

Application Number 20/01089/FUL

Proposal	Change of use of existing yard area to use for Storage (Use Class B8) including provision of shipping containers, extension of previously undeveloped land consisting of paving, siting of additional shipping containers and car parking (part retrospective).
Site	Land to the north of Weir Mill, Manchester Road, Mossley, OL5 9QA
Applicant	Mr D Wilcox C/O Civitas Planning Limited
Recommendation	Refuse planning permission.
Reason for Report	A Speakers Panel decision is required upon the request of the Planning Agent (Endaf Robert, Civitas Planning Limited) and following a request made by Councillor Jack Homer.

1.0 APPLICATION DESCRIPTION

- 1.1 The application seeks retrospective planning permission for the change of use of a pre-existing yard area associated with Weir Mill to land used for the provision of self-storage facilities (Use Class B8) and the clearance of land to the north of the existing yard area to provide additional land for storage. The application also seeks planning permission for the proposed siting of 48.no storage containers and provision of car parking to the far north of the application site with access taken from Manchester Road.
- 1.2 It is understood that the applicant undertook works to address drainage issues on the site following the collapse of two culverts and that the land was cleared to facilitate access for those works to be carried out. It is understood that the applicant subsequently positioned storage containers on the land for self-storage purposes and to provide a use for the site in October/November 2016. However, additional containers have since been added.

2.0 SITE & SURROUNDINGS

- 2.1 The application site is located immediately to the north of Weir Mill with part of the application site being its former yard area. Manchester Road runs to the east and north of the site and is at a higher elevation than the application site itself and separated by a low stone wall. The River Tame bounds the east of the application site beyond which is a mixture of open land and woodland.

3.0 PLANNING HISTORY

- 3.1 No records relating to the application site itself exist.

4.0 RELEVANT PLANNING POLICIES

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 Planning Practice Guidance (PPG)
- 4.3 **Tameside Unitary Development Plan (UDP) Allocation:** Green Belt
- 4.4 **Part 1 Policies**

1.5 Following the Principles of Sustainable Development
1.10 Protecting and Enhancing the Natural Environment

4.5 Part 2 Policies

OL1: Protection of the Green Belt
OL15: Openness and Appearance of River Valleys
T1: Highway Improvement and Traffic Management
T10: Parking
N3: Nature Conservation Factors
N4: Trees and Woodland
N5: Trees within Development Site
U3: Water Services for Developments
U4: Flood Prevention

4.6 National Planning Policy Framework (NPPF)

Section 2 Achieving Sustainable Development
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

4.7 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.

5.0 PUBLICITY CARRIED OUT

- 5.1 Neighbour notification letters were dispatched in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement on the 8 July 2020 and a Site Notice displayed close to the application site on Manchester Road on 14 December 2020.

6.0 RESPONSES FROM CONSULTEES (SUMMARISED)

- 6.1 Canal & Rivers Trust: No comments made.
- 6.2 Local Highway Authority: Commented that the general arrangement drawing should demonstrate the proposed parking layout that would meet the requirements of the Unitary Development Plan in terms of required parking provision. This plan has been received and as a result is accepted by the Local Highway Authority subject to the imposition of a condition requiring details of cycle storage facilities be provided which serve the development.
- 6.3 Greater Manchester Ecology Unit (GMEU): Commented that the development proposed under the application would likely lead or have led to ecological impacts that would require addressing. In particular, comments were made on the impact caused by the loss of vegetation and woodland habitat, potential impacts on the River Tame and increased runoff into the River Tame, as well as the likely presence of invasive plant species, particularly Himalayan Balsam.

- 6.4 Arboricultural Officer: Observed that it is likely that a significant amount of vegetation/woodland has been removed to make way for the development. However, the Arboricultural Officer also acknowledged that the trees were not protected and thus had no additional comments or recommendations to make.

7.0 SUMMARY OF THIRD PARTY AND COUNCILLOR RESPONSES RECEIVED

- 7.1 Following the consultation exercise undertaken one letter of objection has been received raising the following (summarised) points:

- Felling of a large number of mature trees;
- Destruction of habitats; and,
- Potential impacts on the River Tame.

- 7.2 Councillor Jack Homer has written in support of the application offering the following (summarised) points:

- The storage area is used by local businesses and loss would be detrimental; and,
- The storage site is not readily visible from public vantage points.

8.0 ANALYSIS

- 8.1 The key issues to be assessed in the determination of this planning application are:

- 1) The principle of development in the Green Belt;
- 2) Impact on the purposes of the Green Belt;
- 3) The impact on the character of the site and the surrounding area;
- 4) The impact upon the amenity of neighbouring properties;
- 5) The impact on highway safety;
- 6) Flood risk / drainage implications;
- 7) The impact on the ecological significance of the site and trees; and,
- 8) Other matters.

