

Planning Application Comment

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Sent: 17 July 2018 15:41
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Planning Application Comment
Allocated Request Number: 22457408
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Planning Application Number: 18/00119/FUL Date Of Application: 12/02/2018
Proposal: Construction of 5 No. detached houses and associated works
Site: Land South of
Grove Street
Ashton-Under-Lyne
Tameside

Comments From:



Comments On The Proposal...

With reference to the planning Application: 18/00119/FUL.

Submission date for this application 12/02/2018.

This response is made as such, directly to the Open Space Assessment report provided by Jason Dugdale c/o Wiplows agent for the applicant.

This Open Space Assessment was only placed on the file on 13/07/2018.

Date of original submission 12/02/2018. Due to this serious error, persons commenting on the contents

of the application would not have had sight of this document. This has possibly thwarted some

additional or pertinent comments which objectors may have made.

This may have put the application in a more favourable light, towards the applicant.

The land referred to clearly falls within the scope of UDP policy OL4.

Where OL4 policy does allow devolvement of some land, this is allowed under certain circumstances only.

It must be demonstrated that the loss of the land is not significant to the wellbeing of the people whose

loss or reduction in their use would cause a significant reduction in their wellbeing by such loss.

This area is designated as an Open Green Amenity Space by the estates original developers. It was a

valuable piece land and if designed correctly, could have provided several additional houses to the

estate. This would have increased the profitability to the developers of the site at the time, especially by

having workmen, tools and materials on site. I am certain that this was considered but the overall

wellbeing of residents was an over riding factor in dismissing additional houses at this site. Designating

it as a play area for the resident's children.

Indeed the Tameside Metropolitan Borough Council's planning Authority, at the time, made it a proviso

Planning Application Comment

of planning conditions that this area was retained as a green open amenity space for use of the

residents' children and for the children of the area in general to use.

The planning authority, identified a distinct lack of open play space in the area citing that the area of

Ashton Moss and Daisy Nook and additional small pockets of green space was not suitable for this use.

Their stipulation was that this land would be retained for this sole use and would be maintained to a

high degree by the local authority, TMBC.

Planning documents exist within Higginbottom Mill Tameside Local Achieves resources, detailing these

facts. I have had sight and copies of such.

The National Planning Policy Framework (NPPF) sets out the planning policies for England. Tameside

MBC have adopted the Unitary Development Plan (UDP) Of 2004 to work in conjunction with these

policies.

Section 8 of the NPPF is clear about the role that open space and recreation can play in delivering

sustainable communities by promoting health and well-being and improving

people's quality of life and

under the promoting healthy communities theme, it states that planning policies

"should be based on

robust, up-to-date assessments of the needs for open space and opportunities for new provision".

Since the estate has been built in 1981, there has been an official recorded increase of children residing

on this estate. Their numbers necessitate the use for areas such as this, where they can play in relative

safety and close to their homes and within sight and sound of the parent or guardian.

By considering the loss of the use of this Green Open Amenity Space reduces the chances of these

children flourishing in the safety and atmosphere of the family unit.

For the developer to identify this area as being insignificant to the residents and children in the area is

just plainly incorrect. Factually it is wrong.

A recent publication and report issued by the local Manchester Evening News dated 16/07/18, has

identified that the northwest and in particular the conurbations of Greater Manchester has the worst

record in the country for creating, supplying and maintaining open play space, the lack of green areas

were particularly highlighted. This, they say is partly responsible for the wide scale inactivity of children

in play and for the obesity epidemic that is rife and has been identified to be a major problem within the

Tameside MBC area.

Most of the loss of these areas have occurred as a result of the local

authorities selling off small plots of

land which they feel are not viable and cost worthy to retain. These sales then lead to the request for

new build houses within areas of previously established green open spaces, to the detriment of the

locals and the children.

When these area are offered for sale initially they are not generally offered for sale with planning

permission. There is no agreement attached to this land, indeed the sales package identified this land to

be an open green space with two established and formal footpaths running through it as, "With

extremely limited building potential. "

It was sold on the hope that it would be retained as a green open space.

This land sales was also the subject of a Local Government Ombudsman judgement.

His written adjudication reiterated that the sale of the land was lawful, but that there should be nothing

built on this land except a for sale sign denoting that the land was for sale.

Planning Application Comment

Tameside MBC have a copy of this jurisdiction.

