| Application No: | 14/1341M |
|-----------------|---|
| Location: | LAND NEAR TYTHERINGTON LANE AND MANCHESTER ROAD, MACCLESFIELD |
| Proposal: | Cut/fill earthworks exercise including import of approx. 32,250m3 of inert material to facilitate the approved housing development site |
| Applicant: | Mr Dean Trainor, Redrow Homes NW |
| Expiry Date: | 19-Jun-2014 |

| SUMMARY RECOMMENDATION: Approve subject to conditions |
|---|
| MAIN ISSUES |
| Principle of the Development |
| Proposed Land modifications |
| Land Contamination |
| Amenity |
| Ecology |
| Trees |
| Landscape Impact |
| Impact upon the adjacent watercourses |
| Highway Safety And Traffic Generation |

REASONS FOR REPORT

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council's constitution, such applications are required to be considered by Committee.

This application seeks engineering works to include a cut and fill earthworks exercise and import of approximately 32,250m³ of inert material to facilitate developing the site for housing. Outline consent was granted on this site for 162 dwellings and a Reserved Matters application has been submitted, which will be considered by the Strategic Planning Board in due course.

DESCRIPTION OF SITE AND CONTEXT

The application relates to 5.6 hectares of land situated 1.5 miles to the north of Macclesfield, in Tytherington.

The site is bounded by the A538 (Manchester Road) to the west and Tytherington Business Park to the east. Tytherington Lane is north of the site, whilst Pool End Close and Pool End Farm lie to the south.

The site currently comprises of scrubland, with a watercourse running through the site, with some small ponds. The site is undulating, with land to the south at a higher level. The western part of the site is the most visible with views from Manchester Road.

Access to the proposed site will be gained off Manchester Road.

The eastern boundary is open to the Business Park. The north, southern boundaries abut existing dwellings. There are a number of trees and hedges around the perimeter of the site. Some of the trees are noted as being worthy or formal protection whilst others located to the south and east of the site are already protected by a Tree Preservation Order.

The site is allocated within the Macclesfield Borough Local Plan as an Employment Area and the southern part of the site is allocated as proposed Open space. A proposed Greenway is also proposed within the Local Plan proposal map under Policy RT 7, to the south of the site.

RELEVANT PLANNING HISTORY

| 12/4390M | Outline planning application for up to 162 dwellings Approved 20 th December 2013 subject to a Section 106 and conditions |
|----------|--|
| 10/3139M | Extension of time to 07/1041P Resolution to grant planning permission subject to the signing of the S106 Agreement |
| 07/1041P | Erection of 9 three storey buildings for class B1 (Business) use,1 two/three storey building for C1 (Hotel)use together with associated highways, car parking and landscaping infrastructure. Approved 28.08.2007 |
| 83318P | Site for B1, B2 and B8 development comprising offices, research development facilities, light and general industry and warehousing. Approved at Appeal 19.06.2007 |
| 02/1441P | Renewal of outline permission 99/0664P for B1 (Office Development), B2 (General Industrial Units) and B8 (Warehouse). Undetermined - N/A |
| 97/2379P | New estate road (For Business Park) Approved 27.03.2000 |
| 99/0664P | Outline application for B1 (Office Development), B2 (General Industrial Units) |

and B8 (Warehouse) Approved 26.07.1999

PLANNING POLICIES

Macclesfield Borough Local Plan 2004 (Saved policies)

Built Environment

BE1- Design Guidance

Development Control

DC1 – New Build DC3 – Amenity DC5 - Natural Surveillance DC6 – Circulation and Access DC8 – Landscaping DC9 – Tree Protection DC17 – DC20 - Watercourses DC35 - Materials and Finishes DC36 - Road Layouts and Circulation DC37 - Landscaping DC38 - Space Light and Privacy DC40 – Children's Play Provision and Amenity Space DC41 – Infill Housing Development DC63 – Contaminated Land

Employment

E3 & E4 – Allocations for Business and Industrial Employment Uses

Transport

T2 Integrated Transport Policy

Environment

NE11 - Protection and enhancement of nature conservation interests NE17- Nature Conservation in Major Developments

