

**From:** [REDACTED]  
**Sent:** 25 October 2018 21:04  
**To:** Ian Berry - Planning  
**Subject:** RE: Case reference 18/00119/FUL: Construction of 5 Detached Houses at Land South of Grove Street Ashton-under-Lyne.

Dear Mr Berry,

You have clearly missed the point, that you failed to respond to this email when we first sent it to you over 8 months ago on 12/3/18.

The email today, was to prove we had told you over 8 months ago, that documents exist in Heginbottom Mill, regarding this Protected Green Space.

We wanted to know if we would have to provide them at the Speakers Panel, or whether they would be included in your report.

Why did you not respond 8 months ago at all? and why are you keen to respond to it, now we wonder?

We asked these questions over 8 months ago.

Here are our responses to your answers....

1. The Open Space Assessment was not submitted with the first application. Neither was it submitted with the Second Application. Only when we pressed your department in the Second Application Period was an Open Space Assessment put up for public view. This Open Space Assessment was clearly a generic one, due to the numerous errors ...and the inclusion of a street called Ann Street, which is nowhere near this site.

Why did you not investigate where the Open Space Assessment was, when we asked for it?

Our objections also pointed out that it was not present.

Our only conclusion is that you did not read our email on 12/3/18 and you did not read our objections.

Yet another new Open Space Assessment has been submitted with this Third Application. (Surely an Open Space assessment is just that...how can a new one be submitted?) Why are the owners/agents allowed to submit a new Open Space Assessment?

2. This land should never have been sold by TMBC in the first place. TMBC are in possession of the Land Charge Register, which states clearly why this land was left as a children's play area, at the insistence of TMBC, when the Leech Homes Estate was built. It is not a 'random piece of land' that has come to TMBC notice via goggle maps!

These references are relevant to this case and you have failed to find them:

78/01/6713LA

78/01/7386

and there are many more

3. Point 3 'Extremely Limited' surely means that this is 'PROTECTED GREEN SPACE' since it was advertised as such, and therefore very little of it should be used for housing! Please can you explain the difference between limited, very limited and extremely limited?

4. The whole point of this email on 12/3/18 was that there was no open Space Assessment available and so no justification for over-riding OL4 planning permission. This land was advertised after this date, as 'A Departure from Protected Green Space' and therefore OL4 Planning applies.
5. And 6. There are many documents in the Land Charge Register appertaining to this site, that you have not even tried to find, despite us informing you over 8 months ago of their existence. We have found them but they are your documents and you need to investigate them.

How can you extinguish any covenants that you have not taken the trouble to find out whether they exist?

7. TMBC have refused to enforce the present planning conditions, to maintain the landscaped and play area. How can we trust you to enforce any new conditions on the new owners of the land?
8. We have had a partial response from the Borough Solicitor. This point was only included since it was current 8 months ago.

You can understand why we doubt the ability of TMBC to be impartial in this case, when you appear not to read the emails or complaints that we send you.

These new plans do nothing to address the issues that other complainants have addressed on previous consultations, about the road becoming a 'Rat Run' once Grove Street and Lindisfarne Road are effectively joined up. There are no road safety considerations, given that the roads will join up across two adjoining public footpaths. Lindisfarne Rd has no pavements at all.

The residents feel that they are not listened to when they complain, and that you are leaning over backwards for the developer, without considering the needs and safety of the local community.

We look forward to your reply

Regards

[REDACTED]

---

**From:** [Ian Berry - Planning](#)

**Sent:** 25 October 2018 15:42

**To:** [REDACTED]

**Subject:** RE: Case reference 18/00119/FUL: Construction of 5 Detached Housesat 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 are 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

[Tameside MBC](#) | [Twitter](#) | [Facebook](#) | [Instagram](#)

Clarence Arcade | Stamford Street | Ashton-under-Lyne | Tameside | OL6 7PT



Email Disclaimer <http://www.tameside.gov.uk/disclaimer>



**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]

----- 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]

---

**From:** [REDACTED]  
**Sent:** 12 March 2018 10:03  
**To:** [REDACTED]  
**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,

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 31<sup>st</sup> 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]

**Confidentiality:** This e-mail its contents and any attachments are intended only for the above named. As this e-mail may contain confidential or legally privileged information, if you are not, or suspect that you are not the above named or the person responsible for delivering the message to the above named, delete or destroy the email and any attachments immediately. The contents of this e-mail may not be disclosed to nor used by anyone other than the above named.

**Security and Viruses:** please note that we cannot guarantee that this message or any attachment is virus free or has not been intercepted and amended.

**Monitoring:** The Council undertakes monitoring of both incoming and outgoing e-mails. You should therefore be aware that if you send an e-mail to a person within the Council it may be subject to any monitoring deemed necessary by the organisation from time to time. The views of the author may not necessarily reflect those of the Council.

Access: As a public body, the Council may be required to disclose this e-mail (or any response to it) under the Freedom of Information Act 2000, unless the information in it is covered by one of the exemptions in the Act.