

From: Ian Berry - Planning
Sent: 25 October 2018 15:42
To: [REDACTED]
Subject: RE: Case reference 18/00119/FUL: Construction of 5 Detached Houses at Land South of Grove Street Ashton-under-Lyne.

[REDACTED]

Thank you for your email following our telephone conversation yesterday afternoon.

The letter that you have received was sent to inform you of the planning application and to invite any comments you may have. It states explicitly that: If you have any further comments to make on planning issues please either submit them on-line, write to me, or alternatively email ... Your letter/email cannot be acknowledged.

Nevertheless, in answer to your specific questions, 1 – 8, I offer the following comments.

1. As you are aware, an Open Land Assessment has been submitted with the application. We discussed briefly its content yesterday.
2. The issue of the sale of the land is not an issue material to the consideration of the planning application. Therefore, no weight can be given to this in the assessment of the planning application.
3. The issue of 'extremely limited' is subjective. One of the issues to be considered in determining the application is whether the proposed houses can be accommodated physically on the land.
4. Whether the application complies with UDP policy OL4 is a major determinant in the consideration of the application. Until the officer's recommendation is formalised I can offer no opinion as to whether it complies.
5. & 6. Whether there any covenants appertaining to the land is not a material to the consideration of the planning application. If planning permission is granted it is just that, planning permission. It will not over-ride any covenants that may exist. If permission is granted any covenants restricting development would have to be extinguished before the development could proceed.
7. If the land were developed proper maintenance would be the responsibility of the owners/occupiers. If it appears to the Council that the amenity of a part of their area is adversely affected by the condition of land in their area planning legislation empowers the Council to serve a notice on the owner and occupier of that land requiring that the condition be remedied.
8. This is a matter you are taking up with the Borough Solicitor directly. Therefore, it would be inappropriate for me to comment on this.

Ian Berry - Planning
Planning Officer
Planning

Development and Investment
Growth

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From: [Redacted]
Sent: 25 October 2018 09:07
To: Ian Berry - Planning
Subject: Case reference 18/00119/FUL: Construction of 5 Detached Houses at Land South of Grove Street Ashton-under-Lyne.

Re :Case reference 18/00119/FUL: Construction of 5 Detached Houses at Land South of Grove Street Ashton-under-Lyne.

Dear Mr Berry,

Further to our telephone conversation yesterday 24/10/18, please find below the email we sent to you on 12/3/18 and the email requesting acknowledgement on 14/3/18.

You failed to respond to either email.

In the first email we brought vital points in this case to your attention.
You have failed to answer any of them.

Furthermore, in point 6 we draw your attention to the existence of documents appertaining to this 'Protected Green Space' in the Land Charge register which you have failed to search for or even ask for their reference numbers.

How can you claim that the complainants will get a fair hearing, when you have had this information for almost 8 months and failed to investigate?

We look forward to your response to all these points by the end of today.

Regards

[Redacted signature]

----- Forwarded message -----

From: [REDACTED]
To: [REDACTED]
Sent: Wednesday, 14 March 2018, 23:18:07 GMT
Subject: Case reference 18/00119/FUL: Construction of 5 Detached Houses at Land South of Grove Street Ashton-under-Lyne.

Dear Mr Berry,

Please can you confirm receipt of the email below which we sent to you on 12/03/2018.

Please can answer the questions we have asked, since we now have less than 14 days to respond to the planning application.

Furthermore, please can you confirm that you have received the request for a representative from our Residents Group, to speak at the Speakers Panel?

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

Construction of 5 Detached Houses at Land South of Grove Street Ashton-under-Lyne.

Dear Mr Berry,

We are writing concerning the proposed development on this site. **This is not our objection.** Please can you answer the following questions, to enable us to write our objection comprehensively?

1. There is no open space assessment statement included in the online documentation as referred to in the proposed site plan.
2. In the Land Availability Register on 31st March 2015, it states that this parcel of land would not be become available for development for 11 to 15 years. Why has it suddenly been sold now?
3. When the land was sold in 2017, it stated in the auction information, that the potential for development was 'EXTREMELY LIMITED'. How can 5 x 3 storey detached houses taking up the entire space west of the footpath (ie the rectangular area) be considered 'EXTREMELY LIMITED'?
4. This land is subject to OL4 planning regulations? How does this application conform to OL4 planning regulations?
5. When the Leech Homes estate was built in 1979, the land, being proposed for development was left, at the insistence of TMBC as a children's play area. TMBC have provided and maintained this land as public open space. It was too far for children to go play on Richmond Street playing fields or at Store Street Park and Daisy Nook was not a suitable place to kick a football. It is a covenant that this land is a children's play area and green open space.
6. Covenants and other detailed information about this land is contained in the Land Charge register. Will TMBC be including this when making their decision, or do we need to include it in our objection?

7. The planning application is not developing the irregular shaped piece of land behind the houses on Grovewood Close, extending to Croxdale Close. Should the development take place, how is this land going to be maintained? Are TMBC going to insist that the developers have a regular maintenance plan in place as have TMBC over the past almost 40 years?
8. We have an outstanding complaint about Borough Solicitor [REDACTED] who has failed to answer questions put to her in December 2017. Our Official Complaint reference is [REDACTED] and was originally submitted on [REDACTED]. We have today contacted them to stress the urgency of a response since we have little over 14 days now to voice our objections to these plans.

Residents have asked that we speak at the Speakers Panel Committee. Please can you note this request and let us know the name and email of the Head of Planning so we can submit this request?

Please can you give us answers to the questions above at your earliest convenience, so we can write our objections? We look forward to your response.

Yours sincerely,

[REDACTED]