Recreation and Tourism

RT5 & RT6- Open Space RT7 – Cycle, Bridleway and Footpath

Implementation

IMP1- Development Sites IMP2- Transport Measures

Other Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Local Plan Strategy (Submission Version) March 2014
- Employment Land Review (ARUP on behalf of CEC 2012)
- Interim Planning Statement: Affordable Housing (Feb 2011)

- SPG Planning Obligations (2004)
- Tytherington Business Park A Development Brief (Macclesfield Borough Council April 1989)

OBSERVATIONS OF CONSULTEES

Archaeology – Within previous application 12/4390M the site was considered to hold no archaeological potential therefore no further archaeological mitigation was required

Environment Agency- No objections

Environmental Health- No objections subject to conditions relating to hours of operation and a scheme to be submitted to control dust.

Contaminated Land- No objections subject to a condition for the submission of a verification report within 1 month following the date of completion.

Strategic Highways Manager - No objections are raised to the reprofile of the site, subject to a condition which ensure the construction access is reinstated,

Public Rights of Way Team- Confirms that the development will not affect a Public Right of Way.

United Utilities- Awaiting comments, which will be reported to Members in an update report.

VIEWS OF THE TOWN/PARISH COUNCIL

Bollington Town Council - have been consulted as neighbouring ward;

The Town Council did not raise any objection to this application in principle but would like conditions requiring a wheel washer to be installed at the entrance to the site and adequate mechanical sweeping arrangements to guard against mud and dust on the roadway and nuisance to neighbouring residents.

OTHER REPRESENTATIONS

The occupants of neighbouring properties have been consulted on this application and three Site Notices placed around the site. The last date for comments was the 23rd April.

At the time of writing this report the Local Authority had received comments from 12 representations. Many of the residents have raised concerns with regards to the current Reserved Matters application within this application. A full copy of all of the representations is available for inspection on the planning file, but the following is a summary of the concerns raised below relate to the proposed earthworks;

- In general we are pleased to see a wheel wash system and traffic control measures are incorporated into the plans;
- It would be reasonable to expect between 500 and 575 large vehicle deliveries to the site, the sign at the Manchester Road end of Tytherington Lane (restricting weight limt

on the road) has been missing for some time. Can this be reinstated and temporary "no construction traffic " signs be installed at either end of Tytherington Lane and Dumbar Lane;

- This area of land is an important piece of land for both local wildlife, including Barn Owls, but it is also used by the local community as a route for dog-walking. It is only one of the areas of "wilderness" left in Tytherington;
- Further homes in the area are needed as there are already many vacant properties in Macclesfield.
- This are of land is marsh, and if built on, the water will add to the already big problem with respect to water run off in front of Dorchester way;
- This relatively small area of land is well known to have a high water table: hence its name ... " POOL END " !
- The proposal does not adhere to Policies RT6 (11) and RT7 on the Macclesfield Borough Plan proposal map;
- The Applications various submitted documents are conflicting in the detailed treatment of the trees and designated root protection areas;
- The reprofiling of the whole site uses a huge amount of infill changing the character of the area. The ancient track at the southern boundary may well be revealed with its cobbled structure
- A Topsoil stockpile mountain over the "protected" roots is indicated which will be in place for years and significantly impact the surrounding properties;
- This reprofiling aspect will generate noise and dust with uncontrolled access to Manchester Road for the trucks, with wet wheels causing traffic hazards;
- The boundary treatment has the cycleway continuation from the Business Park meandering into the spine road andthis does not provide the protected safe greenway alongside all the existing homes that has been assumed and stated in the Local Plan and demanded on the recent Emerson approval;
- Even before it begins, this development has destroyed the environment, rather than seeking to enhance it. The fields have provided a 'swooping territory' for Buzzards, Merlins and Sparrowhawks as well as the bats and owls, but this has already been desecrated;
- Signs of Anglo-Saxon strip farming needs to be both investigated and protected;
- Many of the hedges and trees are of historic value and essential to the landscape and must be retained;
- Imported spoil should be kept to an absolute minimum and excavation of the existing land surface should only be allowed where absolutely necessary;
- To mitigate the impact on local residents, we would expect the Council to impose on the developers a condition that any spoil and building material enter the site via the Business Park and not from Manchester Road;
- Prior to the proposed culvert diversion the existing culvert should be surveyed and, as riparian owners, allowances will need to be made by the developer for dealing with any existing connections. The potential effect on the natural drainage of the North Western boundary of the site should be carefully assessed prior to any approval being granted.
- Hedgerows and sites for ground nesting birds have already been destroyed, all during the nesting/breeding season as well as the badger habitats;
- As part of the conservation and heritage of Macclesfield, the hedgerows and fields on the southern boundary formed part of the approach to Tytherington Hall (see maps of 1882). The field system and hedgerows planned for destruction are at least 165 years

