

Application No: 11/3569C

Location: FORMER FODENS FACTORY AND TEST TRACK SITES, MOSS LANE, SANDBACH

Proposal: SITE PREPARATION, BULK EARTHWORKS AND INFILLING OPERATIONS TO ENABLE THE FUTURE DEVELOPMENT OF THE SITES FOR RESIDENTIAL-LED PURPOSES.

Applicant: MR RICHARD LEVER, ENCIA LTD

Expiry Date: 05-Jan-2012

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle of the Development
Land Contamination
Japanese knotweed
Amenity
Ecology
Trees
Impact upon the adjacent watercourses
Design
Highway Safety And Traffic Generation

REFERRAL

The application has been referred to Strategic Planning Board because it is a major development.

1. SITE DESCRIPTION

The application relates to 12.34ha of land, situated to the western side of the Crewe-Manchester Railway line within the Sandbach Settlement Boundary. The sites are known as the former Fodens Factory Site and the Fodens Test Track Site. The factory site is bound by Moss Lane to the north, west and south. To the north-west of the site is an existing office building which is within the ownership of the applicant. To the north-east of the site are residential properties which front onto Mulberry Gardens and Clifton Road, these properties are of varying styles and types. The land on the opposite side of Moss Lane is mainly rural in character and includes a number of detached dwellings which are set within relatively large plots. To the south of the former factory site is the former test track. This site is bound by the

Crewe-Manchester Railway to the east, the Canal Fields site to the south and the Trent & Mersey Canal to the west.

The sites are relatively open and the former factory buildings which stood on the site have now been demolished. The factory site has 2 vehicular access points, one to the south and one to the north and the Test Track site has one vehicular access point to the north. There is sporadic tree planting to the boundaries of the site but this is of mixed quality.

2.DETAILS OF PROPOSAL

This is a full planning application for the remediation of the contaminated land on the site.

2. RELEVANT PLANNING HISTORY

10/4660C - Redevelopment of the Former Foden Truck Factory for Residential (248 Units), B1c Light Industrial (3,620sq.m) and A1 Retail (360sq.m) – Yet to be determined

07/0913/OUT – Outline: Erection of 250 residential units, 80 bed care home (Use Class C2) with 62 care/retirement apartments/bungalows, B1 light industrial units and erection of A1/A3/A4/A5 building(s) with residential accommodation above – Approved 11th March 2009

07/0912/OUT – Outline planning application for the redevelopment of the above site for residential development (between 142 and 149 dwellings) – Approved 30th March 2009

3. PLANNING POLICIES

National Policy

PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPS 7 Sustainable Development in Rural Areas
PPS 9 Biodiversity and Geological Conservation
PPG 13 Transport
PPS 23 Planning and Pollution Control
PPS 25 Development and Flood risk.

Local Plan Policy

GR1 New Development
GR2 Design
GR3 Residential Development
GR4 Landscaping
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR18 Traffic Generation
GR21 Flood Prevention
NR1 Trees and Woodland
NR2 Statutory Sites

NR3 Habitats
NR4 Non-statutory sites
NR5 Habitats
NR6 Reclamation of Land

Regional Spatial Strategy

DP4 Make best use of resources and infrastructure
DP5 Managing travel demand
DP7 Promote environmental quality
DP9 Reduce emissions and adapt to climate change
RDF1 Spatial Priorities
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM3 Green Infrastructure
MCR3 Southern Part of the Manchester City Region

Other Considerations

'Planning for Growth'
'Presumption in Favour of Economic Development'
Draft National Planning Policy Framework
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

4. OBSERVATIONS OF CONSULTEES

Environmental Health: Hours of construction condition required. Any potential nuisance that may arise from any of the works undertaken on the site such as noise, odour, dust or vibration will be investigated under the provisions of the Environmental Protection Act 1990 by the Environmental Health Division.

In terms of the contaminated land and following a meeting with the site contractor the Environmental Health Department have agreed variations on the remedial strategy given parts of the remedial scheme submitted in support of the application were out of date. The outcome of the meeting with Encia has subsequently been confirmed in writing.

