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| **Mossley Town Council** | | | | | | | | |
| **6 September 2023 at 8.00pm** | | | | | | | | |
|  |  | | | | | | | |
|  | **Present:**  Councillor Frank Travis (Chair) (In the Chair); Councillors Hamza Aslam, Dean Aylett, Amelia Bayliss, Stephen Homer, Idu Miah, Mary Mitchell and Pat Mullin. | | | | | | | |
|  | 10 members of the public were present at the meeting. | | | | | | | |
| **2438** | **Apologies for Absence**  There were no apologies for absence as all current members of the Town Council were present at the meeting. | | | | | | | |
| **2439** | **Declarations of Interest**  Councillors and officers were invited to declare any interests they had in any of the items on the agenda for the meeting.  No declarations were made. | | | | | | | |
| **2440** | **Resignation of Former Town Councillor Sally Davies**  The Clerk reported that that former Town Councillor Sally Davies on 29 August 2023 resigned with immediate effect, her seat as a Lancashire Ward member.  Tameside MBC had been informed and the required notice inviting voting parishioners to request an election to fill the vacancy had been published.  The period allowing 10 parishioners to request an election would expire on 19 September 2023.  If no such request was made the Town Council could fill the vacancy by co-option.  Previous co-options conducted by the Town Council had afforded applicants the opportunity to meet with existing Town Councillors at an ordinary meeting and were invited to make a 5-minute presentation on why they would like to become a Town (Parish) Councillor, disclose any relevant experience and what they consider they could offer to the community. | | | | | | | |
|  | RESOLVED: | | | | (1) | That the report be noted. | | |
|  |  | | | | (2) | That in the event of an election to fill that vacancy in the Lancashire Ward not being requested, applicants for co-option be invited to meet with existing Town Councillors and invited to make a 5-minute presentation on why they would like to become a Town (Parish) Councillor, disclose any relevant experience and what they consider they could offer to the community. | | |
|  |  | | | | (3) | That the Clerk in consultation with the Chair, be authorised to make the necessary arrangements. | | |
| **2441** | **Public Engagement**  No members of the public wished to address the meeting.  Police  Sgt Ben Marsden attended the meeting to deliver an update on Policing matters in the Town.  Main points made:   * There had been a recent Greater Manchester Police review of neighbourhood policing, from this review and Police had been given an entirely new shift pattern. As a result, the team had struggled to attend Town Council meetings. * In response to questions from members, Sgt Marsden outlined reasons why Mossley Police Officers were not based in the Town and the reasons for them being based at Ashton Police station; and why it often appeared that numerous Police Officers attended minor incidents. * Information/ intelligence was shared amongst districts within Police divisions. * Burglaries and car thefts were increasing across the Division and Sgt Marsden undertook to provide statistical information at a future meeting. * In light of vandalism in the town and in particular at Egmont St, Sgt Marsden undertook to investigate the possibility of a fresh bid being submitted for CCTV in the area. Sgt Marsden indicated that he would arrange for Police attendance at any site visit to consider the installation of CCTV facilities. * In concluding his report Sgt Marsden encouraged residents to use the anonymised Crimestoppers facility to provide the Police with issues for investigation. | | | | | | | |
|  | RESOLVED: | | | That Sgt Marsden be thanked for his attendance. | | | | |
| **2442** | **Applications for Financial Assistance**  The Clerk advised members that no applications for financial assistance had been received since the last meeting. | | | | | | | |
| **2443** | **Minutes of the Meeting of the Council on Wednesday 12 July 2023**  The Minutes of the Meeting of the Town Council held on Wednesday 6 July 2023 were approved as a correct record and signed by the Chair. | | | | | | | |
| **2444** | **Financial Update to 30 June 2023**  The Clerk submitted a report (copies of which had been circulated) showing the financial position as at 31 August 2023 and listing all bills paid since the last meeting as follows: | | | | | | | |
|  | Childflight donation | | | | | | | £150.00 |
|  | PAYE (June) | | | | | | | £116.60 |
|  | ZOOM | | | | | | | £15.59 |
|  | M Iveson (salary and exp July) | | | | | | | £470.72 |
|  | FOES (grant) | | | | | | | £1000.00 |
|  | Mossley Methodist Church | | | | | | | £40.00 |
|  | Netwise (website maint.) | | | | | | | £396.00 |
|  | Zoom | | | | | | | £15.59 |
