

Application Number 19/00781/FUL

Proposal	Full planning permission for installation of a 50 metre long embedded retaining wall to stabilise the existing embankment to the rear of the properties on Sutton Drive and Greenside Lane.
Site	Land to the rear of the properties at no's 30-32 Sutton Drive and 12-14 Clockhouse Mews, Droylsden
Applicant	Tameside MBC
Recommendation	Grant planning permission subject to conditions
Reason for report	A Speakers Panel decision is required because the Council is the applicant and the proposal is considered not to be of a minor or routine nature.

1.0 APPLICATION DESCRIPTION

- 1.1 The applicant seeks full planning permission for the installation of a 50 metre long embedded retaining wall to stabilise the existing embankment to the rear of the properties at no's 30-32 Sutton Drive and 12-14 Clockhouse Mews off Greenside Lane in Droylsden.
- 1.2 A capping plinth would be installed along the top of the steel retaining structure with a 1 metre high rail fence above. The plans submitted with the application indicate that the total height of the structure would be approximately 4.5 metres at its tallest, in the central section of the development. The height of the structure would reduce to approximately 3 metres at the western end and approximately 3 metres at the eastern end, reflecting the change in levels across the site. The land level between the footpath and the location of the retaining structure would be regarded, with the finished ground level equalling the top of the capping below the railings.

2.0 SITE & SURROUNDINGS

- 2.1 The application relates to land to the north of the properties on Sutton Drive and Clockhouse Mews, off Greenside Lane in Droylsden. Land levels drop steeply through the site in a northerly direction, down towards the River Medlock to the north of the site. A footpath runs parallel with the southern boundary of the site, which connects to Greenside Lane runs to the rear of the properties on Sutton Drive. The site is covered by predominantly scrub planting, with 3 mature trees considered to be of low amenity value also located on the land. The land is located within the designated Green Belt. The residential properties on the opposite side of the river, to the north west of the site are located within the boundary of Manchester City Council.

3.0 RELEVANT PLANNING HISTORY

- 3.1 No planning history relevant to the determination of this application.

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**
Within the designated Green Belt.

- 4.4 Part 1 policies:
1.5: Following the Principles of Sustainable Development
1.10: Protecting and Enhancing the Natural Environment

Part 2 policies:

OL1: Protection of the Green Belt
OL6: Outdoor Sport, Recreation and Play Space Developments
C1: Townscape and Urban Form
S9: Detailed Design of Retail and Leisure Developments

4.6 **Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2018;

The Greater Manchester Combined Authority (GMCA) has consulted on the draft Greater Manchester Spatial Framework Draft 2019 ("GMSF") which shows possible land use allocations and decision making policies across the region up to 2038. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation which is subject to unresolved objections

Residential Design Supplementary Planning Document; and,
Trees and Landscaping on Development Sites SPD adopted in March 2007.

4.7 **National Planning Policy Framework (NPPF)**

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 12: Achieving well designed places
Section 13: Protecting Green Belt land
Section 15: Conserving and enhancing the Natural Environment

4.8 **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**

Neighbour notification letters were issued 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. This is in addition to a site notice and press notice.

6.0 **RESPONSES FROM CONSULTEES**

- 6.1 Borough Tree Officer – no objections to the proposals, subject to a condition requiring protection of the trees adjacent to the northern boundary of the site during the construction phase of the development.
- 6.2 Local Highway Authority - No objections to the proposals.
- 6.3 Borough Environmental Health Officer (EHO) - No objections to the proposals subject to the imposition of a condition limiting the hours of work during the construction phase of the development.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

7.1 No letters of representation received.

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 residential amenity of neighbouring properties
- 5) The impact on trees and ecology
- 6) Other matters

9.0 PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT

9.1 The key areas of consideration in assessing the principle of this development are; whether or not the development is appropriate or inappropriate development in the Green Belt and whether it is necessary to demonstrate very special circumstances to outweigh the harm to the Green Belt.