The Environmental Health department are satisfied with the outcome of the meeting, and have no objections to the planning application subject to the updated remedial strategy being adhered to. The following conditions should be applied should planning permission be granted:

- The remedial scheme including the approved addenda (original remedial scheme provided under application 07/0912/OUT and addenda provided under this application) shall be carried out and regular updates provided to the Local Planning Authority (LPA) regarding its progress.
- A Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

Strategic Highways Manager: Originally raised concerns in relation to the frequency of heavy commercial vehicle trips, the routes of HGV vehicles, wheelwash details and traffic management for vehicles entering and leaving the site.

Following the receipt of these details the Strategic Highways Manager accepts the details and these should be conditioned as part of any approval.

Environment Agency: The Environment Agency has no objection in principle to the proposed development but requests that any approval includes the following planning conditions;

- Before the development commences, and during the course of construction period, temporary protective metal fencing shall be erected along the canal and drain
- No development shall take place until a scheme for the reinstatement of the watercourse banks has been submitted to and agreed in writing by the local planning authority and implemented as approved
- Prior to commencement of development , a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

A number of informatives are also suggested to be attached to any decision notice.

United Utilities: No comments received

British Waterways: Originally raised a number of concerns regarding the retrospective nature of the works and the impact upon the adjacent canal. Following negotiations between the applicant and British Waterways the following comments have been provided;

The remediation of the test track site will ultimately be beneficial to British Waterways in terms of removing the on-going risk of pollution of the adjacent Trent and Mersey Canal from this site.

However, it was acknowledged that while the operations are taking place there is a significant risk of pollution entering the canal as a result of exposed waste materials, soils and contaminated surface water entering the watercourse on the south and east boundaries of the test track site, which discharges into the canal. Landfill waste has been found to be present in very close proximity to the edge of this watercourse, which is wide in places and is not confined to an obvious ditch or channel.

The contractor has agreed to immediately introduce straw bales on the edge of the watercourse to act as a filter for waste materials. They also intend to prepare, as a matter of urgency, a detailed method statement setting out measures to minimise the risk of contaminated materials entering the watercourse and canal, along with full details of the methods for working in close proximity and up to the edge of the watercourse. We agreed that these details should be provided and agreed by British Waterways and the Local Planning Authority by the end of January.

In relation to the land in British Waterways ownership adjacent to the canal, it was observed that the clearance of vegetation and removal of any waste materials from this land have now

been completed and there are no stockpiles of materials now present on British Waterways land. This strip of land should be included within the application site and intends to amend the red edge accordingly and notice should be served upon British Waterways.

Cheshire Brine Board: No comments received

Natural England: Natural England is reasonably satisfied with the conclusions and proposed mitigation/remediation strategy. It should be noted however that the Qualitative Risk Assessment (Section 7) suggests that the applicant has not yet consulted the Environment Agency with regard to the precautionary and pragmatic approach to the protection of the SSSI and Minor Aquifer. We would expect this consultation to have taken place prior to determination so that any comments from the Environment Agency (EA) can be taken into account within the strategy. The remediation strategy will need to be conditioned as part of any approval. The comments made in relation to application 10/4660C also apply.

Network Rail: Network Rail has no objection in principle to this application but due to the proposal being next to Network Rail land and infrastructure and to ensure that no part of the development adversely affects the operational railway Network Rail would request that a number of conditions are attached to any decision notice. The applicant should be made aware of their proposals potential to impact seriously and negatively upon the operational railway. Conditions suggested in relation to boundary treatment, drainage, lighting, vibro-impact machinery. The applicant will also need to discuss the extent of the excavation with Network Rail.

5. VIEWS OF THE TOWN/PARISH COUNCIL

Sandbach Town Council: No objection

Moston Parish Council: No comment to make

6. OTHER REPRESENTATIONS

One letter of representation received from the occupants of 32 Moss Lane raising the following points;

- All vehicles required for the works should utilize the southern access point
- The applicant should provide clear signage to advise vehicles to use the southern access
- The site works have already begun without planning permission

7. APPLICANT'S SUPPORTING INFORMATION:

Detailed Remedial Strategy (Produced by Encia Consulting Ltd)

Site Waste Management Report (Produced by Encia Consulting Ltd)

Mitigation in relation to Bats (Produced by the Tyrer Partnership Ecology Consultants)

Method Statement to accompany the Badger Licence (Produced by NLG Consultant Ecologist)

Quantitative Risk Assessment (Produced by Encia Consulting Ltd)

Geoenvironmental Appraisal (Produced by Encia Consulting Ltd)