|  | PAYE (July) | | | | | | | £116.60 |
|  | M Iveson (Salary and exp. Aug.) | | | | | | | £475.72 |
|  | Total: | | | **£2796.82** | | | | |
|  | The Clerk advised members that that the large grant of £1000 awarded to FOES for the harvest festival had been returned because the event was not going ahead due to the main organiser undergoing surgery.  At the last meeting, a £250 donation had been agreed to The Vale for a defibrillator box in which to house an appliance donated by Micklehurst School. The total cost of the defibrillator box to be provided at The Vale was £550. The Vale was seeking to raise the additional £300 and would notify the Town Council when the money had been raised after which the Town Council’s contribution would be paid.  Accounts from Tameside MBC for the cost of the May 2023 elections and the Town Council’s contribution to the skatepark project were awaited. | | | | | | | |
|  | RESOLVED: | | | | (1) | | That the report be noted. | |
|  |  | | | | (2) | | That when received from Tameside MBC, the Clerk be authorised to pay the account for the May 2023 elections. | |
| **2445** | **External Audit of the Town Council’s Accounts for the Year ending 31 March 2023**  The Clerk submitted a report (copies of which had been circulated) advising the Town Council on the findings of the External Auditor (PKF Littlejohn LLP) following their audit of the Town Council’s Accounts for the year ending 31 March 2023.  On the basis of the external auditor’s review of the annual governance and accountability return, the accounts accorded with legal requirements and there were no other matters which have come to their attention which give cause for concern. | | | | | | | |
|  | RESOLVED: | | (1) | | | That the report be noted. | | |
|  |  | | (2) | | | That the Clerk be authorised to pay the fee (£378, an increase from £240 in 2022) to PKF Littlejohn LLP for their work in undertaking the external audit of the Town Council’s accounts for 2022/23. | | |
| **2446** | **Homes, Spaces, Places - Shaping Tameside for Tomorrow - Integrated Assessment Scoping Report Consultation**  The Clerk submitted a report (copies of which had been circulated) inviting the views of the Town Council on the Scoping Report for the ‘Homes, Spaces, Places - Shaping Tameside for Tomorrow’ Plan.  The Integrated Assessment is a key part of the process of evaluating a plan as it is being written. It shows in a transparent and open way that the plan prepared is the most appropriate strategy, given reasonable alternatives.  Tameside MBC had invited the Town Council’s comments by Tuesday 29 August 2023. However, the Clerk had discussed this with the Head of Policy Planning at Tameside MBC and it had been agreed that the Town Council’s comments can be submitted after the meeting of the Town Council on 6 September 2023. | | | | | | | |
|  | RESOLVED: | | (1) | | | That whilst the Town Council has no specific comment on the Integrated Assessment Scoping Report consultation, it acknowledges that a number of issues raised in the plan will be of assistance to the Town Council in formulating the Mossley Neighbourhood Plan. | | |
|  |  | | | (2) | | That the Clerk in consultation with the Chair be authorised to respond to the consultation on behalf of the Town Council.  (Note: For ease of reference, the response of the Town Council is appended to these minutes.) | | |
| **2447** | **Consultation issued by the Rail Delivery Group on proposals to remove ticket offices from stations.**  The Clerk submitted a report (copies o which had been circulated) advising the Town Council on the consultation issued by the Rail Delivery Group on proposals to remove ticket offices from stations.  The report invited the Town Council to endorse the response published on the Town Council’s website and on social media. | | | | | | | |
|  | RESOLVED: | | | That the response the consultation issued by the Rail Delivery Group on proposals to remove ticket offices from stations published on the Town Council’s website and on social media, be endorsed. | | | | |
| **2448** | **Christmas 2023 Events in Mossley**  Neil Morris, Managing Director, Comtec Presentations attended the meeting to present proposals (copies of which had been circulated), for equipment & technical support to be provided for the Christmas light switch on at Micklehurst and Mossley Market Ground on the 24 and 25 November 2023, respectively.  The Town Council had allocated £7000 in the 2023/24 budget to meet the cost of both events.  The Chair advised members that whilst it was the intention to keep expenditure in line with budget provision, it was possible that there may be an overspend and in that event, the Town Council would have to meet that increase from elsewhere in the budget.  The cost of the services to be provided by Comtec amounted to £6600 reducing to £4990 after a discount of £910 and estimated sponsorship income of £700 were applied. | | | | | | | |