9.0 PRINCIPLE OF DEVELOPMENT (GREEN BELT)

- 9.1 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework (NPPF). Paragraphs 212 - 217 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies.

- 9.2 The site is located in the Green Belt as identified by the Proposals Map associated with the Unitary Development Plan for Tameside. Policy OL1 states that the Green Belt will be protected from inappropriate development and that approval will not be given for the construction of new buildings except in specific purposes. The wording of this policy is slightly at variance with updated guidance of the NPPF. However, the fundamental requirement is to keep Green Belts open, and only to allow built development for specific purposes or where very special circumstances can be demonstrated.

- 9.3 As a starting point, paragraph 134 of the NPPF, sets out the five main purposes of Green Belt which are:

- a) To check the unrestricted sprawl of large built-up areas;
- b) To prevent neighbouring towns merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and,
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 9.4 Paragraph 146 of the NPPF states that material changes in the use of land will not amount to inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. In order to determine whether the development (i.e. the change of use) represents inappropriate development requires an assessment to be made as to whether there is conflict with the main aims and objectives of Green Belt policy and whether the openness of the Green Belt is preserved.
- 9.5 Although it is understood there is a well-established area of hardstanding to the south of the application site historically associated with Weir Mill, the extension of this area of hardstanding to accommodate shipping containers for self-storage uses and car parking cannot preserve its openness since this is essentially a freedom from operational development.
- 9.6 Given the increase in size of the hardstanding and the provision of shipping containers and parking areas it is considered that the proposal would have a greater impact on the openness of the Green Belt than the existing/former development on the site. The additional impact of the development would result in more prominent development encroaching beyond the main site area of Weir Mill and associated curtilage. Furthermore, there is conflict with the aims and objective of Green Belt policy since it results in the urbanisation and encroachment into what was previously open land (albeit characterised by trees and scrubland).
- 9.7 It is considered that the development that is the subject matter of this application represents inappropriate development within the Green Belt. Paragraph 143 of the NPPF states that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF states that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 9.8 In addition to being inappropriate, to determine whether very special circumstances exist first requires consideration of *other harm* that arises from the development, and this is covered in the sections of the report below. As such, the principle of development is dependent upon the assessment of the totality of harm, and whether this is clearly outweighed by other considerations.

10.0 CHARACTER OF THE SITE AND THE SURROUNDING AREA

- 10.1 It is recognised that part of the hardstanding was already present prior to the provision of shipping containers and change of use to storage. However, a large portion of the north of the site was mature woodland which has been removed and replaced with hardstanding to accommodate a use for the storage of shipping containers and car parking. This results in harm to the character of the area when compared to its pre-existing condition.
- 10.2 When travelling along Manchester Road to the east of the site, the area of hardstanding, containers and car parking is largely screened from view due to the site being at a lower level. However, the character of the area from open countryside to the east of the River Tame is changed considerably, changing from woodland to an area of hardstanding and shipping containers.

11.0 AMENITY OF NEIGHBOURING PROPERTIES

- 11.1 The application site is not in close proximity to any residential properties. Although Weir Mill is occupied by various businesses it is not expected that the location of the storage area and associated access has any significant impacts on the occupiers and users of these businesses.

12.0 HIGHWAY SAFETY

- 12.1 Access to the application site is obtained from Manchester Road to the southwest of the main area of the application site. As this is an existing and long-established access, other than a small increase in traffic generation, it is not expected that this arrangement would have undue impacts on highway safety. Any impact caused is not considered to amount to a severe impact on highway safety which is the relevant test having regard to the requirements of paragraph 109 in the NPPF.
- 12.2 The Local Highway Authority initially raised concerns in that the submitted plans, showing an increase in land taken up by hardstanding and change of use to storage, without the requisite amount of parking required and was thus in conflict with the requirements of UDP Policy T1 and more specifically T10. However, amended plans were received demonstrating proposed parking, with standard parking to the north end of the application site and disabled parking and bicycle parking provision shown towards the southeast corner of the application site. This proposed arrangement satisfied the Local Highway Authority and they withdrew their concerns in this regard subject to the imposition of a condition requiring cycle parking facilities to be provided.

