

Application Number 19/00168/FUL

Proposal	Installation of a steel sheet pile retaining wall to stabilise the existing embankment to rear of properties at 24 - 29 Fairlea together with associated works including excavation to the embankment, installation of granular earthworks drains, installation of 'reno' mattresses to stream bed and banks at lower level and replacement of length of sewer pipe to the top of the embankment.
Location	Land to the rear of 24 to 29 Fairlea, Denton
Applicant	Tameside MBC
Recommendation	Grant planning permission, subject to conditions
Reason for report	A Speakers Panel decision is required as this is a Council application which is not of a minor or routine nature.

1. APPLICATION DESCRIPTION

- 1.1 The application seeks planning permission for the installation of a steel sheet pile retaining wall to stabilise the existing embankment to rear of properties at 24 - 29 Fairlea together with associated works including excavation to the embankment, installation of granular earthworks drains, installation of a 'reno' mattresses to stream bed and banks at lower level and replacement of length of sewer pipe to the top of the embankment.
- 1.2 The works are required as slipping of the embankment towards the watercourse at low level and movement of private garden areas of properties on Fairlea has been observed.
- 1.3 The application is accompanied by various drawings and the following information in support of the application:
- Slope Stability Assessment (Report Reference A2373/18) April 2018
Ecological Scoping Report – Embankment and Remedial Work 22 January 2019
Tree Survey and Report 4 February 2019

2. SITE AND SURROUNDINGS

- 2.1 The application relates to an area of land some 0.2 hectares in area which currently forms part of a wooded embankment and water course. The embankment slopes down steeply towards the watercourse with an elevation change from approximately 99.0 AOD to 91.0 AOD adjacent to the watercourse over a distance of 25 metres. It lies to the north and east of properties on Fairlea and East Lea, Denton. To the north and west of the site is land which forms part of a wider area of open space and countryside. A public right of way DEN/32/20 adjoins the western boundary of the site.

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history relating to this application.

4. RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation

Green Belt

4.2 Part 1 Policies

1.5 Following the Principle of Sustainable Development
1.10 Protecting and Enhancing the Natural Environment
1.12 Ensuring and Accessible, Safe and Healthy Environment

4.3 Part 2 Policies

OL1 Protection of the Green Belt
OL2 Existing Buildings in the Green Belt
OL10 Landscape Quality and Character
T8 Walking
C1 Townscape and Urban Form
N4 Trees and Woodland
N5 Trees within Development Sites
N6 Protection and Enhancement of Waterside Areas
N7 Protected Species
U1 Utilities Infrastructure
U4 Flood Prevention

4.4 National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development
Section 12 Achieving well designed places
Section 13 Protecting Green Belt Land
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment

4.5 Planning Practice Guidance (ppg)

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5. PUBLICITY CARRIED OUT

- 5.1 As part of the planning application process notification letters were sent out on 3 April 2019. A notice was posted at the site on 4 April 2019 and published in a local newspaper.

6. RESPONSES FROM CONSULTEES

- 6.1 Greater Manchester Ecology Unit (GMEU) confirm that there are no objections to the proposal on ecology grounds although recommend that no vegetation clearance required to facilitate the scheme be undertaken during the optimum period for bird nesting (March to July inclusive). All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

- 6.2 The Coal Authority confirm that the proposals are not considered significant enough to pose a risk to safety and stability and do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to the planning application.
- 6.3 Head of Environmental Services (Environmental Protection) no objection subject to a condition being attached to any planning permission restricting the working hours during excavation/construction.
- 6.4 Head of Environmental Services (Highways) have no objections to the proposal.
- 6.5 Ramblers Association have stated that there are a number of definitive paths plus some informal paths (on and adjacent to the site) and it is likely that some will have temporary closures on, whilst the works are in progress and more than likely the site will be made good and so will the paths after the completion of the works. On this basis the Ramblers Association have confirmed that they have no objections to the proposals.
- 6.6 United Utilities have confirmed that in accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. United Utilities have requested a number of drainage conditions be attached to any planning permission to reflect this approach.
- 6.7 Environment Agency have no objections in principle to the proposed development.
- 6.8 Arboricultural and Countryside Estates Officer (TMBC) has confirmed that the trees that require removal are low value and only minor pruning is necessary to the higher value trees. The proposed works would therefore be acceptable. A reinstatement and planting scheme is to be agreed for the compound area of the scheme, post works.