old and the hedges along the boundary with the Pool End Close properties form part of a historic Thoroughfare (1849);

- Some houses on the southern boundary are closer to the boundary than is shown on the Redrow maps;
- Cutting out the existing contours of the land may be contrary to the Cheshire East policy of conservation of landscape features, and it also affects the character of the landscape. It is also likely to adversely affect the roots of mature trees which edge the development;
- Cutting out tracts of land creates an unnatural physical gap between the new development and the Tytherington neighbors, which we believe is contrary to the Cheshire East Local Plan Evidence Base Green Space Strategy. (2013). The existing contours provide a link to the southern residents;
- Traffic transporting materials for the development should enter or leave equally via the Business Park and not solely off Manchester Hours of working on the site should be strictly limited to avoidas much noise as possible. Various times are given in the documentation provided. Please ensure the minimum of disruption to existing residents;
- Security for residents along the boundaries is a major concern, both during construction and when the site is developed. Appropriate hedging or fencing to ensure both security and privacy is essential.
- There seems to be no mention of the primary step being the creation of the traffic management (roundabout/traffic lights) on Manchester Road. Has this step been bypassed? It has been part of more recent development proposals. If Redrow are not to be taking this on, does this mean that the Council will now be responsible for creating smooth traffic flow along Manchester Road?
- Proposed development will have implication upon the drainage system;
- Redrow need to ensure that he road connects to Emerson (orbit) Road is of the same agreed level;
- The proposal will create dangerous excavations close to gardens of Pool End Road and Close;
- Any development involving the loss of hard surfacing will exacerbate flood risk;
- Could have serious effects on the water table;
- Contrary to Local Plan policies in particular RT 6, RT7, DC8 and DC41 as will require excavations to green space indented as a buffer between existing homes and the development, will create a loss of contours and habitat;
- The development is not sustainable
- The proposal will not promote local distinctiveness ;Redrow have not considered the Local community adequately;

- Photos have been submitted of recent badger activity submitted over the Easter weekend

APPLICANT'S SUPPORTING INFORMATION:

- Ecological Assessment
- Geoenvironmental Investigation and Risk Assessment
- Flood Risk Assessment
- Nesting Birds Check- dated 28th March 2014
- Arboricultural Impact Assessment and Method Statement (March 2014)
- Badger Survey (TEP:4353.001) March 2014
- Site Waste Management Plan
- Contractors Logistic Plan (MCA-1212)
- Tree Survey March 2014 (MG/4664/TSR
- Isopachyte Plan (identifying retained and removed trees and proposed earthworks to be cut and fill)
- Landscape Plan 4664.04 received on the 8th April 2014-04-10 -Remediation Strategy (Ref1983/04 Issue 2 by Terraconsult

These documents are available to view on the Councils website.

OFFICER APPRAISAL

Principle of the Development

The principle of the loss of employment land and proposal for a residential development on this site has already been established under planning application 12/4390M, which received outline planning permission with all matters reserved. This consent is extant and the applicant has now submitted a Reserved Matters application for the residential scheme to the Local Planning Authority, which is currently being considered under planning application Number 14/1338M. This application is likely to come before the Board within the next few months.

