

ANNEX A – SUPPORTING DOCUMENTS

A. SUPPORTING DOCUMENTS

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A. SUPPORTING DOCUMENTS

Voluntary or Community Body Details	
Name of Organisation (full name as written in your constitution or rules, if appropriate):	Save Tameside Greenbelt) Save the Tameside (Two committees 21 people each)
Address including postcode:	[REDACTED] M34 2JN
Registered or trading name and address if different from above	
Contact Name:	Charito Mulla e Castro
Position in Organisation:	Comittee
Correspondence address if different from above	
Daytime telephone number:	[REDACTED]
Email address:	[REDACTED]
Web address (if applicable)	
Is your organisation a (Tick all that apply):	<input type="checkbox"/> Parish Council; <input checked="" type="checkbox"/> Unincorporated Body; <input type="checkbox"/> Charity; <input type="checkbox"/> Social Enterprise (company limited by guarantee that doesn't distribute any surplus it makes to its members); <input type="checkbox"/> Industrial or Provident Society which does not distribute any surplus it makes to its members; <input type="checkbox"/> Community Interest Company.
Company registration number, registered charities number, or Financial Services Authority registration number (list all that apply).	

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Community Nomination - Asset Detail

Asset Address including postcode (if known):	Land between Grove rd & Linsells Lane Rd Ashton-under-Lyre South of Grove rd OLT 93U
What is the asset (e.g. public house, local shop)?	grassed area
Asset Owners – include the names and contact details of the current occupants of the land, and the names and current/last-known addresses of all those holding a freehold or leasehold interest in the land:	Mr Dar Derson Homes Ltd 4a, Comm market Holebox HY1 1TH
Asset / Land Use – Please can you provide details of the use of land over the past 5 years	by local people even when purchased by developer + maintained by council Designated public open space 1981

Evidence: Asset of Community Value

The Localism Act 2011 defines an asset or land of community value if:

Its actual or current use (or its use in the recent past) furthers the social wellbeing or social interests of the local community, and

It is realistic to think that there can continue to be (or it is realistic to think that there is a time in the next 5 years when) non-ancillary use of the building or land that would further the social wellbeing or social interests of the local community.

Confirm why you feel that the aforementioned asset is an asset of community value?	Land contained covenant + has been used in perpetuity by local residents
Can you provide evidence of this?	maintained by council + local residents committee Vital open space / dangerous entry points strong local committee under the umbrella of Dave Tansick prepared to maintain it

Name of person authorised to sign on behalf of the organisation:	Charlotta Mello e Castro
Position/status in the organisation:	Committee member + advisor
Date:	23/10/20
Signature:	

From: Charlotte Mello [<mailto:>]
Sent: 29 October 2020 15:43
To: Sandra Stewart
Cc: RAYNER, Angela
Subject: Re: Community Asset Application - Linsdfarne Rd

CAUTION: This email originated from outside of Tameside Council. This email claims to contain information about Coronavirus (COVID-19).

Please inspect the email carefully to verify this is not a phishing email before clicking any links or opening attachments. Please exercise caution. Do you trust the person? Does the email look genuine? Were you expecting the attachment?

This message is just a reminder to remain vigilant. If in any doubt, please contact the IT Service Desk or Cyber Security Officer.

Dear Sandra

Many thanks for the email. Please find below the list of 21 names for Save the Backfield Group and their postcodes. They all reside locally to the site and they have an established committee and we will be assisting them with this application and a plan to preserve and maintain the land including grant applications. Please let me know if you require any further info. I will also resend our constitution if required and the names of our 21 people.

Susan Broadbent	OL7 9SE
David Broadbent	OL7 9SE
Neil Partridge	OL7 9LQ
Patricia Partridge	OL7 9LQ
Joan Mansell	OL7 9SE
Peter Mansell	OL7 9SE
Pamela Daniels	OL7 9SE
Anthony Daniels	OL7 9SE
Shirley Duffield	OL7 9SE
Andrew Duffield	OL7 9SE
Steven Partington	OL7 9JU
Stevie Ann Partington	OL7 9JU
Robert McCulloch	OL7 9JU
David Booth	OL7 9SE
Christopher Booth	OL7 9SE

David Reed	OL7 9SG
Pia Jensen	OL7 9SG
Ryan McCarthy	OL7 9SE
Michael McCarthy	OL7 9SE
Karen McCarthy	OL7 9SE
Donna Thwelis	OL7 9JS

Many thanks

Charlotte

Suzanne Antrobus
Head of Legal Services

Tameside One, Market Place
Ashton-under-Lyne, OL6 6BH

Call Centre 0161-342-8355
www.tameside.gov.uk

Email: esther.young@tameside.gov.uk

Doc Ref 01012740
Our Ref LS - 009080

Your Ref
Ask for Esther Young
Direct Line 0161 342 3043
Date 30 October 2020

Strictly Private & Confidential

Charlotte Mello
Save Tameside Greenbelt /
Save the Backfield

By email: [REDACTED]

Dear Ms Mello

Re: Nomination for Land at Lindisfarne Road to be Listed as an Asset of Community Value

I write further to receipt on 27 October 2020 of a nomination by Save Tameside Greenbelt / Save the Backfield for the above land to be included in the Council's list of Assets of Community Value.

For the nomination to be valid it must be a 'community nomination'. The nomination will be a community nomination if it is made by a voluntary or community body with a local connection. The regulations relating to Assets of Community Value provides a list of bodies that can be a voluntary or community body. This list includes an unincorporated body. You indicate in your email of 29 October 2020 that the nomination is being made by Save the Backfield with the assistance of the Save Tameside Greenbelt Group but this is not clear from the nomination form. Please clarify if the two Groups are nominating the land jointly or which unincorporated body is making the nomination.

The regulations state that an unincorporated body must have at least 21 individual local members and must not distribute any surplus it makes to its members. So that the Council can be satisfied that the Group making the nomination is a voluntary or community body as defined by the regulations please provide me with a copy of the Group's constitution and the minutes of the meeting which record that this constitution was agreed by the members.

For a Community Group to have a local connection the regulations state that its activities must be wholly or partly concerned with Tameside or with a neighbouring authority's area and that any surplus it makes is wholly or partly applied for the benefit of Tameside or with a neighbouring authority's area.

Please provide information to show that the Community Group does indeed have a local connection.

If the nomination is being made by Save the Backfield and Save Tameside Greenbelt jointly, please provide the requested information for both Groups.

A nomination must also include the proposed boundaries of the nominated land as well as its description. Please provide a plan showing the boundaries of the nominated land.

Once I have received the required information, I will notify the owner of the land and any other party required to be notified and invite their comments on the nomination. A report will then be prepared and submitted to the Borough Solicitor for her to determine whether the land should be included in the Council's list of Assets of Community Value.

Once that decision has been made you and any other relevant party will be informed.

It is important that you know that the land will be listed if in the opinion of the Council: (a) an actual current use of the land that is not ancillary use furthers the social wellbeing or social interests of the local community, and (b) it is realistic to think that there can continue to be non-ancillary use of the or land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

If the Council is not of the opinion that these criteria are met then the land will be listed as an asset of community value if in the opinion of the Council; (a) there is a time in the recent past when an actual use of the land that was not an ancillary use furthered the social wellbeing or interests of the local community, and (b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

Matters not relating to these criteria cannot be taken into account when deciding whether the land is land of community value. If you have any further information which you believe will assist the Council in deciding whether the above criteria apply, please provide it without delay. Any information you have provided or do provide will be disclosed to any party required to be notified of this nomination to enable them to respond accordingly.

If it is decided that the land is of community value it will be added to the Council's list of Assets of Community Value. The owner can then only dispose of the land if the following conditions have been satisfied:

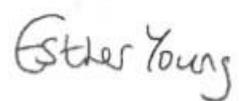
1. The owner has notified the Council that he wishes to enter into a relevant disposal;
2. A period of 6 weeks has then passed without the Council receiving a written request from a community interest group to be treated as a potential bidder for the land (the interim moratorium period) or, if such a request has been made, a total period of 6 months has passed (the full moratorium period); and
3. An 18 month 'protected period' starting with the date of the owner's notification to the local authority, has not ended.

It is important that you understand that the owner is not prevented from selling the land even if it is listed as an asset of community value. Neither is the owner compelled at any point to sell the asset to a community interest group, rather he cannot sell it to anyone else within the moratorium period. The owner can sell the property at any price that he can obtain or not at all as the case maybe. There is no obligation whatsoever for the owner to negotiate or deal with a voluntary or community body or community interest group. There is also no obligation on an owner to notify the Council where land which is listed as an asset is being sold together with a business as a going concern as this would be an exempt disposal.