These facts alone justify that the policies of OL4 UDP in relation to the use of this land be adhered to.

The document further states,

Paragraph 74 of the NPPF states existing open space should not be built on unless:

a) An assessment has been undertaken, which has clearly shown the site to be surplus to requirements.

b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

c) The development is for alternative sports and recreational provision, the need for which clearly outweighs the loss.

The author then attempts to address these points by quoting legislation which clearly shows opposition

as why this land should be lost as a green open amenity space. This is against his own argument of not

retaining the land in its present form. He has not done himself any favours.

I have clearly demonstrated that this land is used and a necessity to the residents of the area.

By allowing a new build development to take place is by no way enhancing the area visually or providing

any additional amenities for the wellbeing of the residents.

There are no provisions of play within the area should this site disappear.

The areas identified by the author are not suitable due to their distance from this site, Areas have been

identified which are not suitable play areas but woodland and land covered by the National Parks

agreement, clearly not suited to games and associated usage.

The OL4 Policy in the adopted Unitary Development Plan (2004) states that: -

"The Council will not

permit built development on any land shown as Protected Green Space on the proposals map. This

policy will also apply to areas of land in similar use but which are too small to be shown as Protected

Green Spaces on the proposals map.

Exceptions to this policy will only be made where one of the following criteria is satisfied: - a. the

proposed development is ancillary to the principal use of a playing field or green space for recreation or

amenity and does not adversely affect this use, or; b. redevelopment of part of a playing field or green

space provides the only means of upgrading the site to the required standard, and the remaining playing

field or green space will continue to meet the needs of the surrounding area for sport, recreation or

amenity, or; c. a playing field or green space which will be lost as a result of the proposed development

would be replaced by a playing field or green space of an equivalent or better quality and quantity, in a

suitable location and subject to equivalent or better management arrangements, prior to

commencement of development, or; d. it can be demonstrated, by means of a suitable supply and

demand study taking account of possible future as well as current requirements, that the retention of a

site or facilities for sport or recreational use is not necessary and the site has no special significance to

the interests of sport and recreation.

Despite the authors claim, to the contrary, none of the required criteria exist.

I do not need to go over each of the above a/d policy exemptions. These have not been satisfied as

required criteria for allowing such.

The loss and usage of the land will clearly have a detrimental effect to the health and wellbeing of the

residents whose previous use has been varied from, sports, general activities, camping, scouting,

Planning Application Comment

celebrating local events and achievements and celebrating wider events such as Royal weddings etc.

Street style parties have been held on the area in the past. It is used. This is not an exhaustive list of

activities that I have witnessed over the 34 years of residency to this area.

The Open Space Assessment then quotes:

PPG17 states that the Government attaches great importance to the retention of recreational and

amenity open space in urban areas, and that people should have access to open space close to where

they live.

The author then quotes the provisions and legislation regarding this PPG17 guidance.

He clearly does not do himself any justice as all the guidance notes fall within reasons why this land

should be retained as a local green open amenity space. These guidance notes should be read in

conjunction with the application to enhance the fact that it is in totality this space should be retained.

They quote, "In 2010 Tameside council commissioned Knight Kavanagh & Page to produce an open

space assessment report."

It does not specifically identify this area, subject to the planning application. It identifies it as land which

is an amenity green space. Viz Amenity greenspace areas are generally considered to provide informal

recreational opportunities or provide a visual break of some amenity value. The main receptors to these

sites are the occupiers of properties on Ann Street who directly overlook the site.

Not only has he wrongly identified the use of this site, he then has clearly cut copied and pasted it from

some other previously prepared document citing Ann Street occupiers as being adversely affected.

There is no such location anywhere near this site.

This shows a certain slipshod and rushed through application which has clearly not correctly identified

with this location or people that it will affect and the real needs of the residents immediately bordering

this area.

The sites which he then identifies as being reasonable and within walking distance from this site do not

in reality exist as suitable replacements. He lists a site that is unallocated in the UDP and which is semi

derelict woodland, which has on it a disused Sunday school containing a high level of asbestos. Even the

local authority are having trouble attempting a disposal of. This area will soon be sold so the loss will

affect us even more should this application prove successful.

The report of 2010 then identifies areas which clearly no longer exist as such, because Tameside MBC

has a recent and quite severe policy of selling off these small parcels of land as being surplus to their

requirement. Obviously they have not taken the residents requirements totally into consideration.