9.2 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.

9.3 Paragraphs 212 - 214 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies. Paragraph 213 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development.

9.4 The NPPF, at paragraph 134, sets out the five purposes of Green Belt. These 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.

9.5 Paragraph 142 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.

9.6 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. '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 circumstances'.

9.7 Paragraph 145 and 146 state that development in the Green Belt should be regarded as inappropriate unless one of the listed exceptions apply. Engineering operations, such as the development proposed in this case, are included at criteria b) of paragraph 146 as an

exception, subject to the development preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.

- 9.8 Assessing the openness of the Green Belt is not a simple matter of comparing the existing measured volumes of the existing and proposed buildings on site as many factors are relevant and the visual impact of development on the Green Belt has been held (in *Turner vs SSCLG [2016]*) to be an implicit part of the concept of openness. This is essentially a matter of planning judgement based upon the relevant facts and available evidence.
- 9.9 Given the height of the proposed development, it is considered that the proposal would have a greater impact on the openness of the Green Belt than the existing natural embankment and such the proposals are considered to exceed the parameters of criteria b) of paragraph 146 of the NPPF.
- 9.10 In accordance with the guidance contained within paragraph 144 of the NPPF, planning permission should therefore be refused unless there are 'very special circumstances' which exist to approve the development. As stated previously, very special circumstances will only exist where the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other circumstances.
- 9.11 The proposals are assessed against the purposes of including land within the Green Belt and in relation to the other harm arising from the development in the following sections of the report.

10.0 GREEN BELT PURPOSES/CHARACTER

- 10.1 Given that the proposed development is a retaining structure, it is considered that the scheme would not result in urban sprawl or reduced separation between settlements. The proposal would not be in a location that would adversely affect the setting and special character of an historic town, nor would it assist in urban regeneration. The proposal would however result in encroachment of development in to the countryside.
- 10.2 The main bulk of the development would be the steel element of the retaining structure below the footpath level. The structure would however be sited to the north of the dense tree planting that extends to the embankment of the River Medlock, which would provide a significant degree of screening from the closest public views of the full height of the development, from the bridge across the river, to the west of the site.
- 10.3 From that point, views of the development would be oblique and given the density and maturity of the tree planting in the intervening distance, it is considered that the development would not represent a detrimental encroachment into the countryside from those views.
- 10.4 This assessment is made within the context of the fact that the proposal includes an indicative soft landscaping scheme, which would help to reduce the visual impact of the development. The scheme includes the installation of a 'green wall' through planting attached to wire mesh fencing on the surface of the exposed steel. In addition to this, new trees are to be planted immediately north of the retaining structure. This planting would complement the existing dense screening and would reduce the sense of encroachment into the countryside. Further details of the landscaping scheme can be secured by condition, including a stipulation that the trees to be planted are semi-mature on first planting.
- 10.5 There are no public rights of way on the northern embankment of the River Medlock and therefore direct views of the development from that side of the river would not be afforded. From the residential properties on Shaldon Drive and Millstream Lane (within the boundary

of Manchester City Council) to the north west of the site, the dense tree coverage on both sides of the embankment would prevent the development being prominent in views of the site from that direction.

- 10.6 Subject to conditions being imposed on any planning permission requiring details of the species mix and density of the proposed landscaping scheme, it is considered that the harm arising to the openness of the Green Belt from the encroachment of development into the countryside would be relatively limited.

11.0 RESIDENTIAL AMENITY

- 11.1 Given the substantial separation distance to be retained and the dense nature of the tree planting on either side of the banks of the River Medlock, it is considered that the proposed structure would not result in unreasonable overshadowing of those neighbouring properties.
- 11.2 Given the fact that only the capping and railings of the proposed retaining structure would be visible from the rear of the properties on Sutton Drive and Greenside Lane and that the top of the structure would be set at a lower ground level than those properties, it is considered that the proposed development would not result in unreasonable overshadowing of those neighbouring properties.
- 11.3 Given the pre-existing nature of the footpath and the height of the fencing along the rear boundaries of the properties on the southern side of the embankment, it is considered that the proposals would not result in any unreasonable overlooking of any of the neighbouring properties.
- 11.4 It is considered reasonable to attach a condition limiting the hours of work during the construction phase of the development given the close proximity of neighbouring residential properties, as per the request from the EHO.