I trust that this letter explains the procedure that will be followed and the criteria to be applied by the Council when deciding whether or not the land is land of community value. Should you require any further information please contact me and I will try to assist.

I now await the information requested of you so that the Council can be satisfied that Group or Groups making the nomination is/are a voluntary or community body with a local connection.

Yours sincerely

A handwritten signature in cursive script that reads "Esther Young".

Esther Young
Solicitor
For Borough Solicitor

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Dear Esther,

Please find attached the plan of the site, the constitution of "Save the Backfield", minutes from the meeting and the case we put forward for requesting that the aforementioned land becomes a community asset. Save Tameside is fully supporting Save The Backfield. Please let me know if you need any further info.

Case-

The estate was created forty years ago and the land has remained in constant use by the local community for the last forty years in perpetuity even when the land was purchased by Darsons Homes. We would estimate that between 100 and 200 people everyday cross the land by way of the public footpaths, which cross 'The Backfield'. The land is a crossed every day by walkers heading towards Daisy Nook, across the adjoining 'Greenbelt' land. Furthermore walkers, runners, cyclists, horse riders use 'The Backfield' land to access Newmarket Road from the Leech Homes estate. 'The Backfield' is a vital artery for bus users on Newmarket Rd. 'The Backfield' grass has also been in constant for 40 years: as a children's play area, a place where children kick their football about, play rounders, fly kites, learn to walk, have races, hang out with friends, make daisy chains, generally enjoy the peaceful environment. There have also been parties over the years eg bonfire and special occasions. Part of the site was fenced off by Darsons homes at the end of 2018 but the fence was damaged and removed after a short time and the grass was cut by Darsons homes to maintain the site. Darsons Homes would be aware that residents continue to use the site.

'The Backfield' is an amenity space that is protected green space and from what we understand when the land was sold by TMBC it was stated that development on the site would be extremely limited due to it being classed as a public space. Furthermore, in the Planning Inspectorate Appeal for the land in Denton, it stated that even if the area is fenced off, it can still be protected green space, because of its visual amenity. I would also surmise that as there is no Local Plan in place that under the UDP this land is still classified as a public open space.

I have attached a letter from 1981 sent from the then TMBC Planning Dept to a resident of Grove Street (From Heginbottom Mill Archives). This letter states why the 'Backfield' was designated a recreational facility for the area. Richmond Street playing fields are not 'an amenity' space, since an 'amenity space' has to be surrounded by housing Children cannot just turn up and play on Richmond Street Playing Fields, since they are marked out as football pitches for team play and require booking. The nearest 'amenity spaces' by definition are at Limehurst Farm and Littlemoss Farm Estates. Both are too far away, and too dangerous, due to having to cross busy main roads, for residents children, to walk to these areas to play. The amenity spaces that the Planning Officer quoted in his report to the Speakers Panel, did not exist: one is grass in the middle of a traffic island (Borrowdale Crescent) and the other has been tarmaced as a carpark (Platting Grove).

Plans for the 'Backfield'

As a group, there is a plan to enhance the area for local residents. The former Green Space Co-ordinator for TMBC lives on the estate and is closely involved. Furthermore our Councillor Lee Huntbach is qualified in horticulture and both are keen to share their expertise and skills with us. We hope to create a wild flower meadow on the irregular shaped piece of land and to improve provision

for children to play on the main 'Backfield' area. We want to improve the local environment for the residents of Waterloo.

Many thanks

Charlotte

On Friday, 30 October 2020, 14:09:22 GMT, Charlotte Mello <[REDACTED]> wrote:

Many thanks I acknowledge receipt and we will be in touch shortly

On Friday, 30 October 2020, 12:58:06 GMT, Esther Young <esther.young@tameside.gov.uk> wrote:

Dear Ms Mello,

Please see attached letter in connection with your application on behalf of Save Tameside Greenbelt and Save the Backfield Community Groups.

Please kindly confirm receipt.

Kind regards

Esther

Esther Young

Solicitor

Legal Services

Governance

Governance and Pensions

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

Save the Backfield Ashton-under-Lyne

CONSTITUTION

ADOPTED: 31st October 2020

1. Name

The name of the campaign group is:

‘Save The Backfield A-u-L’

2. Aims

The Friends Group Committee has the following aims:

- To work collaboratively with local residents and other stakeholders to prevent the destruction of the green space known locally as the Backfield
- To take over the management of the Backfield restoring it to a viable useable space for the community.
- To organise a campaign to raise awareness, local community involvement and work towards restoring the land as a protected community asset.
- To undertake research and investigation engaging with a range of individuals and organisations to secure advice, funding and support. No member of the committee will personally profit from the funding and will not be paid any wages or fees for services.

3. Powers

In order to achieve its aims and objectives the Residents Committee may undertake any of the following actions:

- Organise meetings and events
- Work with elected politicians and Council officers
- Work with local stakeholders including all leaseholders on the site
- Work with other groups and exchange information
- Raise money to support the campaign
- Open a bank account and take out insurance
- Hire professional people with specialist skills to benefit the campaign.

4. Membership

Membership rules are set out below:

- General Membership shall be open to any person over 18 years of age who supports the aims and objectives of the group and is willing to abide by the rules of the Committee.
- Membership is open to anyone without regard to gender, race, nationality, disability, sexual preference, religion or belief.
- Every member of the Committee shall have one vote at the AGM and other Committee meetings.
- Committee membership may be terminated for good reason by the Management Committee but the member has a right to be heard by the full Committee before a final decision is made.

5. Committee

Key responsibilities for members of the Committee:

- To actively participate in the work of the Committee as a committee member, group member and local resident.
- To attend Committee meetings, participate in key policy decisions and approve all expenditure in excess of £100
- To elect all members of the Management Group (Co-Chairs, Campaign Coordinator, Treasurer and Secretary) from within the local community
- The Committee can vote to remove a member but such action must be for a good and proper reason and requires a two-thirds majority vote. Any person affected by this action has the right to be heard before a final decision is made.
- The Committee may appoint another person to fill a vacancy provided the maximum number is not exceeded.
- No member of the Committee will discharge a wage or earn any fees and all roles are voluntary only and based within the local community.

Meeting administration:

- The Committee will meet regularly at least once a month on site at the Backfield and the quorum will be a minimum of 8 members
- Agendas will be agreed between the Co-Chairs and Campaign Coordinator and circulated in advance of Committee meetings
- Either of the Co-Chairs will chair all meetings of the Committee
- Routine matters at Committee meetings will be decided by show of hands. Key decisions on policy, the constitution or expenditure over £100 will be decided by show of hands and/or email votes from every member of the committee. If there is a tied vote the agenda item may be deferred or the Chair may exercise a second vote to determine a decision
- Minutes of all decisions and agreed actions will be circulated for information.

6. Management Group

The day to day work of the Group will be organised and administered by a Management Group Committee comprising two Co-Chairs, Campaign Coordinator, Treasurer and Secretary. Key responsibilities:

- To work closely and meet regularly to manage the campaign and make operational decisions in line with agreed policies and plans
- To manage membership levels and run a working group of local stakeholders and interested parties alongside the Friends Group committee.
- To report progress and key decisions to the Working Group.

7. Duties of the Management Group Committee

Co-Chairs:

- To lead the campaign
- To organise and chair meetings of the Management Committee and Working Group.
- To represent the Committee at functions and public meetings
- To sign off all Committee statements published on Facebook
- To approve expenditure on items costing less than £100
- To ensure adherence to the Constitution.

Campaign Coordinator:

- To manage the day to day work of the campaign group
- To act as media spokesperson for the Group with sign off from the committee.
- To manage website design, access and content with support from a website designer and content publisher if required.
- To deputise for the Co-Chairs as and when required
- To support other members of the Management Group
- To advise on communications and overall legal, political and marketing planning.

Treasurer:

- To manage the financial affairs of the Committee
- To maintain a proper account of income and expenditure for auditing purposes
- To manage donations and all fund raising activities
- To open and manage a bank account on behalf of the Group if required. Any cheques issued shall be signed by the Treasurer and one other nominated official.
- To ensure all expenditure is necessary and affordable, supporting the aims and objectives of the Group.

