

**Application Number** 19/01093/FUL

**Proposal:** Restructure of existing garden and construct 2 no. new retaining walls.

**Site:** 11 Moorgate Cottages, School Lane, Carrbrook, Stalybridge

**Applicant:** Councillor Clive Patrick

**Recommendation:** APPROVE, subject to conditions

**Reason for report:** A Speakers Panel decision is required because the applicant is a Council Member

## **1.0 APPLICATION DESCRIPTION**

1.1 This proposal is for Full planning permission for work in the rear garden area to restructure the existing garden and construct 2 no. new retaining walls. A further application for listed building consent is considered elsewhere on this agenda.

1.2 A full summary of the works provided by the applicant is as follows:

- Prop existing wall and remove Stone bricks to a lower level by 1.5 metres.
- Excavate soil over lower garden to form 2 tiers of ground.
- Added excavated soil to the terraces below the wall, terraces to be strengthened where necessary with pressure treated railway sleepers and if necessary a ground stabilisation system used to prevent the soil being washed into the clough.
- After removing top level of existing wall, rake out existing mortar and repoint using lime mortar.
- Install helical bars using epoxy resin, stitch cracks together using helical bars, tie in brickwork.
- At perimeter walls excavate trench footings and install steel reinforced rebars into soil. Lay reinforced concrete into footings and under existing wall.
- Re-point existing wall using a lime mortar mix.
- Build a retaining wall using high density concrete blocks and stone facing and install weep holes.
- Sloping back towards garden install steel rebars into facing walls.
- Back fill between new and old wall with crushed granular material.
- Where garden has been excavated, lay Geoweb sheets layers into compacted crushed stones. Form pathways and patio areas using existing stone materials laid on appropriate hardcore.
- Lay top soil.
- Existing steps will be renovated, strengthened, narrowed and repointed and lengthened to reach lower level.

1.3 The application is accompanied with a Structural Report, Statement of Significance and Methodology and Design and Access Statement.

## **2.0 SITE & SURROUNDINGS**

2.1 The application site relates to a Grade II Listed property situated within the Carrbrook Conservation Area. The hamlet of Moorgate consists of 12 cottages and a farm. The application site (Number 11) is one of five sandstone built cottages. The original cottage that is now number 11 is thought to have been built in 1632 and consisted of an attached barn and was a 'double fronted' two storey weavers cottage. In the C17 the cottage was

divided in two and another property was built on either end making a line of four and at a later date another property was added at was added to one end. The property fronts onto the road with a rear garden area to the rear.

- 2.2 The rear garden is located at the rear of the premises to the north of the row of cottages. The land drops steeply down into the Castle Clough valley and also slopes down, east west across the garden. The top of the garden (closest to the cottages) is terraced but the rest is steeply sloped woodland. The top terrace is supported by a retaining stone wall on two sides. The wall is about a metre high near the houses, but to make the garden level increases to over 4 metres as the ground drops away.

### **3.0 PLANNING HISTORY**

- 3.1 19/01037/LBC- Restructure of existing garden and construction of 2 no. new retaining walls. - Considered elsewhere on the agenda

19/00785/LBC - Repair north east corner of stone chimney stack. - Considered elsewhere on the agenda

97/01148/FUL and 97/01147/LBC - Erection of rear single storey extension to create a study – Approved 16 June 1997

93/01243/LBC - Listed Building Consent to erect rear conservatory – Approved 18/8/93

89/01658/LBC - Reconstruct unstable walls and reinstate wind (Renewal of Listed Building Consent) Approved 2/8/89

87/01356/LBC - Listed Building Consent to insert new windows 29/4/87

### **4.0 RELEVANT PLANNING POLICIES**

- 4.1 Tameside Unitary Development Plan (UDP)

#### **4.2 Tameside Unitary Development Plan (UDP) Allocation**

Unallocated within the Carrbrook Conservation area

#### **4.3 Part 1 Policies**

- 1.3 Creating a Cleaner and Greener Environment
- 1.5 Following the Principles of Sustainable Development
- 1.11 Conserving Built Heritage and Retaining Local Identity.