The applicant wishes to remediate and modify the site levels to provide a development platform for the potential residential development without having to gain reserved matters approval for the housing scheme. The reason for this is because the applicant would like to start these works, this summer and given the complexities and matters of consideration often involved with a Reserved Matters application the applicant is of the belief that an application for engineering works may receive planning consent sooner. Allowing the proposed works to start within a more appropriate time of the year weather wise.

The applicant has advised that the levels proposed form part of phase 1 of the potential residential development, which is required to facilitate the utilities build phase of the development. The levels proposed are however not considered to be the finished site levels for the residential development, these will be ascertained within the Reserved Matters application.

The principal of the remediation and modifying the site levels on this site is supported, as given the existing undulating land levels and the presence of a large visible drainage system, it will allow the development potential of this site to be unlocked.

The main issues in the consideration of this application are whether the contaminated land works are acceptable the impact upon residential amenity, ecology, landscape, drainage and flooding, and highway safety.

Proposed Modification of land levels

Taking account the existing topographical constraints of the site, which consist of undulating land and the large drainage chambers, which run intermittently across the site it is acknowledged that some form of land fill and earth grade works are required in order to allow the redevelopment of this site.

The applicant has submitted a Remediation Strategy, which details the works proposed,

- The demolition of existing buildings and ancillary above and below the ground structure and hard standing as associated with the former farm and surrounding land;
- The removal from site or the treatment of any contaminated material encountered during the demolition and removal of hard standing;
- Excavation of areas of shallow peat deposits with temporary storage before incorporation into areas of soft landscaping ; and
- Earthworks to modify the site levels to provide a development platform for the main phases of development which includes re-use of site won materials (cut and fill);
- Earthworks to realign the watercourse;
- Importation of material under a waster recovery permit to provide for the shortfall in materials required to form the potential development platform.

Following concerns over the impact of the proposal upon a protected hedgerow and trees, a revised plan has been submitted revising the proposed levels. In order to accommodate the existing large drainage system that runs through the site, the applicant proposes to infill the land running to the north, centre and east of the site. Land cutting is proposed in four key areas to the south of the site which, are to be situated adjacent to properties located to the west of Poole End Close and properties north of Marlborough Close. The proposals sought are indicated within Plan NO. 1141/ENG101-1 Rev D.

The applicant has advised that the proposed land level will not represent the finished floor levels of the residential scheme. The areas of land to be cut are proposed in order to generate as much material from within the site boundaries as to limit the import of materials to the site. The applicant is aware that this area may need to be refilled once the regrade has taken place in order to facilitate the potential residential scheme.

The applicant has advised that the main earthworks will be carried out in accordance with Code of Practice for earthworks BS 6031: 2009.

The Remediation Statement indicated that the topsoil from across the site will be excavated and stockpiled on site and then reused at a later stage of the residential development in areas of soft landscaping and garden areas.

It is advised that any concrete / hard ground associated with foundations will be broken-up, crushed and screened, so it can be reused. All ground is to be screened for unusable

materials such as wood, plastic, metal and over-sized particles. Overall, it is anticipated that nearly all of the site clearance materials arising will be reused and recompacted on site.

In order to meet the proposed levels the applicant proposes to import materials. The main earthworks comprises a total of approximately 56,661 m³ of material being required of which about 24,406 m³ will come from excavated cut soils on site and 32,250 m³ of imported inert materials.

The main earthworks phase will be undertaken under a Bespoke Environmental Permit, applied for from the Environment Agency, which will enable the re-use of materials on-site and concrete and importation of materials.

The Council's Environmental Health Department have been consulted on this application the details submitted within The Remediation Strategy and Verification Plan Report (Terraconsult, ref 1983/04 Issue 4, dated 15 April 2014), are considered to be acceptable.

The source of the soils to be imported to the site are not yet identified, yet it is advised that the regular testing of imported materials will take place during the works, in order to ensure no contaminated materials are brought on to site. The following condition is advised;

- Once the development is complete, a Verification Report detailing the remedial actions hereby approved shall be submitted to and approved in writing by the Local Planning Authority in full from 1 month of the date of completion.

In terms of the impact on ground water, the developer has advised that it is not envisaged that the level of ground water removed will exceed 20m³ therefore an abstraction licence should not be necessary. The Environment Agency have been consulted on the application and have raised no objection.