Secretary:

- To maintain the Group membership list
- To distribute meeting agendas, record decisions and circulate minutes
- To monitor website and social enquiries, correspondence and other communications
- To assist the Management Group in general administration.

8. Annual General Meeting

The Management Committee shall hold an Annual General Meeting (AGM) in the month of February. All members of the Committee shall be given at least 14 days' notice and shall be entitled to attend and vote. The quorum for an AGM shall be 20 members.

The business of the AGM shall include:

- A report from the Co-Chairs on membership, activities and achievements over the year and their vision for the future
- A report from the Campaign Coordinator on communications, research and overall administration over the year
- A report from the Treasurer on income and expenditure
- Nominations and election of a new Management Group
- Any proposed amendments to the Constitution
- Any other business that might be raised.

9. Special General Meeting

A Special General Meeting may be called by the Management Group or by any group of members (minimum of five) to discuss an urgent matter. The Secretary shall give all members a maximum of 14 days' notice, dependent on circumstances, of any Special General Meeting together with notice of the business to be discussed. All members shall be entitled to attend and vote. The quorum shall be 20 members.

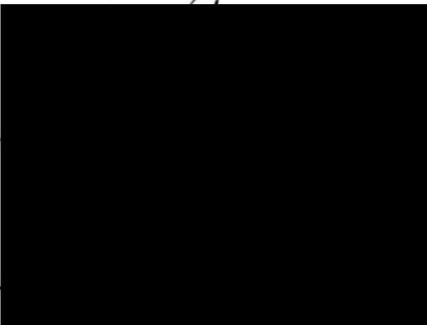
10. Dissolution

The Residents Committee may be wound up at any time if agreed by two-thirds of those members present and voting at the AGM or any Special General Meeting. In the event of winding up, any assets remaining after all debts have been paid shall be given to another group with similar aims.

**This constitution was adopted at a general meeting of
the Management Committee on 31st October 2020**

Co-Chair:

Co-Chair:



‘Save The Backfield A-U-L’

Minutes of General Meeting held at 10.30am

on Saturday 31st October 2020 on ‘The Backfield’.

Twenty supporters of ‘Save the Backfield’ campaign met ‘socially distanced’ at 10.30am on Saturday 31st October 2020. David Broadbent addressed the meeting and explained the Asset of Community Value application and it’s importance.

The meeting supported the adoption of the constitution and it’s aims and objectives.

The members of the meeting made the following committee appointments:

Co-Chairs: David Buckle and Neil Partridge

Secretary: Susan Broadbent

Treasurer: Peter Mansell

Campaign Co-ordinator David Broadbent

A socially distanced photos was taken of members on ‘The Backfield’.

Pam Dodd thanked the campaign leaders for all the work they had done so far in aiming to get ‘The Backfield’ restored to the residents as a children’s play area and protected green space.

The meeting closed at 11am

Transcript of letter held in Heginbottom Mill Archives, Ashton-under-Lyne

Reference 78/01/6713LA

Letter to

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

JH/01/6713LA/MM

Miss Holding

263

25th June, 1981

Dear [REDACTED],

Re: Public Open Space to South of Grove Street, Ashton-under-Lyne

Thank you for your letter dated 17th June, 1981.

The area of open space to the south of your home was proposed for this part of the site in the early planning stages of the Newmarket Rd site in mid 1979. It was decided to locate this area of open space on the north west part of the site to provide recreational facilities for the existing houses on Grove Street, Newmarket Grove and Newmarket Rd, as well as for the new houses as there was no open space available in this part of Ashton-under-Lyne. All these houses are a good distance from other public recreational facilities at Richmond Street Playing Fields or the park on Store Street. The provision of the country park, at Daisy Nook, while being very attractive, are not a substitute for an informal playing area close at hand.

With reference to your point to there being a great quantity of children in the new houses, we have found it is normal for there to be lots of children in new housing estates, whether they are Council houses, homes in a middle price range (as on the Leech Homes estate) or more expensive houses. When an estate has been established for a few years, a more normal age gradually gets established.

I hope you will find, as construction on the new part of the leech homes site is completed, that the noise level and other disturbance will return to normal for a residential area.

Yours sincerely,

For Director of Planning





Suzanne Antrobus
Head of Legal Services

Tameside One, Market Place
Ashton-under-Lyne, OL6 6BH

Call Centre 0161-342-8355
www.tameside.gov.uk

Email: esther.young@tameside.gov.uk

Doc Ref 01015495
Our Ref LS - 009080

Your Ref
Ask for Esther Young
Direct Line 0161 342 3043
Date 3 November 2020

Strictly Private & Confidential

Charlotte Mello
Save Tameside Greenbelt /
Save the Backfield

By email: [REDACTED]

Dear Ms Mello

Re: Nomination for Land at Lindisfarne Road to be Listed as an Asset of Community Value

Thank you for providing the information requested in my letter of 30 October 2020 including; a plan showing the boundaries of the land, Save the Backfield's constitution and the minutes of the meeting which record that this constitution was agreed by the members.

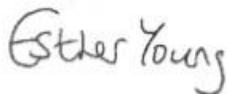
For an unincorporated body to be eligible as a nominator it must have at least 21 'local members'. The regulations state that a 'local member' means a member who is registered as a local government elector in the local authority's area or a neighbouring authority's area.

You provided a list of the 21 local residents in your email of 29 October who were forming a committee, of those listed 20 appear on the local electoral register. However, David Booth, referred to on the list is not registered at the postcode given. The minutes of the meeting held on Saturday 31 October to adopt the group's constitution state that 20 people were in attendance.

Please provide evidence to show that Save the Backfield does have the required 21 local members.

I look forward to hearing from you.

Yours sincerely



Esther Young
Solicitor
For Borough Solicitor

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Please be advised Dave Buckle can be included. OL7 9SE. There are many more in the group.

Can you confirm receipt of my email and the acceptance of Mr Buckle?

[Sent from Yahoo Mail on Android](#)

On Tue, Nov 3, 2020 at 5:07 PM, Esther Young
<esther.young@tameside.gov.uk> wrote:

Dear Ms Mello,

Thank you for your recent emails. After reviewing the detail provided, a final query arises with regards to the nomination before the Council can be satisfied that Save the Backfield is eligible to be a nominator. Please see the attached letter.

I look forward to hearing from you.

Kind regards

Esther

Esther Young

Solicitor

Legal Services

Governance

Governance and Pensions

Suzanne Antrobus
Head of Legal Services

Tameside One, Market Place
Ashton-under-Lyne, OL6 6BH

Call Centre 0161-342-8355
www.tameside.gov.uk

Email: esther.young@tameside.gov.uk

Doc Ref 01021092
Our Ref LS - 009080
Your Ref
Ask for Esther Young
Direct Line 0161 342 3043
Date 10 November 2020

Strictly Private & Confidential

Charlotte Mello
Save the Backfield Ashton-Under-Lyne

By email: [REDACTED]

Dear Ms Mello

Nomination for Land at Lindisfarne Road to be Listed as an Asset of Community Value

Thank you for providing the requested information to allow the Council to be satisfied that this is a valid nomination as, it has been made by a community or voluntary body with a local connection to the Tameside area. We will treat your nomination as received on 4 November 2020 for the purposes of the Regulations.

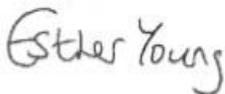
The Council will consider your request under the provisions of sections 87 to 108 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 (the Regulations). In accordance with the Regulations, it may take up to 8 weeks from the date of receipt of your nomination for the Council to consider whether it meets the statutory criteria and determine whether the land should be listed.

I am arranging to notify the freehold owner of the land, Darsons Homes Ltd and Edward Mellor Estate Agent (as I understand the land recently sold at an auction held by them) inviting comments from the owner and purchaser of the land on the nomination. I will also notify Ward Councillors of the nomination.

Should any further information be required during this period, I shall contact you again. Otherwise, you will be notified of the Council's decision as soon as possible.

Please contact me if you have any queries regarding the progress of your request.

Yours sincerely



Esther Young
Solicitor
For Borough Solicitor

The electronic official copy of the register follows this message.

A 23

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number MAN305082 Edition date 07.12.2017

- This official copy shows the entries on the register of title on 03 NOV 2020 at 16:30:54.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 03 Nov 2020.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Fylde Office.

A: Property Register

This register describes the land and estate comprised in the title.