13.0 ECOLOGY CONSIDERATIONS

- 13.1 A large portion of the application site was formerly covered by mature woodland. This woodland has since been cleared to make way for a larger area of hardstanding and siting of shipping containers. Unitary Development Plan policies N4 requires that trees of amenity value are only removed where appropriate and good arboricultural practices adhered to. In addition, appropriate replacement planting is required. UDP Policy T5 also requires that trees or areas of woodland are not unnecessarily lost or damaged. Where development affects a site containing woodland, a full arboricultural impact assessment is generally required to enable an appropriate assessment of the quality of the woodland.
- 13.2 The application site is also adjacent to the River Tame to the east. UDP Policy OL15 provides that the Council will not generally permit developments that would adversely affect the character of river valleys. In addition, UDP Policy U3 requires that developments incorporate sustainable drainage systems to control water run-off and minimise potential pollution and environmental damage related to run-off. Due to its close proximity and potential for impact the Greater Manchester Ecology Unit (GMEU) have raised concern that there is a risk of negative impacts on the ecological potential of the River Tame through the increase in surface water discharge. As such, in the event the application is approved they recommend the imposition of a condition requiring such information to be submitted for approval.
- 13.3 GMEU and the Council's arboricultural officer have indicated that ecological issues will have resulted from the development given the removal of mature trees. However, the trees were not protected by any Tree Preservation Orders, and so could be removed without consent. GMEU have also identified that Himalayan Balsam, an invasive plant species, is highly likely to have been or will continue to be prevalent on the application site. In the event the application is approved, GMEU have recommended the imposition of a condition requiring a survey of Himalayan Balsam and Japanese Knotweed within 7m of the site and that the

findings be submitted to the local planning authority. If such species are found to be present a methodology is to be submitted demonstrating how such species would be treated.

- 13.4 Having regard to paragraph 170 of the National Planning Policy Framework, which requires planning decisions contribute to and enhance the natural and local environment, the development has resulted in the loss of approximately 0.1 hectares of mature woodland. GMEU have identified that there is potential for tree planting to the north of the site and that bird boxes should also be provided. As such, GMEU have recommended a condition requiring a landscaping plan including mitigation measures for the loss of trees, shrubs and bird nesting habitats be submitted for approval in the event that the application is approved.

14.0 FLOOD RISK

- 14.1 Storage is a use of land categorised as 'less vulnerable' when considering development that is located in High Flood Risk areas by the technical guidance that accompanies the Framework. The guidance confirms that 'less vulnerable' uses in Flood Zones 2 and 3 do not require additional information. As such, there is no objection to the principle of the development in terms of potential flood risk. UDP Policy U4 (Flood Prevention) has also been taken into account when reaching this conclusion.

15.0 VERY SPECIAL CIRCUMSTANCES

- 15.1 The applicant considers that there are factors present that clearly outweigh the harm to the Green Belt, which they therefore believe amount to the 'very special circumstances' required to justify the inappropriate development.
- 15.2 Specifically, the applicant's case is based upon the use supporting the storage requirements of a number of local businesses and individuals. To evidence this the applicant has provided details of the agreements with businesses / individuals for each container.
- 15.3 It is important to acknowledge that the storage use of the site provides benefits for those using such facilities and demonstrates a local need. However, the applicant has not provided any evidence of why alternative sites (including those outside of the Green Belt) cannot be used to fulfil such demand as part of a sequential approach.
- 15.4 It is considered that although the proposals benefit users of the storage facilities this does not clearly outweigh the harm caused to the Green Belt, by reason of inappropriateness, and other harm as identified above. Therefore, it is considered that very special circumstances do not exist, and therefore the principle of the proposals cannot be supported.

16.0 CONCLUSION

- 16.1 The proposal would constitute inappropriate development in the Green Belt that is by definition harmful and should not be approved except in very special circumstances. Such circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 16.2 Part of the application site was previously covered by hardstanding. However, the majority of the development has taken place on land formerly covered by trees, with hardstanding laid to accommodate the siting of a number of additional storage containers. The development (change of use) results in a greater impact on the openness of the Green Belt and conflicts with its main aims and objectives set out in paragraph 134 of the National Planning Policy Framework given it results in encroachment into the countryside. The applicant has also not

(as part of their justification) demonstrated that other locations would be sequentially favourable.

- 16.3 In relation to the other harm to the Green Belt, it is considered that the scale of the hardstanding, clearing of woodland and provision of a number of shipping containers to the site would result in a detrimental impact to the character of the landscape. In particular, the removal of mature trees and provision of areas of hardstanding and shipping containers to the north of the application site impacts on a sensitive area.
- 16.4 In conclusion, there are no very special circumstances present which clearly outweigh the harm caused to the Green Belt, and therefore the principle of the development is unacceptable and cannot be supported.

RECOMMENDATION:

Refuse planning permission for the following reason:

- 1) By virtue of the size, scale and intensification of development caused by the change of use of the land for storage, enlargement of the hardstanding, provision of shipping containers and clearing of woodland, the development represents inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and must not be approved except in very special circumstances. The applicant has failed to demonstrate that there are other considerations which clearly outweigh the harm and therefore very special circumstances do not exist. As such, the development fails to comply with Policies OL1 and OL2 of the Unitary Development Plan for Tameside and paragraphs 133, 134, 143, 144, and 146 in the National Planning Policy Framework.