|  | RESOLVED: | | (1) | | | That the proposal submitted by Comtec for equipment & technical support to be provided for the Christmas light switch on at Micklehurst and Mossley Market Ground on the 24 and 25 November 2023, respectively, be approved. | | |
|  |  | | (2) | | | That the provisions of Financial Regulation 11.1 (g) (requiring quotations to be obtained), be waived in order to enable the services required by the Town Council to be provided by a local contractor. | | |
|  |  | | (3) | | | That on behalf of the Town Council, the Clerk be authorised to enter into and sign the necessary contract with Comtec. | | |
| **2449** | **Partnership Working – ‘Moving Forward Together’**  The Chair submitted a report (copies of which had been circulated) outlining proposals for Partnership Working. The report included an accompanying proposal by Comtec setting out a method to drive the initiative forward.  The Clerk reminded members that at the July 2023 meeting, an amount of £5000 had been included in the budget for Partnership Working. The expenditure to be met from the unallocated budget.  The report included various options to pursue Partnership Working in the town and favoured entering into a partnership arrangement with Comtec for an initial term of 1 year.  The cost of the proposal by Comtec amounted to £4992 excluding project management fees which Comtec had agreed to waive. | | | | | | | |
|  | RESOLVED: | | | (1) | | That the proposal submitted by Comtec for Partnership Working for an initial term of 1 year, be approved in principle subject to consideration of detailed arrangements on the implementation and operation of the initiative. | | |
|  |  | | |  | | That the provisions of Financial Regulation 11.1 (g) (requiring quotations to be obtained), be waived in order to enable the services required by the Town Council to be provided by a local contractor. | | |
|  |  | | |  | | That on behalf of the Town Council, the Clerk be authorised to enter into and sign the necessary contract with Comtec. | | |
| **2450** | **Remembrance Sunday – 12 November 2023**  The Clerk submitted a report (copies of which had been circulated) inviting the Town Council to consider arrangements for the Mossley Remembrance Service on Sunday 12 November 2023.  The service was an established format and was appreciated by the Town.  The Clerk reported that the pyrotechnician engaged in recent years was unable to attend the event to set off the now customary maroons. At the request of the Clerk, the contractor had approached colleagues but regrettably none were available.  In the event of the Town Council wishing to continue with that aspect, the Clerk would endeavours to find a suitable contractor.  Reverend Robert Balfour from Mossley Methodist Church had agreed to conduct the service.  A further issue of concern was the arrangements for first aid and stewarding of the event and in particular during the procession from Mossley Hall to George Lawton Hall in view of the apparent absence of Town Team Stewards.  Councillor Idu Miah briefed members on an initiative involving young people in the town downloading a ‘Poppy’ related image for subsequent colouring and window display which would provide a significant display throughout the town. Councillor Miah undertook to report further at the next meeting. | | | | | | | |
|  | RESOLVED: | | | (1) | | That the report be noted. | | |
|  |  | | | (2) | | That the Clerk be requested to order from RBLA, a wreath to be presented at the Remembrance Service on behalf of the Town Council and that the necessary expenditure be authorised. | | |
|  |  | | | (3) | | That the Clerk be requested to seek an alternative pyrotechnician for the Remembrance Service and to agree a potential contractor in consultation with the Chair. | | |
|  |  | | | (4) | | That the Clerk be requested to make arrangements in consultation with the Chair for appropriate stewarding and first aid facilities for the event. | | |
|  |  | | | (5) | | That any necessary expenditure be authorised. | | |
| **2451** | **Neighbourhood Plan - Update**  Councillor Amelia Bayliss undertook to progress arrangements and report further to the next meeting. | | | | | | | |
| **2452** | **Mossley Young People- Exploring Ideas and Connections**  Councillor Hamza Aslam reported on an initiative to commence a co-operative arrangement initially with Mossley Hollins High School and subsequently local primary schools. | | | | | | | |
