



I P FRAUD INVESTIGATIONS

**EXTRACTS FROM
26 FEBRUARY 2020 APPEAL DECISION
REFERRING TO
"RED EDGE" AND "ACCESS"**

[in para. 10]:

“The UU, therefore, overcomes the concerns of the previous Inspector and I afford significant weight to the planning obligations therein”.²

[in para. 9]:

*“I note that the UU for the purposes of identification of the site has a red edge that is different from **the submitted plans** insofar as it excludes the access road”.*

[in para. 29]:

*“there has not been a material change in circumstances in terms of the proposed access arrangements and local highway conditions aside from the **inclusion**³ of the site access within the red edge on the location plan submitted as part of this proposed development”.*

[in para. 36]:

“In reaching that view, I have taken into account that the access road is already capable of being used by vehicles as an access point to and from Back Owen Street ... none of the accidents which have taken place had any relationship with the use of the proposed site access”.

[in para 45]:

“Conditions 3 and 4 are pre-commencement conditions to secure highway works to ensure that the site access is suitable for vehicles, pedestrians and cyclists to ensure that the development does not have an unacceptable impact in terms of highway safety”.

[in the SCHEDULE]:

*2) The development hereby permitted shall be carried out in accordance with **the following approved plans**: BLJT-00600948; PHA/042/100; PHA/042/200 rev B; PHA/042/300 & sss-7741 rev A”.*

[in the SCHEDULE]:

*3) No development shall take place until full details of a scheme for the highway works to provide the site access have been submitted to and approved in writing by the local planning authority. The scheme of works shall **include** the re-surfacing of the side street adjacent to 106 Whalley Road, addition of street lighting and **any agreements required thereto**”.*

[in para. 33]:

Whilst ownership matters have been raised with respect to works taking place along the access road, the submitted plans include it within the red edge and the Council determined the planning application on that basis”.

² THE “UU” (UNILATERAL UNDERTAKING) IS MISSING FROM THE APPLICATION REGISTER 11/19/0211.

³ A REQUEST FOR SUCH INCLUSION WAS MADE ON 19.08.2019 (extracts follow):