The legislation states that the Council is required to consider nominations within 8 weeks from receipt of a valid nomination (ie by 24 October 2017) and must register the land or buildings as an ACV if, in its opinion

-
- (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
 - (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community (section 88(1) Localism Act 2011)

If a building or other land in a local authority's area that is not land of community value as a result the above, the land is of community value if the Council is of the opinion that—

- (a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
- (b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community (section 88(2).)

The Decision Maker, having regard to the above definition of community land, must determine whether or not the land is community land which must be included on the Council's register of ACVs.

Invitation to Provide Comments

As Ward Councillors for the ward in which the land is situated I would welcome any comments you have on this nomination. To allow time for the report to be prepared for the decision maker, and for time for the decision maker to consider all the information, representations and the report, I would be grateful if you would provide me with any comments you wish to make by no later than 22 September 2017.

Please be aware that the land can only be land of community value if the Council is of the opinion that it meets the definition contained in either s88(1) or S88(2) of the Act as outlined above. Please therefore try to ensure that you have regard to this legislation when making any comments.

Matters Not Relevant to an ACV Decision

Please note that concerns about the possible over-development of the area and the protection of wildlife are matters which fall to be addressed in the context of planning law relating to development control, and they fall outside the ambit of the ACV provisions. Similarly it is irrelevant whether the nominator may be motivated by a desire to preclude development on the nominated asset. Again this is a matter covered by planning law and not something to be considered when deciding whether the land is land of community value.

Effect of Land Being Listed as an ACV

If land is listed as an ACV it does not prevent it being sold by the owner to any purchaser of his choosing. Also it will not prevent the land from being re-developed. Matters regarding the development of land are covered by planning law.

The effect of land being listed is that the owner, prior to selling the land, must give notice to the Council of his intention to sell. This then creates a 6 week interim moratorium period during which the a Community Interest Group can notify the Council that it wishes to be treated as a potential bidder for the land. The land cannot be sold during that 6 week interim moratorium period.

If a Community Interest Group does give such a notification during the interim moratorium period then this creates a 6 month full moratorium period during which the land owner can only sell to a Community Interest Group.

The land owner does not have to sell to a Community Interest Group during that 6 month period, even if such a group were to make an offer to buy the land. Rather the owner is prevented from selling to anyone else during the full moratorium period.

On expiry of the 6 month full moratorium period the owner is entitled to sell the land to any person.

I hope this explains the position to you. Further information on ACVs and the effect of land being included on the Council's register of ACVs can be found on <http://www.tameside.gov.uk/assetscommunityvalue>

I look forward to receiving any comments or representations you may have on the nomination.

Yours sincerely



Peter McCaughley
Principal Solicitor General Law

Legal Services
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LS - 003729/00226423

Response of Head of Investment and Development

I assume that the CPO under Housing Action Area powers would have been on the basis that the houses were assessed as not being fit for human habitation at the time. The existing car park would have then been intended as temporary use until the site was redeveloped.

I'm a bit concerned at the suggestion that the actual current use of the land as a free car park is furthering the social wellbeing or social interests of the local community as the use of the car park relieves congestion on the adjoining streets and when children arrive and leave the nearby school. Firstly, I'm not aware of any evidence that the Council has established a need for a car park at this location.

Secondly, my understanding of the definition of "social wellbeing" by the WHO and others relate to social interaction of individuals within a community as part of total health and wellness. I find it difficult to see how the provision of a car park opposite a junior school, which essentially deprives the children and their parents the opportunity to undertake a healthy walk to and from school and interact with others, could be construed as furthering social wellbeing in the local community. On the contrary, an argument could be advanced that it is detrimental to social interaction and social wellbeing.