

Application Number 19/01107/FUL

Proposal	Full planning application for the site preparatory works, comprising demolition of remaining structures, site remediation and earthworks.
Site	Former Robertsons's Jam Factory, Williamson Lane, Droylsden
Applicant	Taylor Wimpey UK Ltd And Bellway Homes Ltd (Manchester Division)
Recommendation	Approve, subject to conditions
Reason for report	A Speakers Panel decision is required because the application is a major development.

REPORT

1.0 APPLICATION DESCRIPTION

- 1.1 The applicant seeks full planning permission for the site preparatory works, comprising demolition of remaining structures, site remediation and earthworks. Members will recall that a resolution to grant outline planning permission for the redevelopment of the site for up to 350 dwellings was made at the Speakers Panel meeting in December 2018, subject to the prior completion of a Section 106 Agreement. Following completion of that Section 106 Agreement, outline planning permission was granted on 05 August 2019.
- 1.2 This current application seeks to allow preparation of the site in advance of the reserved matters application pursuant to the outline consent being submitted and determined. The works described above will be required regardless of the form that the future development takes. The conditions that were attached to the outline planning permission remain to be discharged and would be unaffected by the outcome of this planning application.
- 1.3 The applicant has indicated that the following development works are to be undertaken as part of the scheme:
- Controlled demolition of the former substation/fuse housing building to ground floor slab level
 - Breaking out slabs and foundations structure
 - Clearance of trees and vegetation necessary to facilitate the remediation works
 - Breaking out and crushing slabs, relic foundations and external hardstanding/former car parking areas to a grade suitable for re-use
 - Earthworks to prepare development platforms
 - Excavation, delineation and treatment and/or off-site disposal of contaminated materials
 - Installation of temporary haul roads
 - Groundwater treatment to remove free phase product
 - Re-engineer as per specification, trim level and compact formation levels
 - Geotechnical and chemical testing for validation purposes.
- 1.4 The following information has been submitted in support of the application:
- Topographical survey of the site
 - Phase I and II Site Appraisal
 - Preliminary Risk assessment
 - Remediation and Earthworks Method Statement
 - Remediation Scheme
 - Canal and Slope Stability Assessment
 - Arboricultural Impact Assessment and Method Statement

- Protected Species Survey
- Invasive Weed Management Plan
- Demolition Statement relating to removal of structures on the land

2.0 SITE & SURROUNDINGS

- 2.1 The application relates to approximately 8 hectares of land to the south east of Droylsden town centre, which was formally occupied by industrial units and was operated by Robertson's Jam. The land is now clear of all buildings save for a substation adjacent to the western boundary. There is some vegetation in the north western corner of the site, hardstanding associated with the previous industrial use covers the vast majority of the relatively flat land. Hedgerows and sporadic planting demarcate the northern, eastern and southern boundaries of the land. The Ashton Canal runs parallel with the southern boundary of the site.
- 2.2 The site borders residential development on its northern, north-western and western boundaries. The south-eastern boundary adjoins the Manchester Road and on the opposite side of this is further residential development. The eastern boundary directly adjoins the playing fields of the Aldwinians Rugby Football Club with its playing pitches, car park and clubhouse. To the north and east of the sports pitches is further residential development. The principal access points to the existing site are from Williamson Lane and Fitzroy Street.

3.0 PLANNING HISTORY

- 3.1 18/00487/OUT - Outline planning application for the redevelopment of land for residential (C3), including the provision of public open space and the means of access (details of the layout, scale, appearance and landscaping of the development are reserved) – approved.
- 3.2 17/01022/ENV - Request for an Environmental Impact Assessment screening opinion for residential development of the land - considered not to be EIA development.
- 3.3 15/00216/ENV - Request for an Environmental Impact Assessment screening opinion for a proposed outline planning application for redevelopment of the site for residential development of up to 300 dwelling houses – considered not to be EIA development.

4.0 RELEVANT PLANNING POLICIES

- 4.1 **Tameside Unitary Development Plan (UDP) Allocation**
Allocated under policy E3 as an Established Employment Area
- 4.2 **Part 1 Policies**
- 1.3: Creating a Cleaner and Greener Environment.
 - 1.4: Providing More Choice and Quality Homes.
 - 1.5: Following the Principles of Sustainable Development
 - 1.6: Securing Urban Regeneration
 - 1.10: Protecting and Enhancing the Natural Environment
 - 1.12: Ensuring an Accessible, Safe and Healthy Environment
- 4.3 **Part 2 Policies**
- C1: Townscape and Urban Form
 - E3: Development Established Employment Areas
 - H2: Unallocated Sites (for housing)
 - H4: Type, size and affordability of dwellings
 - H5: Open Space Provision