GREATER MANCHESTER : TAMESIDE

- 1 The Freehold land shown edged with red on the plan of the above title filed at the Registry and being land on the west side of Croxdale Close, Ashton-Under-Lyne.
- 2 (11.10.1999) The mines and minerals together with ancillary powers of working are excepted.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (07.12.2017) PROPRIETOR: DARSONS HOMES LTD (Co. Regn. No. 09994758) of 48 Godfrey Road, Halifax HX3 0SU.
- 2 (07.12.2017) The price stated to have been paid on 23 August 2017 was £160,000.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 The land is subject to rights of drainage and rights in respect of water, gas, electricity and telephone services.
- 2 The land is subject to the following rights reserved by a Conveyance of the land in this title and other land dated 15 September 1953 made between (1) Thomas Ollerenshaw and Frank Ollerenshaw and (2) Ashton-under-Lyne Corporation:-

"EXCEPT AND RESERVED the free running of water and soil from any other property through and along and the free user of all sewers drains watercourses and outfalls made or laid in through or under the said plots of land and full and free right of way at all times and for all purposes on foot and with horses cattle and other animals carts

C: Charges Register continued

carriages motors and other vehicles whatsoever or in the case of a footpath on foot only over and along and the free user of so much of the said plots of land as is shown on the said plan as forming or intended to form the site or part of the site of any road street passage or footpath."

NOTE: Copy Conveyance plan filed under GM195242.

- 3 (08.11.1999) A Conveyance of a Public House currently known as "The March Hare" on the east side of Crowhill Road dated 27 June 1958 made between (1) Ashton-Under-Lyne Corporation and (2) Frederic Robinson Limited contains the following covenants by the Corporation as Vendors:-

"THE Corporation for itself and its successors in title and assigns and with intent to bind the lands and premises of the Corporation hereinafter mentioned into whomsoever hands the same may come hereby covenants with the Company and its successors in title that the Corporation will not at any time hereafter sell or lease or dispose of or use any of the other existing land or premises of the Corporation within half a mile of the premises first secondly and thirdly hereinbefore described and conveyed (except as hereinafter provided) for use as a site for licensed premises or club or clubs and will procure a covenant (and cause such covenant to enure for the benefit of the Company) from any purchaser lessee or tenant of such other existing land or premises of the Corporation precluding any such purchaser lessee or tenant from using the same land or premises or any part thereof for any of the aforesaid purposes upon any sale lease tenancy or other disposition by the Corporation of such other existing land or premises of the Corporation."

- 4 The land originally comprised in this title falls within the area covered by a building scheme constituted under provisions of transfers by Tameside Metropolitan Borough Council. The first Transfer from this title was dated 27 February 1981 in favour of Charles Doherty and Kathryn Frances Booth and was of 2 Grovewood Close.

A Copy of the covenants and declarations contains in the said Transfer is set out in the Schedule annexed.

- 5 The land tinted pink on the title plan is subject to the following rights granted by a Deed dated 15 July 1981 made between (1) Tameside Metropolitan Borough Council (Grantors) and (2) The North Western Electricity Board:-

"The Grantors as Beneficial Owners hereby grant unto the Board FULL AND FREE RIGHT AND LIBERTY for the Board and their successors in title and all persons authorised by them to lay construct use inspect maintain repair alter relay remove and renew along and under the Easement Land such electric cables and lines and conduits ducts or pipes for containing the same as the Board may from time to time require in connection with their undertaking and for this purpose to break open the surface of the Easement Land so far as this may be necessary from time to time reinstating the same as near as possible to its former state and condition as soon as reasonably possible."

The said Deed also contains the following covenants :-

"THE Grantors hereby covenant with the Board as follows :-

- (a) To keep the Easement Land forever hereafter open and unbuilt upon
- (b) Not to alter the level of the Easement Land from that existing at the date hereof."

NOTE: The Easement Land referred to is tinted pink on the title plan.

- 6 Wayleave Consent dated 19 May 1982 in favour of British Telecommunications relates to the placing and maintenance of telegraphs and posts affecting the land tinted pink on the title plan.

NOTE: Copy filed under GM195242.

Schedule of restrictive covenants

1 The following are details of the covenants contained in the Transfer dated 27 February 1981 referred to in the Charges Register:-

AND the Transferee hereby covenants with the Transferor for the benefit of the remainder of the land affected by the said scheme shown and bounded by a purple line on the plan as aforesaid and also as a separate covenant with every other person who is now the owner of any part of the said land with the intent to bind the Site into whosoever hands the same may come but not so as to render the Transferee or the persons deriving title under him personally liable for any breach or omission after he or they shall have parted with all interest in the site that he the Transferee and the persons deriving title under him will observe and perform the stipulations to which all the land comprised in the said scheme is subject particulars of which are set out in the Fourth Schedule hereto.

AND the Transferor hereby covenants with the Transferee for the benefit of the Site and with intent to bind the remainder of the land comprised in the said building scheme so far as the same now remains in the ownership of the Transferor into whosoever hands the same may come that it the Transferor and the persons deriving title under it will observe and perform all the restrictive stipulations to which the land in the said building scheme is subject so far as the same ought to be observed and performed by the owner or owners of such land but not so as to render the Transferor or the persons deriving title under it personally liable for any breach or omission in relation to any part of the said land after it shall have parted with all interest therein.

AND it is hereby declared that all the restrictive stipulations imposed by or in pursuance of the said building scheme on different Transferees from the Transferor of parts of the land comprised in such scheme are intended to be mutually enforceable inter se by such Transferees and their successors in title regardless of the date or dates of their respective purchases.

NOTWITHSTANDING anything herein contained the Transferor may at its discretion vary or release the stipulations contained in the Fourth Schedules hereto in respect of the Site or any part of the Estate.

THE FOURTH SCHEDULE above referred to

1. The Transferee or occupier of the Site shall not erect or place any additional building or erection thereon except in accordance with plans and specifications previously approved in writing by the Transferor's Chief Estates and Industrial Development Officer whose fees in relation thereto shall be paid by the applicant PROVIDED that this clause shall be in addition to and not in substitution for the requirements of the Town and Country Planning Acts AND PROVIDED FURTHER nevertheless that nothing in this Clause shall prevent the erection of a substantially constructed gardenhut or greenhouse of a size not exceeding 8 feet x 5 feet x 7 feet high on the rear boundary in a position where so far as possible it cannot be seen from the public road

2. The Transferee or occupier of the Site shall not make any alterations or additions to the outside of or which may affect the stability of the dwellinghouses erected thereon or any part thereof or the offices or outbuildings thereon or any other buildings for the time being thereon except in accordance with plans and specifications previously approved in writing by the Transferor's Chief Estates and Industrial Development Officer whose fees in relation thereto shall be paid by the applicant.

3. The Site shall not be used for the purpose of any trade manufacture or business of any description or for the sale of beer wine or spirits or as a club or for the teaching of music or for the keeping of pigs, poultry or pigeons or for any other purpose except as the Site of a single private dwellinghouse for the residence of one family at a time PROVIDED that nothing in this Schedule shall prevent the use of the site for the practice or profession of a qualified physician surgeon dentist or solicitor or the placing of a name plate of reasonable size at the door or gate of the house in connection with such profession

Schedule of restrictive covenants continued

4. No act or thing shall be done or permitted on the Site which may be or which in the opinion of the Transferor may be or become a danger nuisance or annoyance to the Transferor or the owners or occupiers of any of the other Sites or to the public and the Site and any buildings thereon shall not be used for any illegal or immoral purpose

5. Not to erect or permit to be erected upon the Site any aerial for receiving television signals that shall extend beyond the height of eaves level of the house erected upon the Site and only to erect such aerial either inside the house or on the outside of the rear wall of the house

6. Not to erect or maintain or suffer to be erected or maintained on such part of the Site as is situate in front of the front or any side building line of the dwellinghouse or other building erected thereon any building erection or structure whatsoever whether movable or immovable or any gate post wall fence hedge or other partition nor park any caravan or other moveable dwelling thereon

7. That he will not at any time hereafter erect or construct any building wall or fence or plant any tree or shrub on the strip of land (if any) shown cross hatched on the plan annexed hereto nor do or suffer to be done therein or thereon any act matter or thing whereby the cover over or the support of the pipes wires and/or cables laid or to be laid in the said strip of land shall be altered or which may render access thereto more difficult or expensive.