#### **4.4 Part 2 Policies**

- Policy H10 Detailed Design of Housing Developments
- Policy C1 Townscape and Urban Form
- Policy C2 Conservation Areas
- Policy C4 Control of Development in or adjoining Conservation Areas
- Policy C5 Alternative uses, alterations and additions for listed buildings
- Policy C6 Setting of Listed Buildings

#### **4.5 Other Policies**

It is not considered there are any local finance considerations that are material to the application.

Tameside Residential Design Supplementary Planning Document

#### **4.6 National Planning Policy Framework (NPPF)**

Section 2 Achieving Sustainable Development

Section 12 Achieving well-designed places

Section 16 Conserving and Enhancing the Historic Environment

#### **4.7 Planning Practice Guidance (PPG)**

It 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 and site notices were issued and displayed 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.

### **6.0 RESPONSES FROM CONSULTEES**

6.1 Environmental Services (Contaminated Land): has raised no objection to the proposal - recommends an informative relating to ground gas.

6.2 Environmental Services (Public Protection): no objection to the proposal subject to a condition regarding hours of construction.

### **7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

7.1 No representations were received.

### **8.0 ANALYSIS**

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

- 1) Principle of the development;
- 2) Impact of the development on the character and appearance of the surrounding area;
- 3) Impact on residential amenity
- 4) Other matters

8.2 The above matters are considered in more detail below.

## **9.0 PRINCIPLE OF DEVELOPMENT**

- 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 planning considerations indicate otherwise. In addition, consideration will also be given to the appropriate weight that can be attached to the development plan (The Tameside UDP) following the publication of the National Planning Policy Framework.
- 9.2 The NPPF sets out how its policies should be implemented and the weight which should be attributed to relevant 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.
- 9.3 The property is situated on unallocated land and is therefore acceptable in principle.

## **10.0 IMPACT OF THE DEVELOPMENT ON THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA**

- 10.1 The application site is located within the grounds of a listed property and located within the Carrbrook Conservation area.
- 10.2 Paragraph 193 of the 2019 National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective to the level of harm to its significance. Paragraph 196 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.3 Significance is defined within the NPPF as being the value of a heritage asset to this and future generations because of its heritage interest and can include archaeological, architectural, artistic or historic features.
- 10.4 Policy 1.11 of the Tameside UDP states refurbishment schemes involving historic buildings and areas must be sensitive to and where appropriate enhance the character of their surroundings. Policy C5 of the Tameside UDP requires that alterations and additions to Listed buildings should not adversely affect the essential character of the building and should be in keeping with its architectural style and features and should harmonise with its surroundings. Furthermore, it requires that such development is of a high quality design, and that the external appearance, design and materials will be expected to match as near as possible those of the existing building.
- 10.5 The wall has shown signs of instability for a number of years and has now been found to be unsafe and in danger of collapse. This is because a series of cracks and bulges have appeared believed to be as a result of the effects of freezing and extreme drying of the soil. It is also thought that the wall was built with insufficient footings for the size and purpose of the wall. The integrity of the wall has also been compromised over the years by a leylandii hedge which grew along the top of the wall and by five trees that grew on the first terrace directly below the wall. The hedge and the trees were removed two years ago but the cracks are still getting wider. If the wall was allowed to fail there is a danger that the structure of the row of the five listed buildings could be compromised due to the close proximity with the cottages.
- 10.6 There is limited access to the rear of the property. Repairs to the existing wall using piles has been unsuccessful because coring proved that the underlying bed rock was too close

to the surface for piling to be effective. Due to access issues simple removal and rebuilding of the wall is difficult and the cost would be prohibitive.