12.0 TREES/ECOLOGY

- 12.1 The Tree Survey submitted with the planning application indicates that trees of amenity value are present to the north of the site, including Alder, Rowan and other native tree species. The survey recommends that these trees are protected during the construction phase of the development. There are no specimens within the site itself that are considered to be of significant amenity value, being predominantly scrub planting. The Borough Tree Officer has not raised any objections to the proposals, subject to a condition requiring protection of the trees to the north of the site, as recommended in the Tree Survey. Such a condition is attached to the recommendation. Further details of the proposed landscaping scheme can also be secured by condition.
- 12.2 In relation to ecology, the Greater Manchester Ecology Unit has produced a scoping report which has been submitted in support of the planning application. The report concludes that the site is of limited biodiversity value and is dominated by Himalayan Balsam. The report highlights the potential harm resulting from pollution of the adjacent river during the construction phase of the development, with Clayton Vale Local Nature Reserve located downstream of the site. A condition requiring the submission and approval of a construction environment management plan to mitigate any harm in this regard is attached to the recommendation.
- 12.3 The development is considered to be low risk in relation to potential harm to protected species, including bats, badgers, water vole and breeding birds. A condition can be imposed limiting the removal of vegetation from the site to outside the bat breeding season. A condition can also be imposed requiring compliance with the measures detailed in the

report relating to the management of Himalayan Balsam. Subject to adherence to these conditions, it is considered that the proposals would not result in an adverse impact on ecology.

13.0 VERY SPECIAL CIRCUMSTANCES

- 13.1 The proposed structure is required to retain the existing embankment which is eroding to a degree that is threatening the structural integrity of the buildings on Sutton Drive. The applicant has submitted a Slope Stability Assessment with the application which indicates that the structure of the embankment is made up of soft cohesive materials between 2 and 3 metres below ground level. The strength of the embankment is considered to be more robust below that level but that a period of monitoring has indicated that the embankment is moving and it is clear that remediation is necessary to arrest this.
- 13.2 A more recent investigation by Ground Solve, also submitted with the application, indicates that the entire embankment is failing, with the weaknesses considered to be two-fold in that erosion of the toe of the embankment by the river is causing 'oversteepening' of the bank. As this erosion occurs, the embankment moves in an attempt to naturally re-grade. This movement causes the upper section of the embankment to fail due to the lack of support below.
- 13.3 The report concludes that the remediation options are the installation of an embedded retaining wall, soil nails or the demolition of the adjacent residential properties. In addition to the clear implications for the occupants of the properties affected, the latter option would not provide mitigation in relation to the rate of erosion of the embankment. Soil nails would not provide as long a term solution as an embedded retaining wall and the report indicates that these may need to be of a length that would extend below the neighbouring properties, which may well result in further instability.
- 13.4 Given this situation, the installation of an embedded retaining structure is considered the most viable long term solution to resolve the existing issues regarding the stability of the embankment. On that basis and given that the 'other harm' arising from the development can be appropriately mitigated (as assessed in detail previously in this report), it is considered that this constitutes a very special circumstance which clearly outweighs the harm to the Green Belt, despite the proposals constituting inappropriate development.