8. If the Local or any other competent Authority shall require sight lines to be provided at the corner of any road on the Estate nor to place or permit any erection building tree or thing whatsoever exceeding two feet in height to be placed or remain on the Site in front of the said sight line

9. Not to part commercial vehicles within the curtilage of the Site

10. Not to display any advertisement on the Site other than as provided in Clause 3 hereof nor to erect thereon any advertisement board or hoarding other than a notice of reasonable dimensions indicating the premises are for sale

11. Not in any way to obstruct by vehicles deposit of materials or otherwise the free passage of the persons properly entitled to rights of way over the said footpath (if any) coloured blue on the said plan.

NOTE: Copy plans filed under GM195242.

End of register

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

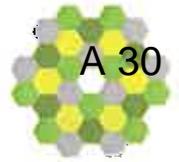
This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 03 November 2020 shows the state of this title plan on 03 November 2020 at 16:30:54. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

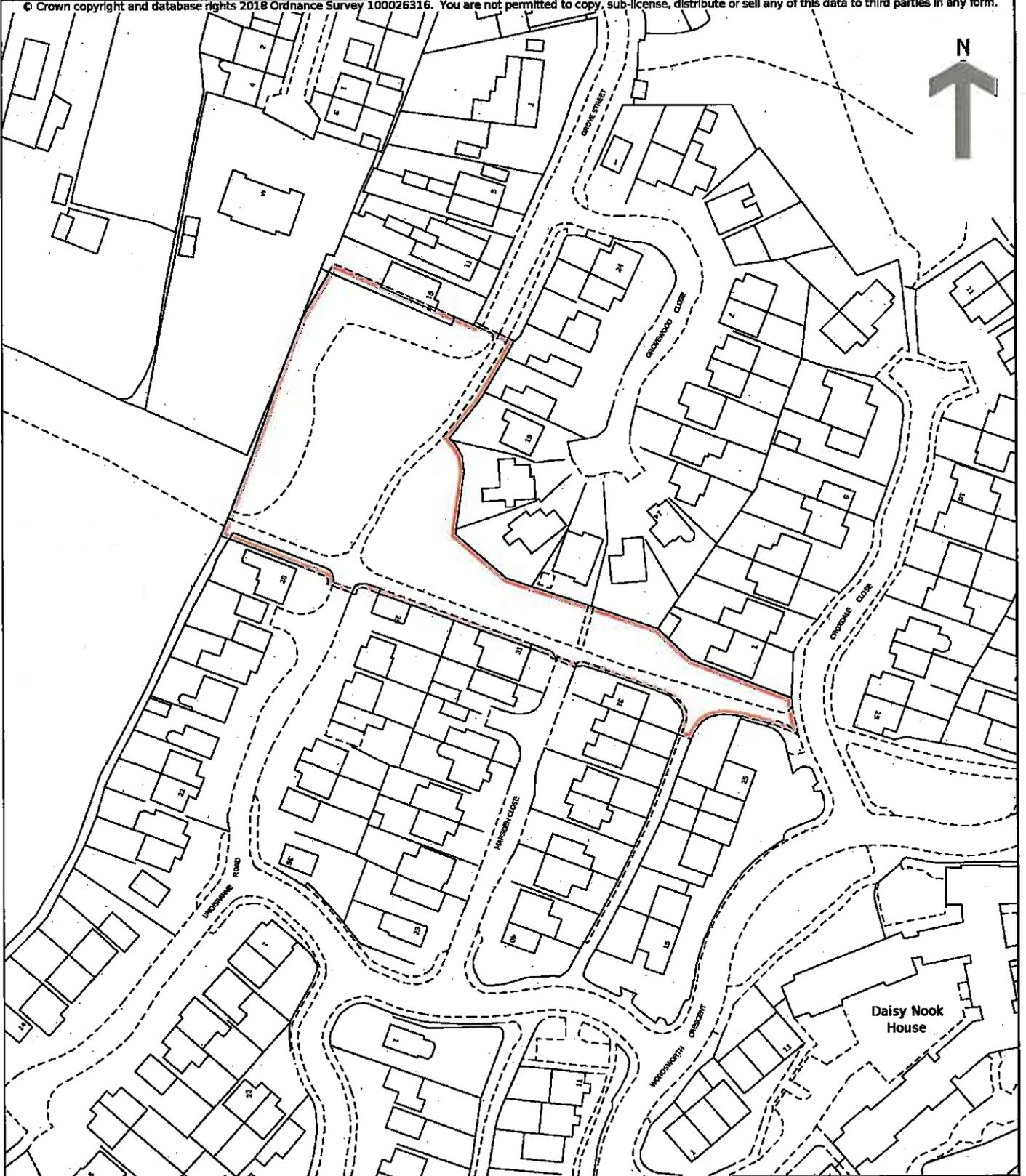
This title is dealt with by the HM Land Registry, Fylde Office.

HM Land Registry
Official copy of
title plan

Title number **MAN305082**
Ordnance Survey map reference **SD9200SW**
Scale **1:1250**
Administrative area **Greater Manchester :**
Tameside



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https://edwardmellor.co.uk/property-for-sale/30124105.html

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Building Plot Land For Auction
Grove Street, Ashton-under-lyne, OL7

Appearing At Auction
Tuesday 3rd November 2020



Description Map Floorplan

Key Features

Lot 64: Land at, Grove Street, Ashton-und...

Bid History Terms

Log in to view your status

Sold for £327,000

This auction is now closed.

Ended on
4th Nov 2020 15:12

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Suzanne Antrobus
Head of Legal Services

Tameside One, Market Place
Ashton-under-Lyne, OL6 6BH

Call Centre 0161-342-8355
www.tameside.gov.uk

Email: esther.young@tameside.gov.uk

Doc Ref 01020980
Our Ref LS - 009080
Your Ref
Ask for Esther Young
Direct Line 0161 342 3043
Date 10 November 2020

First Class

Strictly Private & Confidential

Darsons Homes Ltd
48 Godfrey Road
Halifax
HX3 0SU

Dear Sirs

Re: Asset of Community Value Nomination - Land at Lindisfarne Road, Ashton-Under-Lyne

I write to inform you that the Council has, on 4 November 2020, received a nomination from 'Save the Backfield, Ashton-Under-Lyne' for the above land to be included on the Council's register of Assets of Community Value. I enclose a copy of that nomination for you to consider.

The Council is satisfied that this is a valid nomination. A 'community or voluntary body' with a 'local connection' to the Tameside area has made it. The Council must therefore consider the nomination.

The Council is required to give information about the nomination to the owner of the land as well as to any leaseholder or occupant of the land. I am aware that you are currently the registered freehold proprietor of the nominated land. Although I understand, the land sold recently at an Auction held by Edward Mellor Estate Agents. I have also provided a copy of this letter to the Estate Agents so the successful bidder of the land is informed and their comments invited. I would suggest that you also forward this letter to the Solicitor appointed to act for you in the sale and take further advice from them.

Please let me know of any other person who occupies the land or has your permission to use the land for any purpose.

The Borough Solicitor will consider the nomination. She will decide whether the land is land of community value in accordance with the tests set out in the Localism Act 2011. The Borough Solicitor is required to make this decision within 8 weeks of receipt of the nomination, ie. by 30 December 2020.

The land will be land of community value, if in the Council's opinion:

(a) an actual current use of the land that is not ancillary use furthers the social wellbeing or social interests of the local community, and

(b) it is realistic to think that there can continue to be non-ancillary use of the or land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

If the Council is not of the opinion that the nomination meets this criterion, then the land will be land of community value if, in the opinion of the Council:

(a) there is a time in the recent past when an actual use of the land that was not an ancillary use furthered the social wellbeing or interests of the local community, and

(b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

The Council cannot take into account any matters that do not relate to these criteria when deciding whether the land is land of community value.

If you have any information that you believe will assist the Council in deciding whether the above criteria apply, please provide it immediately. In particular, please provide information about:

- how the land is used now;
- who uses it now;
- what the land was used for in the recent past;
- what plans you have for the use of the land in the near future and within the next 5 years, and;
- whether you consider any use of the land either in the past or present furthered or furthers the social wellbeing or social interest of the local community.

Please provide this information by no later than 24 November 2020 so that the Borough Solicitor can consider your views when she considers the nomination. If you do not provide any information then the Borough Solicitor will not be able to consider your views when making her decision.

Land of community value, as decided by the Borough Solicitor, is included on the Council's list of Assets of Community Value. The owner could then only dispose of the land if the following conditions have been satisfied:

1. The owner has notified the Council that they wish to enter into a relevant disposal;
2. A period of 6 weeks has then passed without the Council receiving a written request from a community interest group to be treated as a potential bidder for the land (the interim moratorium period) or, if such a request has been made, a total period of 6 months has passed (the full moratorium period); and
3. An 18 month 'protected period' starting with the date of the owner's notification to the local authority, has not ended.