Amenity

The residential properties, which surround this site, are located to the northeast and are sited adjacent to the southern boundary of the site. By virtue of the nature of the works proposed, the proposal does not present any concerns in terms of loss of privacy, or loss of light.

In terms of the timings of the works, the Environmental Health Officer has requested that the hours of operation and a scheme to militate against dust control are conditioned as part of any approval.

An additional condition, for a wheel wash to be secured on site, is considered reasonable having regard to the nature of the proposal.

Concerns have been raised by residents with regards to the subsidence of properties, as a result of the works proposed. Such matters are not however considered to be a material planning consideration.

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

An Ecological Assessment was submitted to accompany the application, which was prepared by a suitably qualified ecological consultant. The Nature Conservation Officer raises no significant ecological issues in relation to the proposed development.

The hedgerows, ponds, semi-improved grassland habitats and mature trees on site have nature conservation value at a local scale. A number of these habitats are Biodiversity Action Plan Priority Habitats and hence a material consideration.

It is advised that subject to revised plans, it would appear to be feasible to maintain the majority of mature trees and hedgerows on site, as part of the proposed development. The proposed development will however result in the loss of the majority of semi-improved and marshy grassland habitat and the small ponds located on the site.

In order to mitigate the loss of these habitats and in the eventuality that the subsequent residential scheme is not implemented on this site, it is advised that a condition is attached to ensure a landscaping plan which will incorporate the inclusion of ponds and a wildflower/grassland mix.

Protected and Priority Species

Badgers

There is a well recorded history of badger activity on this site. Whilst the site does not support a main sett a number of outlying setts have previously been recorded on site.

The latest Badger Survey has not recorded any evidence of badger activity at the setts and so these are likely to currently be disused. It is therefore advised that based on the current status of badgers on the site, this species does not present a constraint upon the proposed development.

As badgers can frequently re-use setts, it is recommend that the following condition be attached in the event that planning consent is granted.

If development has not commenced on site by the end of August 2014 the applicant is to submit an updated Badger Survey for the approval of the LPA. The report is to be agreed by the LPA prior to the commencement of development. If any evidence of badgers is recorded the report is to include detailed mitigation and compensation proposals.

Bats

Bat activity is relatively limited on site and there is no evidence to suggest that a roost is present. Bats therefore do not present a constraint on the proposed development.

Breeding Birds

Previous surveys have revealed a moderate level of breeding bird activity on site. If planning consent is granted the following condition is required to safeguard breeding birds.

Prior to the removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.

Common Toad

This species, which is a Biodiversity Action Plan priority, and hence a material consideration has been recorded on site. The loss of grassland and pond habitats on this site is likely to have an adverse impact on this species at the local scale.

To ensure this site retains suitable habitat for this species It is recommend that a landscape scheme is submitted in support of this application (if development for the residential scheme does not commence) which includes the six replacement ponds as incorporated into the Reserved Matters layout drawing submitted under planning application 14/1338M.

Barn Owls

Barn Owls, a Biodiversity Action plan priority species has been recorded foraging on this site. It is advised that the loss of rough grassland habitat associated with the proposed development at this site is likely to have an adverse impact on Barn Owls at the local scale. It is considered that this impact could be mitigated through the incorporation of a suitable grassland mix described above.

Trees

The site contains existing vegetation including trees, lengths of hedgerow and scrub. There are a small number of trees protected by a Tree Preservation Order and others which are worthy of Formal Protection.

During the course of this application the Record Office have indicated that there is evidence to suggest that the hedgerow which projects into the site (located to the south) may have formed part of an integral field system, pre dating the Enclosures Act and this is therefore considered to fall under the criteria as an Important Hedgerow.

The Council's Forestry Officer has been consulted on this application and raises no objections.

The revised cut and fill details supplied as part of the amended plan addresses concerns in respect of the impact on both the mature protected Sycamore (T16) protected as part of a Tree Preservation Order, and the important hedgerow. The earth works both cut and fill all take place outside identified Root Protection Areas. Whilst this is considered acceptable it is noted that this will establish implications for the Reserved Matters application resulting in amendments to the layout, which is presently on the table. The developer has been informed of this.