14.0 CONCLUSION

- 14.1 As an engineering operation that would have a greater impact on the openness of the Green Belt than the existing situation, the proposal would constitute inappropriate development in the Green Belt. In accordance with national and local planning policy, very special circumstances must exist, which clearly outweigh the harm to the openness of the Green Belt by virtue of the inappropriate nature of the development and any other harm arising from the proposals.
- 14.2 In relation to the harm to the openness of the Green Belt, the structure would be relatively tall in the central section in particular. The installation of a green wall attached to the main steel element of the retaining structure and the planting of additional trees to the north of the embankment are proposed to mitigate the visual impact of the development. On the basis that these trees are semi-mature on planting, it is considered that the impact of the proposals on the character of the landscape would be reduced to a satisfactory degree, given the limited nature of wider public views of this part of the embankment.

- 14.3 There are no objections to the proposals from the statutory consultees and the 'other' harm arising from the proposals is considered to be limited, following the assessment of the material considerations in the main body of this report.
- 14.4 The applicant has submitted surveys which are considered to demonstrate that the only viable long term solution to arrest the erosion of the embankment is the installation of an embedded retaining wall, with the extent of the erosion considered to be significant. The need to secure the embankment through the type of development proposed is considered to constitute a very special circumstance.
- 14.5 It is considered that the harm to the openness of the Green Belt can be adequately mitigated through soft landscaping, given the limited nature of public views of the development and the screening provided by the existing dense planting on the lower sections of the embankment. The other harm arising from the proposals is considered to be limited. It is therefore considered that very special circumstances do exist that clearly outweigh the harm to the openness of the Green Belt by virtue of the inappropriate nature of the development and the other harm caused.
- 14.6 The proposals are therefore considered to comply with the national and local planning policies quoted earlier in this report.

RECOMMENDATION

Grant planning permission, 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 shall be carried out in accordance with the following approved plans/details:
 - 1:1250 Site location plan (drawing no. 302-214-LP01 Rev. A)
 - 1:250 Site boundary and access route plan (drawing no. 302-214-007 Rev. P1)
 - 1:20 Proposed typical sections and details plan (drawing no. 302-214-006 Rev. P1)
 - 1:200 Proposed sections through new retaining wall plan (drawing no. 302-214-004 Rev. P1)
 - 1:125 Proposed general arrangement and site layout plan (drawing no. 302-214-003 Rev. P1)
 - 1:125 Proposed elevations on new retaining wall plan (drawing no. 302-214-005 Rev. P1)
3. Notwithstanding any description of materials listed in the application or detailed on the approved plans, no above ground construction works shall take place until samples and/or full specification of materials to be used in the construction of the external faces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
4. Notwithstanding the details submitted with the planning application, no above ground development shall commence until full details of a scheme of soft landscaping to be incorporated into the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following specific measures:
 - A scaled plan showing the location of the trees to be planted to the north of the retaining structure, details of the species mix, the number of specimens to be planted, spacing between them and their height on first planting (confirming that the specimens would meet the definition of heavy stock as defined by BS 3936 on first planting)

- Details of the material to be used in the construction of a surface for planting to grow up from ground level towards the top of the retaining structure, the species to be planted as part of this feature, a scaled plan showing the width of the section to be planted and a plan detailing how the planting is to be maintained.

The landscaping scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.

5. The approved scheme of landscaping scheme shall be implemented before the first occupation of any part of the development or in accordance with a programme agreed previously with the local planning authority. Any newly planted trees or 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.
6. During demolition/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.
7. The development shall be carried out in accordance with the mitigation measures detailed in the ecology survey submitted with the planning application, including the management of Himalayan Balsam on the site.
8. No tree felling or vegetation removal shall take place during the optimum period for bird nesting (March to July inclusive) unless otherwise agreed in writing with the Local Planning Authority.
9. Prior to the commencement of any development, protection measures meeting the requirements of BS5837:2012 shall be installed around the trees to the north of the site (identified as G2 in the Tree Survey submitted with the planning application). The protection measures shall be retained in place for the full duration of the construction works.
10. No development shall commence until an Environmental Construction Method Statement detailing how pollution of the River Medlock adjacent to the north of the site is to be avoided during the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.