| **2453** | **Mossley Walking and Cycling Strategy – Update**  Councillor Pat Mullin reported upon a ‘Step into Autumn’ initiative involving Mossley Council and Emmaus Mossley supporting Mossley Food Bank by encouraging local people to walk for 30 minutes every day in October and collecting a £1 for each walk to be paid at the end of the month to Mossley Food Bank.  This would have the double advantage of encouraging physical activity (with its beneficial health benefits mental & physical) diverting people from driving, encouraging social interaction and raising much needed funds for the Mossley Food Bank.  Mossley Town Council's role would be in publicising and coordinating activity.  Councillor Mullin drew attention to the inability for walkers to negotiate Footpath 84/20 in Mossley, in response to which Councillor Stephen Homer advised that the issue was under investigation by the Tameside MBC Pub,ic Rights of Way Officer. | | | | | | | |
| **2454** | **Provision of Cycle Racks**  The Chair reported that an update would be delivered to the next meeting. | | | | | | | |
| **2455** | **Brunswick Dam Project – Update**  Liam Charles and Rob Ollerenshaw attended the meeting and delivered an update on progress made on the project to bring Brunswick Dam into an amenity feature for the community. | | | | | | | |
| **2456** | **Planning Issues**  The Council considered the following planning applications: | | | | | | | |
|  | (i) | Redevelopment of the site for 50 dwellings together with associated parking, access, internal roads, landscaping, drainage, and all associated works at former Mossley Hollins High School, Huddersfield Road Mossley (23/00680/FUL) | | | | | | |
|  | (ii) | Double storey rear extension to create additional living space at 9 The Birches Mossley (23/00667/FUL) | | | | | | |
|  | (iii) | Demolition of workshop and formation of new dormer bungalow at 23A Carrhill Road Mossley (23/00654/FUL) | | | | | | |
|  | (iv) | Variation of condition 1 (drawings) to incorporate changes to the design and layout to planning permission 21/00320/REM on land to the rear of 75-99 Stockport Road Mossley (23/00613/FUL) | | | | | | |
|  | (v) | Proposed raised decking to side elevation (retrospective) at 47 Quickedge Road Mossley (23/00709/FUL) | | | | | | |
|  | (vi) | Reserved matters application (design details, slope stability & drainage) following outline approval of 20/00681/OUT for a detached house on land between MDR Autos And Heron Lane Manchester Road Mossley (23/00676/REM) | | | | | | |
|  | (vii) | 8, 2 bedroom terraced houses on land on Stamford Road (formerly Stamford Heights) Mossley (23/00751/FUL) | | | | | | |
|  | (viii) | Erection of front and rear single storey extensions to Egmont Street pavilion. Change of use from changing rooms to cafe. Sports Ground Pavilion Egmont Street Mossley (23/00717/FUL) | | | | | | |
|  | (ix) | Non-material amendment to planning application 21/00830/FUL. Amendment to external decking area to be raised up 150mm to be flush with the internal floor level at 24 Meadow Close Mossley (23/00712/MATCH) | | | | | | |
|  | (x) | Proposed raised decking to side elevation (retrospective) at 47 Quickedge Road Mossley (23/00709/FUL) | | | | | | |
|  | (xi) | Reserved matters application (design details, slope stability & drainage) following outline approval of 20/00681/OUT for a detached house on land between MDR Autos and Heron Lane Manchester Road Mossley (23/00676/REM) | | | | | | |
|  | (xii) | New first floor window positions to the front elevation 29 King Street Mossley (23/00729/FUL) | | | | | | |
|  | RESOLVED: | | | (1) | | That in respect of applications no   * 23/00680/FUL for redevelopment of the site for 50 dwellings together with associated parking, access, internal roads, landscaping, drainage, and all associated works at former Mossley Hollins High School, Huddersfield Road Mossley, and * 23/00751/FUL for 8, 2 bedroom terraced houses on land on Stamford Road (formerly Stamford Heights) Mossley,   the Clerk in consultation with the Chair be authorised to submit to Tameside MBC, objections to the applications based on the views expressed at this meeting.  (Note: For ease of reference, the objections agreed with the Chair and submitted to Tameside MBC are appended to these minutes.) | | |
|  |  | | | (2) | | That remaining applications be noted. | | |
| **2457** | **Chair’s Report**  No additional items were reported | | | | | | | |
| **2458** | **Updates and reports from Town Team and Other Agencies**  Members were advised of the following:   * a community event to take place at Mossley Community Centre on Friday 22 September 2023 to celebrate the opening of the fully funded access ramp at the premises; and * a Harvest Fun Day on Saturday 9 September 2023 at 10.45am onwards to celebrate the 10th Anniversary of the establishment of The Mossley Foodbank. | | | | | | | |
| **2459** | **Correspondence**  There were no additional items of correspondence to report. | | | | | | | |
|  | The meeting closed at 10.30pm. | | | | | | | |