Supplementary Geoenvironmental Appraisal (Produced by Encia Consulting Ltd)

Supporting letter from Complete Weed Control to confirm that Japanese Knotweed has been eradicated on the site
Badger Survey Report and Method Statement (Produced by NLG Ecology Ltd)
Ecological Assessment (Produced by NLG Ecology Ltd)

These documents are available to view on the Councils website

8. OFFICER APPRAISAL

Principle of the Development

A scheme to remediate the Fodens Factory and Test Track sites has previously been agreed as part of outline applications 07/0912/OUT and 07/0913/OUT and both of these consents remain extant. The applicant now wishes to remediate the sites without having to gain reserved matters approval for the housing schemes and discharging the relevant planning conditions which would be attached to the outline and reserved matters applications. The reason for this is that the applicant wishes to decontaminate the site before being subject to any further Land Fill Tax.

The principal of the remediation of these sites prior to any future applications for housing is supported and applications for housing on both the Factory and Test Track sites are expected shortly. The main issues in the consideration of this application are whether the contaminated land works are sufficient, the impact upon residential amenity, ecology, landscape, drainage and flooding, and highway safety.

Land Contamination

The level of land contamination varies greatly from the factory site to the test track site. For both sites Phase II site investigations, monitoring of groundwater and gas and drainage survey have been undertaken. The results of which are as follows:

Fodens Factory Site

- Ground conditions were found to be relatively consistent across the main factory area of the site
- The results of the chemical test results for soils indicated that in respect of metals, Volatile Organic Compounds (such as benzene) and Semi Volatile Organic Compounds these were not recorded above the relevant Generic Assessment Criteria (such as Soil Guideline Values) for residential end uses
- Poly Chlorinated Biphenyls were not detected
- Elevated levels of total Polyaromatic Hydrocarbons (PAHs) exceeding the relevant Soil Guideline Values were detected in three samples during the site investigations
- Elevated levels of Total Petroleum Hydrocarbons (TPH) exceeding the relevant threshold values were identified in one soil sample from adjacent to a diesel tank in the central southern portion of the site
- Chemical analysis of groundwater indicated slightly elevated levels of TPH, copper, chromium, nickel and zinc. The surveys indicate that the TPH in the groundwater is migrating onto and across the site from offsite sources to the east

Fodens Test Track Site

- Trial trenches have been excavated and these have confirmed the distribution and type of made ground. The made ground is shallow (0.2m) to the north but becoming deeper to the south (approx 2.4m). The made ground comprised a lower layer of mixed 'industrial/domestic' type waste with an upper layer of 'industrial type' waste.
- Made ground was encountered on the majority of the exploratory holes in the test track area to depths ranging from 1m to 6.7m. The bulk of the made ground is broadly characterised as inert or putrescible waste.
- The inert waste was mainly found to the north of the site and generally comprises of dark brown silty sand and gravel entrained with ash, brick, concrete, metal, plastic etc. Evidence of asbestos was also encountered
- The putrescible made ground was generally to the south and lies beneath a layer of inert waste. The putrescible waste is characterised as black sand with much paper, cloth, decomposing organic matter, plastic bags, cardboard, timber, ash, etc
- Extensive samples of the natural and made ground have been submitted for chemical analysis. The samples of materials identified as topsoil were found to contain elevated metals such as copper and nickel. Samples of the made ground contained elevated concentrations of a number of metal and organic determinands and other physically unsuitable materials (plastic bags, bricks, wire, cloth etc) which would be unacceptable near the surface in garden areas. The putrescible waste materials also contained significant organic (hydrocarbon) contamination
- Part of the site is former landfill and the site is likely to be the source of significant gas generation and migration. Gas monitoring has been carried out and the majority of the area can be characterised as requiring gas exclusion measures.

The remediation of the Test Track site involves the excavation and sorting/selection of the made ground types deposited on the site.

Any made ground encountered during the process exhibiting signs of organic (hydrocarbon) contamination is to be separated and temporary stockpiled for further analysis. Depending on the results of this analysis the material will be relocated or retained on site or disposed off site at a suitably licensed landfill.

The bulk of the made ground types shall be taken to the designated treatment/sorting area and undergo various screening/picking operations to minimise the biodegradable waste which should be removed to a licensed facility. All timber, metal and glass is to be reclaimed and recycled where possible. All hard material (brick, concrete, stone etc) is to be removed from the soil matrix and crushed for reuse.