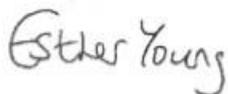
The listing of land as an asset of community value does not prevent the owner from selling it and this is important to for you to understand. The listing does not compel an owner at any point to sell the asset to a community interest group. Rather they cannot sell it to anyone else within the moratorium period. The owner can sell the property at any price that they can obtain or not at all as the case maybe. There is no obligation whatsoever for the owner to negotiate or deal with a voluntary or community body or community interest group.

If the decision is that the land is not of community value then it will be included on the Council's register of unsuccessful nominations and the conditions for disposal of the land referred to above would not apply.

I hope this letter explains the situation to you. I look forward to receiving any information you have regarding any other leaseholders, occupiers or users of the land. I also look forward to receiving your comments and views on the nomination, preferably by email to esther.young@tameside.gov.uk

In the current circumstances, I would be grateful if you could please acknowledge that you have received this letter and have noted its contents by email to esther.young@tameside.gov.uk.

Yours sincerely

A handwritten signature in cursive script that reads "Esther Young".

Esther Young
Solicitor
For Borough Solicitor

Cc: Edward Mellor Estate Agents Ltd, Auction Office, Borough Chambers, 1 St Petersgate, Stockport, Cheshire, SK1 1EB

Suzanne Antrobus
Head of Legal Services

Tameside One, Market Place
Ashton-under-Lyne, OL6 6BH

Call Centre 0161-342-8355
www.tameside.gov.uk

Email: esther.young@tameside.gov.uk

Doc Ref
Our Ref LS - 009080
Your Ref
Ask for Esther Young
Direct Line 0161 342 3043
Date 10 November 2020

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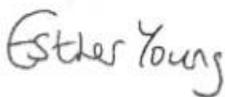
Edward Mellor Estate Agents Ltd
Auction Office, Borough Chambers
1 St Petersgate
Stockport
Cheshire
SK1 1EB

Dear Sirs

Re: Asset of Community Value Nomination - Land at Lindisfarne Road/Grove Street, Ashton-Under-Lyne – Lot 64

The Council received a nomination on 4 November 2020 for the above land to be included on the Council's register of Assets of Community Value. The Council is required to give information about the nomination to the owner of the land as well as to any leaseholder or occupant of the land. I understand the land sold recently at an Auction held by Edward Mellor Estate Agents and therefore I enclose the letter to the owner and the nomination so that the successful bidder of the land can be informed and their comments invited. Please either forward on the enclosed letter or provide the buyer's details so I can make contact with them direct.

Yours sincerely



Esther Young
Solicitor
For Borough Solicitor

Dear Young, Further to your letter dated 10/11/2020, regarding land at Lindisfarne road owned by Darsons Homes Ltd.

The company applied for planning permission for 5 x Four bedroom houses on 12/02/2018, ref. 18/00119/FULL and permission was granted by Tameside council with conditions on 18/01/2019, attached with email.

Application to remove the conditions was applied on 26/09/2019 and full planning was granted on 16/7/2020, letter attached with mail.

If you require further information please do not hesitate to contact me. Thanks

Rehana Khalid
Director Darsons Homes Ltd.

Hi Esther

I hope you and your family are well.

I am writing in response to a letter my client, Darson Homes, have received in regards to a nomination for the land in Lindisfarne Road to be listed as an Asset of Community Value.

I acted as agent for the sale through Edward Mellor and in the past have attempted to contact the local opposition group to understand their concerns, only to be met with hostility.

Before starting the process to get planning permission, we did speak to locals in the area, none of whom expressed any concern regarding the development of 5 houses. In fact, i have attached correspondence from the house which neighbours the land, asking for the development to begin as they are 'sick of living next to a rubbish dump'.

The nominee group were provided with auction details both upon initial sale by the council and the subsequent sale by Darson Homes and in both instances could not raise the required funds to purchase the land. Tameside council have also recently stated that repurchasing the land is not an efficient use of public funds and they therefore will not pursue any potential repurchase.

A housing development would provide significant improvement to the site and given the current state of the housing market, would be in line with the governments initiatives to increase the number of housing available.

I hope you are able to take my comments and those in the attachment, into consideration when making your decision.

Best Regards
Adnan Sajjad

Dear Mr Berry

We write with regard to the ongoing saga of what is the backfield in between Grove Street and Lindisfarne in Ashton under Lyne.

Ourselves as the house owners of [REDACTED], we would like to see some movement on the land whether it be the continual upkeep from the owners or a housing development. The regular upkeep of the land has not been happening since it was sold.

We feel like the above plans, affect us the most as we live [REDACTED]
[REDACTED]

Our children have never played on the land and I have also never seen one single child or person using the land in all the 15 years we have lived here. We live on the doorstep of another field which is accessible at the end of the path and indeed down the road from Daisynook Country Park.

After 3-4 years of having to put up with dog dirt, rubbish, rats, overgrowth of trees and bushes, fly tipping, we are sick of living next to a rubbish dump. We understand the other residents have objected to the development plans. We do not want to upset our neighbours, by the writing of this email and ideally would have liked Tameside to have never have sold the land in the first place, but that is not where we are at, now.

We wanted to write this email to let you know that we DONT object to the plans and now after hearing the land maybe offered out to rent to someone else, we feel that given the choice between a housing development and the uncertainty of somebody else renting the land, the obvious choice would be a housing development.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Dear Esther, Further to your letter dated 10/11/2020, the above land was sold in auction but the buyer withdraw their offer because of your letter. This costs us £8000 to pay back. We are now in process to start the development ourselves. As we have now full planning permisson I just want to know that do we have to wait for your decision til 30 December or we can start the groundwork . Thanks

Rehana Khalid

Director Darsons Homes Ltd

11 December 2020

Ms. Esther Young
Solicitor
Tameside Metropolitan Borough Council
Tameside One, Market Place, Ashton-under-Lyne, OL6
6BH

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O +44 113 284 7000
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squirepattonboggs.com

David Hardy
T +44 113 284 7512
david.hardy@squirepb.com

Dear Ms. Young

Re: Asset of Community Value Nomination
Re: Land at Lindisfarne Road, Ashton-under-Lyne

1. Introduction

- 1.1 In this matter, we are instructed by Darsons Homes Limited of 48 Godfrey Road, Halifax, HX3 0SU.
- 1.2 We are writing in response to the nomination from "Save the Backfield, Ashton-under-Lyne" for land at Lindisfarne Road, Ashton-under-Lyne to be included in the Council's register of Assets of Community Value.

2. Response

- 2.1 This nomination is devoid of any merit.
- 2.2 As you know, section 88 of the Localism Act 2011 provides as follows:

"88 Land of community value

(1) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area is land of community value if in the opinion of the authority—

- (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
- (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

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Please visit squirepattonboggs.com for more information.

(2) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority—

(a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and

(b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

2.3 On 18th January 2019, the Council granted full planning permission on the land for the construction of 5 no. detached houses and associated works pursuant to planning application reference 18/00119/FUL.

2.4 Because planning permission for residential development has been granted, there is no possibility of the second qualifying condition in paragraph 88(1)(b) being satisfied. The grant of planning permission is a determinative factor in this case.

3. Concluding thoughts

3.1 For the reasons set out above, this nomination is devoid of merit. The land is not land of community value because it does not comply with the statutory criteria.

3.2 We look forward to confirmation that the nomination was unsuccessful in due course. Please address all correspondence to David Hardy (Partner) in this office.

Yours faithfully

Squire Patton Boggs

Squire Patton Boggs (UK) LLP

On 10 November 2020 at 17:33:17 GMT, Esther Young <esther.young@tameside.gov.uk> wrote:

Dear Councillors

The Council has received a nomination that land north of Lindisfarme Road, Ashton-Under-Lyne be included on the Council's list of Assets of Community Value. I attach a copy of that nomination, including a plan, for your consideration.

The nomination has been made by a community body, 'Save the Backfield Ashton-Under-Lyne'.

The legislation states that the Council is required to consider nominations within 8 weeks from receipt of a valid nomination and must register the land or buildings as an ACV if, in its opinion –

- (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
- (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community (section 88(1) Localism Act 2011).

If a building or other land in a local authority's area that is not land of community value as a result the above, the land is of community value if the Council is of the opinion that—

- (a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
- (b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community (section 88(2).)