Conditions requiring a scheme for the protection of retained trees should be submitted prior to the commencement of development with a requirement that protective fencing is erected around trees to ensure root protection areas are protected.

Landscaping

Section plans which take into account the amendments made have been requested in order to understand what the changes in level will be through out the centre of the site. These will be presented to committee in an update report.

The concerns raised by occupants of neighbouring residential properties have been considered thoroughly it is considered to ensure that the development has an acceptable impact.

Subject to receiving these plans, the overall impact of the proposed re-levelling works is considered to be acceptable upon the landscape character of this particular area. The Councils Landscape Officer has been consulted on this application and raises no objections, subject to a condition to ensure if the potential residential development of this site is not implemented then an appropriate landscaping scheme is submitted and approved and implemented in order to preserve the overall character of the site.

Highway Safety and Traffic Generation

The applicant has advised that given that the majority of the proposed works are largely fill and soil used from the cut will be used to facilitate this, there should be no requirement for large spoil movement from off the site.

The applicant proposes to utilise the existing access to the site and also proposes the creation of a new site temporary site entrance as well as an access road.

The Strategic Highways Manger has been consulted on this application. The level of vehicle movements will be for a temporary period only and therefore there is no objection in principle to the development subject to a condition which ensures the temporary access road is re instated after works have been completed.

During the course of the application, a Logistics Plan submitted by the applicant provides details of stockpiling locations, automated wheel wash, vehicle-parking areas and the location of compounds.

The applicant advises that vehicles will approach the site form the south, along the A538 Manchester Road and there will be no more then 75 HGV movements per day.

The Strategic Highways Manager has been provided with this information. No comments were received at the time of writing this report. Comments will be provided to Member's in an update report.

Other considerations

Green Space

Concerns have been raised by local residents with regard to the provision of Green Buffer along the south of the site. This application is a stand-alone application relating to earthworks only. The provisions of open space and cycleway and Footpath are set out within the Macclesfield Local Plan and Policies RT6, RT7 and the Tytherington Business Park Development (1987). The provision of the green buffer is mentioned within the Development Brief and was required in order to provide an appropriate gap between the proposed Employment use and existing residential properties, not as a means of providing a protective wildlife corridor as referred to the representations. Matters of the Green Space/green buffer provision shall be addressed and secured within the current Reserved Matters application, which is still awaiting determination.

Link Road

As part of the overall Tytherington Business Park Development Brief, the applicant is required to provide a link road from Manchester Road through the site to the Tytherington Business Park. This was secured under the outline permission for residential development (Planning application 12/4390M) on this site. Details of levels and sections have been submitted illustrating the impact the proposed development will have upon the Tytherington Business Park. Whilst the overall detail of this link will be secured in more detail through the current Reserved Matters application. It is expected that the applicant will enter into discussions with the Emerson Group to ensure that the point at which the two roads meet is at the same level.

Residents have raised concerns with regard to this area of land being an area for dog walking, it should be noted however this is private land and members of the public currently have no right of access.

CONCLUSIONS

The proposed earthworks application is supported, as it will allow for substantial planning benefits, by assisting a Brownfield site to come forward for residential development.

The earthworks proposed are considered acceptable and no objections have been raised from Environmental Health Department nor the Environment Agency. The development will not have a detrimental impact upon protected species.

In addition care has been taken to ensure that the works will not have a detrimental impact upon residential amenity, existing trees and important hedgerows, nor result in a significant highway safety/traffic generation issues.

RECOMMENDATION

APPROVE subject conditions.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

- 1. A01AP Development in accord with approved plans
- 2. A03FP Commencement of development (3 years)
- 3. A13GR Hours of operation
- 4. Dust Control
- 5. Construction access to be reesntated after construction complete
- 6. Contamianted land
- 7. Landscaping plan to be submitted within three years of date fo this decison if residential development not commenced.
- 8. Scheme for the protection of retained trees
- 9. Protective fencing to be erected around trees