All indications from the previous site investigations are that the remaining soil on the Test Track site is suitable for reuse to make up the land levels on the Test Track site. Samples will be taken from the screened soil and submitted for chemical analysis. The results shall be compared to the agreed site specific target concentrations for bulk filling to the test track site. It has been agreed to undertake gas monitoring upon completion of the remediation of the Test Track site in order to confirm the concentrations of any gas and the level of gas protection measures required in the proposed properties.

The excavation of contaminated soils/biodegradable fill should not present a significant problem with regard to emission of dust during extraction and transport as the material to be

excavated should have a relatively high moisture content. At all times during the excavation works, best practice means shall be employed to minimise dust and odour emissions.

Perched water is to be collected and pumped into a holding tank for sampling and chemical analysis. Dependent on the analysis, the perched water will be disposed of down the existing manhole cover to an existing sewer. This will need to be in accordance with a temporary discharge consent which has to be obtained from United Utilities. This consent will specify the acceptable chemical concentrations and discharge rates that will be allowed.

The investigations for the Factory site have yielded very limited identification of chemical contamination. Hydrocarbon contamination will be delineated and remediated.

Contaminated land from both sites may be considered suitable for treatment on site and this will be subject to a Mobile Treatment Licence from the Environment Agency.

In terms of the contamination and remediation, the Environmental Health Officer has requested additional updates regarding the screening values for soils as there have been recent changes in national guidance. These details have been provided and the Environmental Health Officer is satisfied with the remediation scheme subject to two conditions being attached to any planning consent.

Japanese Knotweed

Some areas of Japanese Knotweed have been previously identified on the site and this underwent a programme of herbicide treatment to eradicate the invasive plant. A letter from Complete Weed Control states that this was carried out in September 2008. No evidence in the treated areas of any new growth of Japanese Knotweed has been encountered in the subsequent years since the 2008 treatment.

Amenity

The majority of the residential properties are to the north-east of the site and front onto Mulberry Gardens and Foundry Lane. As the majority of the remediation works are carried out on the Test Track site which is further from the surrounding residential properties this will help to reduce the impact upon residential amenity.

In terms of the timings of the works, the Environmental Health Officer has requested that the hours of operation are conditioned as part of any approval.

Any potential nuisance that may arise from any of the works undertaken on the site such as noise, odour, dust or vibration will be investigated under the provisions of the Environmental Protection Act 1990 by the Environmental Health Division.

Ecology

Sandbach Flashes Site of Special Scientific Interest (SSSI)

Sandbach Flashes is a site of physiographical and biological importance. It consists of a series of pools formed as a result of subsidence due to the solution of underlying salt

deposits. The water varies from freshwater, chemically similar to other Cheshire meres, to highly saline. Inland saline habitats are extremely rare and are of considerable interest because of the unusual associations of plants and animals. Most of the flashes are surrounded by semi-improved or improved grassland. Fodens Flash is partly surrounded by an important area of wet woodland.

As well as the physiographical and biological interests of the flashes, the SSSI is notified for both its breeding bird assemblage and for its aggregations of non-breeding birds, specifically Curlew, Lapwing, Snipe, Teal and Widgeon. The site is also notified for its geological features resultant of the solution of underlying salt deposits.

In terms of the impact upon the SSSI, Natural England and the Environment Agency have been consulted and are satisfied with the mitigation/remediation strategy. The proposed development is therefore considered to be acceptable in terms of its impact upon the SSSI.

Badgers

The proposed development will result in the loss of two sporadically used outlier setts and also the potential disturbance of other badgers setts located outside the application boundary on the adjacent railway embankment.

The submitted method statement provides details of the controlled closure of the two setts to be lost to the development and recommendations for the supervision and implementation of any works within 30m of the off-site setts. The proposed method statement is considered acceptable and the proposed mitigation will be secured through the use of a condition.

Bats

One of the buildings which stood on the site included a small bat roost and the applicant gained a Natural England Licence prior to the demolition of the buildings which stood on the site. As the licence has already been granted, it is not considered necessary the development against the tests contained within the EC Habitats Directive 1992. The development must proceed in accordance with the Natural England Licence, which has been dealt with separately to this planning application.

Breeding Birds

The use of conditions in relation to the timing of the works has been suggested by the Councils Ecologist in order to ensure that any nesting birds are not disturbed. However works have already commenced and the vegetation has been removed outside the bird breeding season. Therefore, the suggested condition is not necessary.