- 10.7 The solution submitted for consent is to reduce the height of the existing wall and pin and cross stitch the cracks and bulges. The height of that part of the garden will be reduced by 1.5 metres. Within the newly lowered garden two new walls will be built. The first will run directly behind the original but lowered wall and the second wall will run across the garden some four meters back from the first wall, creating an additional terraced.
- 10.8 The existing walls and terraced garden features are not original to the building and are understood to have been constructed around 50yrs ago. They have no historic connection with the original property or listed description. As detailed above they are in a poor state of repair and the works proposed are essential to the long terms preservation of the existing cottages.
- 10.9 Officers are satisfied that the works are intended to be sensitive and sympathetic to the structure, finishes and character of the existing building and by using traditional materials for the external finish the proposal will in terms of the design, style and appearance be sympathetic to the character of the existing property. There are limited views of the work from the property and the wider area as they are situated at a lower level to the rear of the property with no public access. It is considered that the works will not result in any demonstrable harm to the significance of the listed building or conservation area as heritage assets. Conditions will be attached to ensure appropriate materials are used.
- 10.10 The proposals are considered to represent 'less than substantial harm' to the significance of the designated heritage asset. The works consist of essential repairs that will reduce the risk of harm, prolong the life and preserve the setting of the adjacent listed buildings and wider conservation area. As such there is a public benefit to maintaining the future of the historic building in this historic setting and the works proposed are considered acceptable and compliant with: Section 16 of the NPPF and policies 1.11 and C5 of the UDP and the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **11.0 RESIDENTIAL AMENITY**

- 11.1 As part of its underlying drive to promote sustainable development, paragraph 127(f) of the revised National Planning Policy Framework states that a high standard of amenity should always be sought for all existing and future occupants of land and buildings. Policy H10 of the UDP also states that new development should have no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing or traffic.
- 11.2 The Councils adopted Residential Design SPD seeks to control development where there would be an unacceptable impact on the amenity of neighbouring properties. Policy RD12 refers to the design of private amenity spaces and that rear gardens should generally be design as private spaces and that the size, gradient and surface treatments should be appropriate to create function and attractive spaces.
- 11.3 The Garden space at present is no longer a functional space for the dwelling and is impacting on the quality of life for the occupant and neighbouring properties due to the risk posed by the un-safe structure. The plans proposed will allow the garden to become a safe function space and the traced design is appropriate to the existing design and function of the current rear garden areas.
- 11.4 The levels of the garden drop significantly away from the properties to the rear and the plans maintain the existing boundary treatments and structures. It is considered that the proposed work will not cause any additional impact on overlooking or on the amenity of the

neighbouring properties and as such complies with UDP policy H10 and the Residential Design SPD.

## **12.0 OTHER MATTERS**

### **12.1 Structural Stability.**

The council's structural engineer has been consulted on the proposals and is generally supportive but requires some additional details to ensure the structural stability of the structure. As these details have not been provided conditions are suggested with regard to the calculations of the design of the two proposed replacement walls to show how they will be adequate to support the lateral loading from the ground in both locations, construction methods and materials and the positioning of the excess material on the lower terrace areas to avoid any long term erosion or slope failure brought about as a consequence of the re-positioning.

## **13.0 CONCLUSION**

13.1 To conclude, it is considered that the application is in accordance with the National Planning Policy Framework, UDP policies 1.11 and H10 and C5 and is therefore recommended for approval.

## **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 shall be carried out in full accordance with the submitted red line location plan, Statement of significance and methodology, design and access statement, and submitted plans; Cross section of Garden before work, Cross section of Garden after work, Plan of garden before work, Plan of garden after work and original Plan of the garden.
3. No development shall take place on the site until the applicant has secured the implementation of a written programme of work to be submitted and approved in writing by the Local Planning authority and the scheme carried out in accordance with the programme of work.
4. The works for the external surface of any new structures are to be carried out and walls to be rebuilt using the existing stone on site. If any additional stone is required then prior to it being used on site the details of this shall be submitted to and approved in writing by the Local Planning Authority and the development carried out in accordance with the approved details.
5. The mortar used to construct the external surface of any new wall shall be a traditional lime based mortar mix in a colour and consistency to match the existing wall unless otherwise agreed in writing with the Local Planning Authority wall and thereafter so maintained.
6. Prior to the commencement of work on that part of the scheme a scheme for the design of the two proposed replacement walls to show how they will support the lateral loading from the ground in both locations including details of the construction materials for the replacement walls including dimensions, thicknesses, height and including calculations and

justification for new the foundation provision. This shall be submitted to and approved in writing by the Local Planning Authority and the development carried out in accordance with the approved details.

7. Prior to the commencement of work on that part of the scheme details of how the excess material will be re-distributed on the lower terraced ground and any necessary ground stabilisation system to be used shall be submitted to and approved in writing by the Local Planning Authority and the development carried out in accordance with the approved details.