7. SUMMARY OF 3RD PARTY RESPONSES RECEIVED

- 7.1 No representations have been received as a result of neighbour notifications.

8. ANALYSIS

- 8.1 The principal issues in the determination of this application relate to:-
- 1) The principle of the development
 - 2) Design, appearance and impact on Visual Amenity
 - 3) Residential amenity
 - 4) Trees
 - 5) Ecology
 - 6) Highways, Access and Parking
 - 7) Flood Risk and Drainage

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The site lies wholly within the Green Belt as allocated on the UDP Proposals Map. The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In accordance with local and national planning policy, the main issues in this regard relate to whether the proposal would be inappropriate development in the Green Belt as set out in the NPPF and

if inappropriate development, whether the harm by inappropriateness is outweighed by very special circumstances.

9.2 Paragraph 146 of the NPPF lists certain other forms of development as not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purpose of including land within it. The second bullet point of this paragraph lists 'engineering operations' as one of these exceptions.

9.3 The site relates to part of a wooded embankment and watercourse. The development predominately comprises of engineering operations required to stabilise the embankment including the erection of a steel sheet pile retaining wall and earth re profiling works.

9.4 Whilst the proposal would introduce development (in the form of the steel sheet pile retaining wall) where there is currently none, this will be no higher than the existing land levels when viewed from the south. When viewed in context against the backdrop of garden boundary fencing adjoining the site, it is considered that these engineering operations would have no greater impact upon the openness of the Green Belt.

9.5 It is therefore considered that this development would preserve the openness of the Green Belt and that further, accords with the five purposes of including land within the Green Belt as set out in paragraph 134. This is demonstrated in the following paragraphs which consider each of the five purposes of including land within the Green Belt in turn.

To check the unrestricted sprawl of large built up areas

9.6 The site comprises of open area of land which has become over grown in time with self-seeded planting. The proposal is not considered to result in the increase in sprawl of the built up area. No hard surfacing is proposed and there would be no extension of the built up area into the application site. The rear garden boundaries of properties on Fairlea will remain in their current position and the clear delineation between Green Belt and Non Green belt land will remain.

To prevent neighbouring towns merging into one another

9.7 The application site forms part of an area of Green Belt which lies between the settlements of Denton and Hyde. The proposal would not result in any merging of these towns.

To assist in safeguarding the countryside from encroachment

9.8 The retaining wall will be sited on an existing embankment adjoining a watercourse. The land adjoining the wall will be landscaped and in parts levelled thus allowing its function as an area of open land to continue. The compound area will be removed in its entirety and landscaped on completion of the development. As a result the proposal is not considered to result in any encroachment into the countryside.

To preserve the setting and special character of historic towns

9.9 The proposal does not result in any harm to the setting of any heritage asset. Furthermore the site is situated a significant distance away from the historic core of Denton and Hyde and therefore is considered to have a neutral impact on their special setting or character.

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

9.10 The proposal would result in the reinstatement and stabilisation of existing garden areas for properties on Fairlea and the adjoining publicly accessible land. It does not propose to introduce any new uses for the land but to stabilise the land and provide replacement landscaping in order to return it to its previous form and function. As a consequence the proposal would have no undue impact on the openness of the Green Belt and will maintain the focus upon regeneration of the neighbouring urban areas.

- 9.11 In light of the above, it is considered that the proposed development complies with paragraph 134 of the NPPF in that the proposal would satisfy the purposes of including land within the Green Belt. The proposed retaining wall and associated works are also considered to result in no greater impact on the openness of the Green Belt when comparing the proposed re profiling of the embankment to the existing situation.
- 9.12 In light of the above, it is considered that the proposal is an appropriate form of development within the Green Belt and therefore conforms with paragraph 134 of the NPPF. The development is also considered to comply with UDP Policies OL1 and OL2 which seeks to protect green belt land from inappropriate development.