The nomination was considered validly received on 4 November 2020 and will be considered by the Borough Solicitor who must decide, having regard to the above definition of community land, whether or not the land is community land which must be included on the Council's register of ACVs.

As Ward Councillors for the ward in which the land is situated I would welcome any comments you have on this nomination. If these can be provided by **24 November 2020** I can ensure that they are contained in the report to be considered by the Borough Solicitor when she considers the nomination.

Please be aware that the land can only be land of community value if the Council is of the opinion that it meets the definition contained in either s88(1) or s88(2) of the Act. Please therefore try to ensure that you have regard to this legislation when making any comments.

We are aware that the land was recently sold by the current owner of the land at Auction, the nomination does not halt these proceedings or the completion of the sale to the successful bidder of the land.

Further information on ACVs and the effect of land being included on the Council's register of ACVs can be found on <http://www.tameside.gov.uk/assetscommunityvalue>

Kind regards

Esther

Esther Young

Solicitor

Legal Services

Governance

Governance and Pensions

Tameside MBC | Twitter | Facebook | Instagram

Tameside One | Market Place | Ashton-under-Lyne | Tameside | OL6 6BH

Tel. 0161 342 3043

Mobile. 07890756437

Fax. 0161 342 2747

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

Hello Esther,

Thank you for writing to us and inviting comments regarding this application.

Just to make you aware that, none of us were elected at the time this land was originally sold by TMBC in July 2017. The group of residents have continued their battle against this transaction, which was perceived to be part of the Estate when it was built in the 80's.

I welcome and fully support this application of registering the land north of Lindisfarne road under ACV. I have been made aware by various residents that, the land has been an important place for various daily living activities such as walking, playing, dog walking and sports since the 80's. I also came across a few childhood stories regarding this land on social media of people who may have grown up in this area.

I am aware that the nearby amenity space is not within a safe walking distance for children of a certain age. This community feels strongly of their association to this land and a role it plays in their well-being.

I understand from the reference link (in the below email) that upon successful approval of this application, a community group may be in position to buy this land from the current owner subject to agreement and availability of funds.

Please let me know, if you need any further information related to this matter.

Many thanks

Regards

Cllr Vimal Choksi

Dear Esther,

Thank you for writing to us and inviting comments regarding this application.

Just to make you aware that I wasn't elected at the time this land was originally sold by TMBC in July 2017. The group of residents have continued their battle against this transaction, which was perceived to be part of the Estate when it was built in the 80's.

I support this application of registering the land north of Lindisfarne road under ACV. I have been made aware by various residents that, the land has been an important place for various daily living activities such as walking, playing, dog walking and sports since the 80's. I also came across a few childhood stories regarding this land on social media of people who may have grown up in this area.

I am aware that the nearest amenity space is not within a safe walking distance for children. This community feels strongly about their association with this land and the role it plays in their well-being.

I understand from the reference link (in the below email) that upon successful approval of this application, a community group may be in position to buy this land from the current owner subject to agreement and availability of funds. I hope they are successful.

Yours sincerely,
Cllr Pauline Hollinshead.

Hi Esther,

In response to your email I would like to offer my support for 'The Backfield' to be added to the list of Assets of Community Value.

I first encountered the site and its value to the local community in early 2018. Residents contacted me in relation to the sale of the site which had previously taken place.

Whenever I had visited the area previous to it becoming overgrown, the site was always in use, usually by children playing and also residents with dogs who could let them off the lead. I myself have held meetings with residents on the Backfield including in August 2018 when around 45 residents attended.

After seeing two young boys attempting to play football in the long grass, I contacted the relevant officer who successfully arranged for the grass to be cut. Unfortunately it has not been maintained since and little play or dog walking has been possible since.

Residents have told me of regular community events such as bonfires which were held in former years. The area has been in consistent use as an amenity/play area since it was integrated into the development in 1981 as a designated play area. The site is also covered by a covenant protecting the space in perpetuity and has been valued and used ever since.

The site is almost unique in relation to its location away from vehicular traffic and its close proximity to the surrounding homes. This makes it particularly safe for younger children who could play within site of parents and carers.

I am happy to be contacted in relation to this ACV application if clarification of detail is required.

Kind regards,
Lee.

Councillor Lee Huntbach
Councillor

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Tel.

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

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant/agent: Darson Homes Ltd C/O Wiplow Ltd Byron House 10 - 12 Kennedy Street Manchester M2 4BY	Date of Application: 12th February 2018
	Date of Decision: 18th January 2019
	Application Number: 18/00119/FUL

Particulars of details submitted for approval:

Construction of 5 No. detached houses and associated works

Land South Of, Grove Street, Ashton-Under-Lyne, Tameside .

The Tameside Metropolitan Borough Council hereby gives notice that permission has been granted for the carrying out of the development referred to above, subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: those ref.

LFP 001
LFP-002
LFP 003 rev. C
LFP 004 rev. A
LFP 006
LFP 007
LFP 008
LFP 009
LFP 010

3. Development shall not commence until the following information has been submitted in writing and written permission at each stage has been granted by the Local Planning Authority.
 - i) A preliminary risk assessment to determine the potential for the site to be contaminated shall be undertaken and approved by the Local Planning Authority. Prior to any physical site investigation, a methodology shall be approved by the Local Planning Authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration.
 - ii) Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved by the Local Planning Authority prior to implementation.
 - iii) Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority.
 - iv) Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

The discharge of this planning condition will be given in writing by the Local Planning Authority on completion of the development and once all information specified within this condition and other requested information have been provided to the satisfaction of the Local Planning Authority and

occupation/use of the development shall not commence until this time, unless otherwise agreed by the Local Planning Authority.

4. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and/or full specification of materials to be used: externally on the buildings; in the construction of all boundary walls, fences and railings; in the finishes to all external hard-surfaces; and, in the construction of the acoustic fence have been submitted to, and approved in writing by, the local planning authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.
5. The boundary treatments for each house, as indicated on the approved plan, ref. LFP 003 rev. C, shall be provided prior to the first occupation of that house.
6. The car parking facilities for each house, as indicated on the approved plan, ref. LFP 003 rev. C, shall be provided prior to the first occupation of that house, and thereafter kept unobstructed and available for the intended purpose.
7. The planting scheme shall be carried out in accordance with the details indicated on the approved plan ref. LFP 003 rev. C. The planting scheme shall be implemented in the first planting season (Nov-Mar) following the occupation of the first house.

Any newly planted trees and plants forming part of the approved scheme which, within a period of 5 years from the completion of the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species by the developer unless the local planning authority gives written consent to any variation.

8. No part of the development hereby approved shall be occupied until details of a maintenance management plan for the area of land that is to remain undeveloped, and including the newly planted trees, as indicated on the approved plan ref. LFP 003 rev. C, has been submitted to, and approved in writing by, the local planning authority. Following the occupation of the first house, the management plan shall be implemented in accordance with the approved details and retained as such thereafter.
9. Prior to first occupation of the development hereby approved a scheme detailing the street lighting to be provided to the access road and shared parking areas shall be submitted to, and approved in writing by, the local planning authority. This scheme will include details of how the lighting will be funded for, how it will be maintained in the future, and a phasing plan which will specify when the approved details will be completed. Development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
10. During construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
11. A clear view shall be provided on both sides of the driveways where these meet the footway. It shall measure 2.4metres along the edge of the site access and 2.4 metres along the footway. It must be clear of anything higher than 600mm above the access, except for vertical iron railings to a design that includes rails of not greater than 15mm diameter spaced at not less than 100mm intervals.
12. The development shall not commence until details of the wheel cleaning facilities, temporary access, vehicle parking and turning facilities to be provided during the construction period, has been submitted to, and approved in writing by, the local planning authority. The approved measures shall be implemented and retained in operation through the duration of the building works.
13. Throughout the period of site preparation and construction, until the occupation of the house hereby approved, no trees, shown to be retained on the approved plan ref. LFP 003 rev. C, within the site, shall be felled, uprooted, lopped, topped or otherwise destroyed or damaged, including disturbance to roots, without the previous written consent of the Local Planning Authority. Where any tree is damaged or destroyed without consent, another tree shall be planted of such size, species, and in such a position as may be specified in writing by the Local Planning Authority.
14. No tree felling or vegetation removal shall take place during the optimum period for bird nesting

(March to July, inclusive).