Chair

**Response to the Homes, Spaces, Places - Shaping Tameside for tomorrow**

**Integrated Assessment Scoping Report Consultation**

The Town Council has no specific comment on the Integrated Assessment Scoping Report consultation but acknowledges that a number of issues raised in the plan will be of assistance to the Town Council in formulating the Mossley Neighbourhood Plan (NP).

The Town Council presumes that there will be a further consultation as the ‘Homes, Spaces, Places - Shaping Tameside for Tomorrow’ develops and the Town Council will wish to comment on proposals contained therein.

In formulating this response and in discussion with Town Council Chair (Councillor Frank Travis), the Town Council would wish to enquire at this stage about the impact on the NP process and in particular the possibility of sharing with the Town Council any ongoing work-statistics etc which emerge from the work that ARUP will be doing. In effect this means the Town Council being made aware where possible of ongoing work results.

The timetable for adoption of the ‘Homes, Spaces etc Plan’ goes to 2026 and possibly beyond. The Town Council presumes therefore, that the NP cannot be approved/submitted for assessment until this work is complete and has been adopted as an official plan.  
  
Turning specifically to the housing position in Mossley which will form a major aspect of the NP, there are current applications for planning permission to develop approximately 400 houses up and down the Tame Valley and there is a demand from the Mossley community for information against which the housing element of the NP can be considered.

The Town Council has received numerous requests for the following statistics:  
  
The numbers of housing completions of all types in Mossley and Tameside over-  
1.last 10 years  
2 last 5 years  
3 number in construction or with planning permission  
4 planning applications in process and not determined.  
5 other sites deemed to be suitable for housing at present and not included in the above and any likely indication of capacity.  
  
The Town Council fully acknowledges the TMBC’s housing strategy for the public (social housing), private housing, include the approach to and policy around social housing, affordable and market rent properties. However, Mossley Town Council constantly receives questions from the community about housing and there is a vibrant campaign around this. The forward-looking nature of the plan has been fully outlined to the community.

Mossley Town Council will want to see an informed approach to the issues around all subjects in the NP, but the call for the above information is now constant and has resulted in the Town Council being held responsible by being unaware of these statistics.

The Town Council is not aware of any formal requests being made under the Freedom of Information Act for this information. Receipt of this information without the need to go through such formal channels would assist and reduce potential claims of negativity.  
  
I do hope you will be able to provide the information requested. If you require any further information, please let me know.

**Redevelopment of the site for 50 dwellings together with associated parking, access, internal roads, landscaping, drainage, and all associated works at former Mossley Hollins High School, Huddersfield Road Mossley (23/00680/FUL)**

This application was considered by the Town Council on 6 September 2023.

The Town Council made the following comments:

1. Whilst having no objection in principle to the development of the site for residential purposes, the development proposes unimaginative housing with poor site layout.

The Planning Statement refers to application 17/0048/OUT. This outline only referred to an indication of a potential layout and specifically said that this was only included for illustrative purposes. That was for an indicative 41 units.

The site does have its difficulties, but given the nature of the topography and the area, the Council believes that should not be an excuse for poor urban design, overdevelopment and completely missed opportunity for a more considered, design led approach, rather than another ”off the peg” commercial design. This is not town planning and design which is well considered and site relevant and does nothing to enhance the town in this prominent location. Even amongst the proliferation of developments around the area, this is a site which will be one of the most telling to the residents of Mossley. Getting it this wrong will be unforgiveable.

1. The Town Council understands that the developer is a provider of social housing but the development does not include any housing for rental.
2. The Town Council requests that the developer provides that a proportion of the development will be made available for social and affordable housing and that these elements of the scheme be made available as a priority and occupied prior to the more commercial aspect of the development. The application does not refer to or follow the Tameside Housing Strategy, 2021-2026 where requirements around this are laid out.
3. The Town Council requests that ‘green’ environmental issues should be incorporated into the development including electric vehicle charging facilities, facilities for cycling and storage and recycling facilities.
4. The statement says that consolation was carried out, but the Town Council did not receive any communication on this. We suggest that the applicant produces more evidence of this consultation.
5. The statement says that there is no Neighbourhood Plan. The Town Council is currently preparing a Neighbourhood Plan and although it is not completed, the process is engaged with Tameside MBC.