10. DESIGN, APPEARANCE AND IMPACT UPON VISUAL AMENITY

- 10.1 UDP Policy C1 sets out a number of design principles that are of relevance for new development proposals in order to ensure that a high quality of development can be provided.
- 10.2 The NPPF at paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 10.3 In terms of design and impact on visual amenity, the main impact from the proposal will be from the retaining wall. The maximum overall height above ground level would be approximately 2.2 metres which is only slightly higher than what could be undertaken under permitted development rights (had it not been for the alterations to the ground levels). In view of this, it is not considered that the wall would be so harmful to visual amenity to refuse the proposal on design grounds. Furthermore the impact of the proposal will be mitigated by existing planting adjacent to the site which will help screen this part of the proposal from wider views to the west.

11. RESIDENTIAL AMENITY

- 11.1 The NPPF identifies a set of core land use planning principles that should underpin both plan making and decision making. Amongst these core principles include a requirement that planning should seek to secure a good standard of amenity of all existing and future occupants of land and buildings.
- 11.2 The nearest properties to the proposal are located on Fair Lea and East Lea, Denton. The proposed works are considered to be a sufficient distance away from these properties so as not to result in any adverse impact on the amenities of the occupiers thereof. Whilst there may be some noise and disturbance resulting from the proposal during the construction period, this will only be for a temporary period and the hours of such works can be controlled by a planning condition.

12. TREES

- 12.1 UDP Policy N4 Trees and Woodland states that the Council will not permit the felling of protected trees or woodland or other trees of amenity value unless the removal of a tree has been considered appropriate in connection with an approved development.
- 12.2 A Tree Survey and Report accompanies the application and confirms that the proposed works will result in the removal of several trees to facilitate the erection of the proposed

retaining wall, site compound area and re profiling of the watercourse. None of the trees proposed for removal are protected by a Tree Preservation Order (TPO). The Report also states that the trees proposed for removal are of low amenity value. The Councils arboricultural Officer has been consulted on the application and concurs with the findings and recommendations of the Tree Survey. A replacement tree planting scheme for the site compound area is recommended and this can be secured by a planning condition.

- 12.3 The application is therefore considered to accord with UDP Policy N4 and meets the requirements of paragraph 175 of the NPPF that seeks to minimise impacts on biodiversity.

13. ECOLOGY

- 13.1 UDP Policy N7 'Protected Species' states that development that would have an adverse impact on protected species will not be permitted unless it can be demonstrated that any such impacts can be successfully mitigated.
- 13.2 An Ecological Scoping Report has been undertaken and submitted with the application and GMEU confirm that there are no objections to the proposal on ecology grounds although recommend that no vegetation clearance required to facilitate the scheme be undertaken during the optimum period for bird nesting (March to July inclusive). This can be secured by a planning condition.
- 13.3 The Survey undertaken satisfies the requirements of UDP Policy N7. The proposed development is in accordance with the UDP and paragraph 177 of the NPPF that seeks to minimise impacts on biodiversity.

14. IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY

- 14.1 The works do not result in any alterations to the existing access arrangements on Fairlea, Denton. It is noted that a public right of way (DEN/32/20) adjoins the site. Whilst the works do not impact on this public right of way, the proposed (temporary) site compound area is located within the extents of the public right of way. During the construction period the public right of way will be closed for the full duration of the works (estimated as approximately 12 weeks). Upon completion of the works the public right of way will be reinstated. There have been no objections to this part of the scheme from the Councils Head of Environmental Services (Highways) or the Ramblers Association.

15. FLOOD RISK AND DRAINAGE

- 15.1 The site lies within Flood Zone 1 and is therefore located within an area which is at the lowest risk of flooding.

16. RECOMMENDATION APPROVE 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 approved relates to the following drawings received by the Council on 1 April 2019 namely:
 - 302-198-SB01 Rev B 'Site Boundary'
 - 302-198-004 Rev B 'Proposed Details'
 - 302-198-001 Rev B 'Existing General Arrangements & Existing Section'
 - 302-198-005 Rev A 'Land Ownership'
 - 302-198-003 Rev B 'Proposed Sections'

302-198-002 Rev B 'Proposed General Arrangement & Proposed Elevation'.

3. No vegetation clearance required to facilitate the scheme be undertaken during the optimum period for bird nesting (March to July inclusive).
4. During excavation / 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.