The suggested condition to incorporate features into the scheme which are suitable for nesting birds will be attached to the housing application and is not considered appropriate for this application.

Trees

The two sites which are the subject of this application contain existing vegetation including trees, lengths of hedgerow and scrub. There are no trees protected by a Tree Preservation Order on either site and the trees are of mixed quality.

As already stated, the applicant has commenced the decontamination works and the very nature of the works has resulted in a number of trees/vegetation from the boundaries of the site. The vegetation removal from the site has now been completed and the decontamination of both sites will bring substantial benefits.

As part of the housing applications for both sites, the remaining trees will be accommodated where possible and enhanced through additional planting.

Impact upon the adjacent watercourses

The Test Track site is bound by the Trent & Mersey Canal to the west and a small brook to the south of the site and the impact upon these watercourses has been subject to much negotiation between the applicant and the Environment Agency and British Waterways.

The main concern relates to the contamination of these watercourses from the decontamination works. It should be noted that without the decontamination works, there would also have been a risk of contamination. As a result, the scheme is welcomed by British Waterways.

The Environment Agency are satisfied that there will be no impact upon the adjacent brook and have suggested a number of conditions.

British Waterways have requested a detailed method statement setting out measures to minimise the risk of contaminated materials entering the watercourse and canal, along with full details of the methods for working in close proximity and up to the edge of the watercourse. It is understood that this has been produced and is awaiting final agreement from British Waterways. An update will be provided in relation to this issue.

In terms of development on land owned by British Waterways, it is accepted that the applicant has not completed the correct ownership certificate. However British Waterways are aware of the application and it is considered that this issue is a matter between the applicant and British Waterways and is not a factor which would affect the determination of this planning application.

Design

Following the remediation works the land levels will be regarded. These levels are similar to those existing and would not appear out of character.

Highway Safety and Traffic Generation

As part of the decontamination works, the contractor will use three wagons which will make 36 movements Monday – Friday and 18 movements on a Saturday. This equates to 4-5 loads

per hour. It is anticipated that the haulage operation to the licensed landfill will be complete by the end of February 2012.

The Factory site does not have any surplus or contaminated soils which require disposal off site. However there is approximately 10,000cu.m of crushed concrete which is generated from the Factory site which will be required to be transported to the Test Track site. This material will be transported by 2 dump trucks with approximately 50 vehicle movements (5-6 per hour). The transportation of the crushed material will not commence until the haulage operation to landfill has been completed. It is anticipated that these works will commence at the beginning of March and will run through to mid April 2012.

The level of vehicle movements will be for a temporary period only and is considered to be acceptable by the Strategic Highways Manager.

9. CONCLUSIONS

A scheme for the remediation of both sites has previously been approved as part of applications 07/0912/OUT and 07/0913/OUT and both of these consents remain extant. The remediation of the sites would provide substantial planning benefits and will help these brownfield sites to come forward for residential development.

The mitigation works have been subject to extensive negotiation between the contractor and Environmental Health, British Waterways and the Environment Agency. The mitigation works are considered to be acceptable and would not harm the adjacent watercourses.

The development will not have a detrimental impact upon protected species subject to the compliance with the Badger Method Statement.

The works will not have a detrimental impact upon residential amenity, trees and highway safety/traffic generation.

10. RECOMMENDATION

APPROVE subject to the following conditions;

- 1. Within one month of the date of this permission a scheme for the reinstatement of the watercourse banks and a timetable for implementation shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the approved details**
- 2. Within one month of the date of this permission a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.**
- 3. The hours of construction/operation of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs, Saturday 09:00 to 14:00 hrs, Sundays and Public Holidays Nil.**
- 4. The proposed development to proceed in accordance with the recommendation made by the submitted Badger survey report and method statement dated November 2011.**

- 5. Compliance with the detailed method statement setting out measures to minimise the risk of contaminated materials entering the watercourse and canal, along with full details of the methods for working in close proximity and up to the edge of the watercourse.**
- 6. The remedial scheme shall be carried out in full accordance with original remedial scheme provided under application 07/0912/OUT and addenda provided under this application. These details shall not be varied without the prior written consent of the Local Planning Authority**
- 7. A Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first occupation of any part of the development hereby approved.**