**8, 2 bedroom terraced houses on land on Stamford Road (formerly Stamford Heights) Mossley (23/00751/FUL)**

This application was considered at the Town Council meeting on 6 September 2023.  
  
The Town Council considers that the application should be refused for the following reasons:

The Town Council has considered and objected to 3 previous applications on this site as follows:

* Construction of 2 number 4-bedroom town houses 2 number 2-bedroom town houses and 12 apartments (resubmission of application 20/00463/FUL Land on Stamford Road Mossley) (21/00344/FUL)
* Construction of 9, 3 bed dwellings including ancillary works/excavation at land on Stamford Rd, Mossley (22/00262/FUL)
* Construction of 3 x 3 bed dwellings and 6 x 2 bed dwellings including ancillary works/excavations (updated site plan and elevations with reconfiguration of public right of way) at land on Stamford Road, Mossley (22/00262/FUL)

The Town Council considers that objections in respect of those previous applications are valid in respect of the above application.

The Town Council’s objections are summarised below:

1. Inappropriate siting and layout  
2. Inadequate parking provision  
3. Impact on local commercial and residential amenity  
4. Potential for unsafe parking and turning on a main road.  
  
The development of this site for housing on such a scale is wholly inappropriate being located at a 5-way busy traffic light-controlled junction and will result in danger to road and pedestrian users.

The development does not provide sufficient parking space. The planning policy which relaxes parking requirements in district centres, the Town Council believes, is unsound and not in reality for situations such as Mossley. Although technically within a town centre boundary (in part and whatever historic decision this is based on, does not make any real logic as it only takes the rear part of the site into the “town centre”), the Town Council considers that the policy applies to apartment/flat living and not to family accommodation.

Resident parking will result in surrounding streets, already overburdened, causing conflict and loss of amenity to other residents. In addition there may well be new pressure on Stamford Street space, which serves the few local residents and most importantly the businesses. The "casual" parking here generally works for now very well and this development could well impact on this so that both again are disadvantaged. It is also inevitable that residents will seek to unload, albeit briefly, on the road side, even to the point of mounting the footway to do so. This forms a safety hazard in the road and causes traffic passing and waiting for the traffic lights, to stand in the outer limit of the upward lane or even into the downward lane. This is a safety hazard.

Councillors are concerned that in previous comments from Highway Engineers, the issues raised here, which they feel are grounded in local knowledge, not only goes against what would appear to be clear issues of access and parking demand from future residents, but also follows the line that this is within the town centre boundary and therefore has exemption from “normal” parking and access considerations.

**The Town Council strongly requests a site visit as the nature of their concerns and reality of the highway issues cannot be appreciated, especially with the comments of the highway engineers clearly making light of what is a very difficult location and seem to be inconsistent with other approaches to parking and site access standards applied elsewhere.**  
Although not strictly within the remit of the application, we have to have some practical forethought here. It is almost inevitable that the new residents of this development will seek to have access to Stamford Road for cars parked within their front gardens. Although this may be constrained by condition, covenant and properly subject to formal application, this will not only return to concerns of direct access to Stamford Street and the danger and disorder this will bring, but also a totally inappropriate townscape is the result. In thinking of potential consequences, especially those which may be difficult to "police" by the LPA, this should be part of the real factors here.

The development of the site in question land which will inevitably involve excavations due to the topography, deliveries or construction would be totally inappropriate and cause chaos at the 5-way junction. This was exemplified during the recent temporary road closure during re-cabling works.

It appears that the revised application deletes all parking from some of the houses and then left some of them with in-front parking directly onto Stamford Road. This will result in vehicles driving into and reversing out of driveways on a very busy and dangerous part of the road, exacerbated by the likelihood of insufficient parking for all occupiers of the proposed development. Once again, the case that occupiers will have access to public transport whilst laudable does not bear out in reality. This is exemplified by the major parking issues we already have on a lot of Mossley streets.

The Town Council wholeheartedly requests that the application is refused on the grounds indicated in this response.