15. No development shall commence until full details of the means by which the external hard-surfaced areas shall be drained of surface water and details of how foul water shall be drained from the site have been submitted to, and approved in writing by, the local planning authority. The details shall indicate that surface and foul water shall be drained from the site via separate systems, with only foul drainage connected into the foul sewer. The development shall then be implemented in accordance with the approved details and shall be retained as such thereafter.

The reasons for the conditions are:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure that the site is suitable for its intended end use and to remove any unacceptable risk to people/buildings/environment from contaminated land as per paragraph 121 of the National Planning Policy Framework.
4. In the interests of visual amenity.
5. In the interests of security and to ensure a satisfactory development
6. To ensure adequate car parking arrangements.
7. To protect the newly created local environment in order to allow for maturity.
8. In the interests of visual amenity.
9. To secure the provision of satisfactory access to the site and in the interests of road safety and security.
10. To safeguard the general amenity of the area.
11. In the interests of highway safety.
12. To ensure safe and adequate site access arrangements.
13. To protect trees and other scheduled vegetation during the course of construction works in order to preserve the character and amenity of the area.
14. In order to protect wild birds under the terms of the Wildlife and Countryside Act 1981 (as amended)
15. In order to provide a sustainable means of site drainage.

NOTES FOR APPLICANT

STREET NAMES AND POSTAL ADDRESS

The applicant's attention is drawn to the need to consult the HEAD OF ENGINEERING, Council Offices, Wellington Road, Ashton-under-Lyne regarding the STREET NAMES/POSTAL NUMBERS for the proposed development before the development is occupied.

The applicant's attention should be drawn to the need to intercept surface water draining from the proposed development prior to its entering the highway across a footway to meet the requirements of Section 163 of the Highways Act 1980

REASON FOR GRANTING PLANNING PERMISSION

Statement under Article 35 (2) of the Town and Country Planning (Development Management Procedure) England Order 2015 (as amended): The Local Planning Authority worked positively and proactively with the

TAMESIDE METROPOLITAN BOROUGH

A 49

Planning and Building Control, Council Offices, Clarence Arcade, Stamford Street, Ashton-under-Lyne, OL6 7PT
Telephone 0161 342 4460

applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

Dated: 18th January 2019



Peter Taylor
Head of Planning

THIS PERMISSION IS ONLY FOR THE PURPOSES OF THE REQUIREMENTS OF THE TOWN AND
COUNTRY PLANNING ACTS AND IS NOT AN APPROVAL UNDER THE BUILDING REGULATIONS OR
FOR ANY OTHER STATUTORY PROVISION

NOTES

a) Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse planning permission or to grant it subject to conditions, then you can appeal to the Secretary of State via the Planning Inspectorate under section 78 of the Town and Country Planning Act 1990.

If you want to appeal then you must do so within 6 months of the date of the decision notice. Appeals must be using a form which you can get online at www.planningportal.gov.uk/pcs or from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

If your appeal relates to a decision to refuse planning permission for a **householder application**, then you must appeal within 12 weeks of the date of the decision.

If your appeal relates to a decision to refuse planning permission for a **minor commercial application** then you must appeal within 12 weeks of the date of this notice. A minor commercial application is for development currently within Use Class A1, A2, A3, A4, or A5 and generally only applies for applications to alter the shopfront. The definition excludes change of use, a change to the number of units in a building, development that's not wholly at ground floor level, or development that would increase the gross internal area of a building.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

b) Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Town and Country Planning Act 1990.

c) Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 120 of the Town and Country Planning Act 1990.

IMPORTANT

COMPLIANCE WITH CONDITIONS

- Enclosed is your planning approval. It may contain conditions that you must comply with.
- Before starting work please read the conditions and understand their requirements and restrictions.
- Some conditions require action **before** the start of the development e.g. agreement of external materials. These conditions **must** be formally discharged before work commences.
- You can apply to discharge conditions via the planning portal website at www.planningportal.co.uk.
- If you fail to discharge and/or comply with the conditions, this may lead to enforcement action being taken against the development.
- It is in your interests to demonstrate that conditions have been discharged and/or complied with. Failure to do so could cause difficulties if the property is sold or transferred.

Town and Country Planning (Development Management Procedure) (England) Order 2015 – Article 27

CONFIRMATION OF DISCHARGE OF PLANNING CONDITIONS

Name and address of applicant/agent: Mr Dar C/O Mr Jason Dugdale The Old Post Room 34 Chew Valley Road Greenfield Saddleworth OL3 7DA	Date of Application: 26th September 2019 Date of Decision: 16th September 2020 Application Number: 19/00108/PLCOND
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Particulars of details submitted for approval:

Approval of details reserved by conditions 3 (ground remediation), 4 (external materials, 12 (temp vehicle facilities) and 15 (drainage) of planning permission ref. 18/00119/FUL - Construction of 5 No. detached houses and associated works

Land South Of Grove Street Ashton-Under-Lyne Tameside

The Tameside Metropolitan Borough Council hereby gives formal notice that the planning condition(s) referred to above have been discharged, subject to the following comments and restrictions (if any):

Condition 3

The information contained in the Mugen Geo Ltd Phase 2 Site Investigation and GeoEnvironmental Appraisal, dated July 2019, has been reviewed by the Council's Environmental Protection Unit and is found satisfactory and on this basis development may commence. The following further information will be needed prior to the first occupation of the dwellings to enable the full discharge of the condition:

confirmation that no contamination was encountered during development works, or full details of any remediation undertaken (it is recommended that should any contamination be discovered that construction works cease and the Environmental Protection Unit is informed immediately); and,

written confirmation that the development works are complete and the site is suitable for a residential end use.

The responsibility to properly address contaminated land issues, including safe development and secure occupancy, and irrespective of any involvement by this Authority, lies with the owner/developer of the site.

Condition 4

The materials to be used externally on the buildings, being:

Marley Modern Smooth Grey roof tiles, details of which were received on 26.09.19;

Ibstock Ivanhoe Westminster bricks, code AO825A, details of which were received on 15.05.20;

fascias, code FW400, colour anthracite grey, details of which were received on 15.06.20;

Woodgrain Shiplap dormer cladding, code FC151, colour anthracite grey, details of which were received on 15.06.20;

rainwater goods, being gutters Freeflow round gutter and fitting, Ccde FRG 400, colour anthracite grey, and Freeflow round downpipe and fittings, code FRP400, colour anthracite grey, details of which were received on 15.06.20;

are hereby approved.

The close boarded timber boundary fence, details of which were received on 26.09.19, is hereby approved.

Paving stones, being Brett Landscaping Alpha TRIO 60, code NLATV60, details of which were received on 15.06.20, are hereby approved.

The use of such approved materials in the implementation of the development in accordance with the details illustrated on the approved plans, refs. LFP 003 rev. C and LFP 009 will discharge the condition.

Condition 12

The details included in the Construction Environment Management Plan prepared by Darson Homes Limited, and which was received on 10.03.20, are hereby approved. Adherence to the approved details throughout the period of construction will discharge the condition.

Condition 15

The details of the means by which the development will be drained of water illustrated on drawing ref. 19-390 D01, Rev B, dated 08.11.2019, which was received on 27.02.20, are hereby approved. The implementation of the development in accordance with the approved details will discharge the condition.

Dated: 16th September 2020

A handwritten signature in black ink that reads 'Jayne Traverse'.

Jayne Traverse
Director of Growth



Tree refs: T6, T7, T10 and T17 shown hatched are proposed to be removed from the development.

Application to be made to TMBC highways dept to form permanent access to proposed development via Grove Street.

Proposed carriageway to be 4500mm wide with a further 1800mm footway to full East perimeter. Tarmac road to finish to TMBC highways specification.

Hatching denotes Tameside Pathway ref: ASH/120

Tree refs: 32,33,34 and 35 to be new cherry trees, planted as part of application.

Existing open space shown hatched to be retained as public open space. Refer to separate open space assessment.

Existing footway and access to open fields to be retained.

Existing footway to be retained



PROJECT Proposed Residential Development Lindisfarne Road, Ashton-U-Lyne		DRAWING NUMBER LFP 003		
DRAWING Site Plan as Proposed	REVISION C	DRAWN MV DATE Jan 2018	CHECKED	SCALE 1:200 @ A1

REV C 19.09.18 Proposed tree refs 32,33,34 and 35 added.
REV B 06.08.18 Pathway ref: ASH/120 added.
REV A 28.05.18 Amendments to road layout.

Site Plan as Proposed

Scale 1:200