Therefore as these details are not correct no substantial fact should be held with them.

In summary of the assessment of his report the author states that he has clearly demonstrated that the

requirements of the provisions of OL4 UDP have been met.

They clearly have not.

"Finally, the council have pointed out that for this pre-app they require an assessment against UDP

policy OL4. This report has provided that assessment and we firmly believe that the exemptions in OL4

(a) and (d) have been met as this area was ancillary to the larger playing field adjacent to the site and

within a 3-minute walk to formal sport and recreation facilities at Richmond

Planning Application Comment

Street."

There is not any adjacent field or other field that provides any form of access in place of the loss of this site. He makes reference to an adjacent privately owned field that has a regulated footpath only for pedestrian use. The area has animals both wild stock and semi domesticated grazing on it. At times has been the subject of complaints over the inability of the pedestrians to use the path due to the actions of these animals causing distress and jostling them.

The 3 minute walk to the facilities are in reality a 15 mins or more walk with small children.

This area identified is designated as a marked grassed pitch which is authority owned, has exemptions as to its use, and at times is used after payment is provided. It is not adjacent to a housing scheme, children could not be left in any relative safety. The area is regularly used for illegal activities including off road motorcycles, stolen motor vehicles, motor bikes and cars, abuse of illegal substances/ drinking and drug taking and horse riding. It is not suitable or a reasonable replacement for the loss of the site subject to this application.

Richmond Street facilities are privately owned /member owned cycling and adjacent Ashton Harriers running track. Both areas being fenced off enclosed and not accessible to the public in general.

A member's only scheme is in operation.

The land which the application is for, is demonstrably special for the residents and local community, it is not incidental as implied. I have highlighted and negated this claim. The land is held in high esteem to the residents and neighbours.

5.1 states that the area is just incidental space has no significance to residents. This is not so.

5.2 "The site is unallocated the UDP but we have been advised the site falls under the UDP policy OL4

which allows for development on Protected Open Space where it can be demonstrated, by means of a suitable supply and demand study that the retention of a site is not necessary and the site has no special significance to the interests of sport and recreation."

This is not so, as demonstrated by the land being necessary to the residents.

There is no immediate need for additional houses in this local area, there are areas further afield in Tameside including large swathes of Brownfield and unused plots of land suited to the new build housing plans.

Until recently when the site was allowed to become an unmaintained eyesore, it was used on a daily basis for sport and recreation. This would instantly re occur, should the area be mowed and a low level maintenance plan put back into operation.

5.3 This has been negated, as it is now not up to date and factually incorrect. A further reassessment is required before this wildly quoted availability of land, is again quoted as fact.

5.4. Indeed this land is no longer owned by the local authority. The ownership of the land clearly in any event has never been public as it has been sold on to a developer, by the owner Tameside MBC. It had been allowed, by the previous owner for its use as a public open space, on agreement with the planning authority who stipulated its use as such.

This planning agreement stands until such a time that any new permissions regarding its use is made by the planning authority and it supersedes previously held permissions.

Planning Application Comment

See, Petticoat Lane Rentals -v- Secretary of State for the Environment in 1971, 5.5. Again I have demonstrated its use and necessary requirement by the community, the land is not underused or is better placed elsewhere or can be substituted with similar land nearby, as this just does not exist.

5.6 The proof of need for a development of this kind, has not been demonstrated as essential or as a requirement to the immediate area by the applicant or his agent. The exemptions to the requirement of UDP OL4 have not been met and clearly has not demonstrated the need to develop this much needed Public Open Green Amenity Space in this instance.

Please consider all the facts on coming to a decision.

I feel that as the developer has the right to submit for the attention and perusal of the planning panel a report titled "Open Space Assessment", I as a resident, ratepayer and someone who will be greatly affected by this planning application should be given the right to submit an objection and observations against this late published assessment and that these contents in full be placed before the planning panel in a manner fitting the report from wiplows and in the same manner and format that will enable it to be read and digested in comparison with the wiplows document, by the panel. If this course of action is not taken I will attend the public planning panel hearing and distribute such copies that I feel will allow the residents voice to be heard in opposing this application.

I air the views of all the residents, of which there is a great number that I have canvassed or I have been

approached by and spoken to, about this planning application.

This report is in opposition to the Open Space Assessment submitted and should be read in conjunction with all previously submitted comments I have made to date regarding this planning application.



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