H6: Education and Community Facilities
H7: Mixed Use and Density.
H10: Detailed Design of Housing Developments
MW11: Contaminated Land
MW12: Control of Pollution
MW14 Air Quality
N1b: National Nature Conservation Sites
N2: Locally Designated Nature Conservation Sites
N3: Nature Conservation Factors
N4 Trees and Woodland
N5: Trees Within Development Sites
N6: Protection and Enhancement of Waterside Areas
N7: Protected Species
OL7: Potential of Water Areas
OL10: Landscape Quality and Character
T1: Highway Improvement and Traffic Management.
T10: Parking
T11: Travel Plans.
U3: Water Services for Developments
U4 Flood Prevention
U5 Energy Efficiency

4.4 **Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2016
Residential Design Supplementary Planning Document
Trees and Landscaping on Development Sites SPD adopted in March 2007

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

Section 2: Achieving Sustainable Development
Section 8: Promoting healthy and safe communities
Section 11: Making Effective use of Land
Section 15: Conserving and enhancing the natural environment

4.6 **Planning Practice Guidance (PPG)**

4.7 This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5.0 **PUBLICITY CARRIED OUT**

5.1 Neighbour notification letters were issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

6.0 **RESPONSES FROM CONSULTEES**

6.1 Local Highway Authority – following the receipt of additional information, no objections to the proposals subject to a condition requiring compliance with the measures detailed in the revised construction environment management plan.

6.2 Borough Contaminated Land Officer – following the receipt of additional information, no objections to the proposals, subject to the imposition of a condition requiring compliance with the submitted strategy for the remediation of the site.

- 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 remediation works.
- 6.4 Borough Tree Officer - no objections to the proposals, subject to a condition requiring the protection of THE Poplar trees on the south eastern boundary of the site.
- 6.5 Borough Engineers – following the receipt of additional information, no objections to the proposals, subject to a condition requiring compliance with the amended Canal and Slope Stability Assessment
- 6.6 Canal and Rivers Trust – request further information in relation to the mitigation measures to be employed in relation to the protection of the structural integrity of the Canal embankment and the prevention of pollution of the watercourse. The comments of the Canal and Rivers Trust on the revised information submitted by the applicant shall be reported verbally at the Panel meeting.
- 6.7 Health and safety Executive – no objections to the proposals.
- 6.8 Cadent Gas - has identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. An informative to this effect should be added to any planning permission granted.
- 6.9 Greater Manchester Ecology Unit – no objections to the proposals subject to compliance with conditions imposed on the outline planning permission in relation to preservation of the biodiversity value of the Canal, mitigating any potentially detrimental impact on protected species and biodiversity enhancements. A condition requiring compliance with mitigation measures detailed in the Rachel Hacking Ecology Report 2019 submitted with the application should be attached to any planning permission granted.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 22 letters of representation have been received from neighbouring residents objecting to the proposals, outlining the following concerns (summarised):
- Outline planning permission for the development has already been approved so there is a lack of clarity as to the purpose of this new application.
 - Concerns regarding the impact of the future residential development of the site on the capacity of schools, health facilities and adjacent roads.
 - There are considerable queues on Droylsden (Ashton) Road due to congestion of traffic at Market Street and the frequent tram service in both directions, especially 8-9.30am and 3.30- 5.30pm. There are even more queues on Ashton Old Road from the merging of traffic from Audenshaw and Manchester Roads and traffic from Ashton Hill Lane, around the same times. Both Ashton New Road and Ashton Old Road suffer long tailbacks because of this existing congestion. Development of the site will make this situation worse.
 - The loss of trees on the Canal frontage has resulted in a detrimental impact on the character of the site from public views, including on the opposite side of the Canal.
 - Concerns regarding the potential impact of development on the high pressure gas line adjacent to the boundary of the site with the properties on Willow Fold to the north.
 - Concerns regarding the loss of vegetation on the northern boundary which provide a visual buffer to views of the site from the neighbouring properties to the north.

- The congestion resulting from the proposed development will result in an adverse impact on air quality.
- The proposed access on Manchester Road would be detrimental to highway safety. A two lane operation on Manchester Road would need to be considered to reduce congestion especially in peak times.
- Development of this site needs to be considered within the context of the cumulative impact of residential developments that have recently been approved in Droylsden e.g. the Marina, in Openshaw and at the corner of Fairfield Road and Edge Lane and adequate mitigation needs to be provided to compensate for all of these developments.
- Concerns regarding the traffic congestion associated with the construction phase of the development and the potential use of the Williamson Lane access during this phase.

8.0 ANALYSIS

- 8.1 The issues to be assessed in the determination of this planning application are:
- 1) The principle of development
 - 2) The impact of the proposals on the character of the area
 - 3) The appropriateness of the proposed remediation strategy
 - 4) The impact on trees
 - 5) The impact on the ecological significance of the site
 - 6) Other matters

9.0 PRINCIPLE OF DEVELOPMENT

- 9.1 The proposed works relate to the remediation of the site and works associated with preparing the site for redevelopment. Given that outline planning permission has been granted for the redevelopment of the site and remains extant, there is a demonstrable link between the remediation of the site and progression of a reserved matters application, which is yet to be submitted. The principle of development is therefore considered to be acceptable, subject to all other material considerations being satisfied.

10.0 CHARACTER OF THE AREA

- 10.1 The applicant has provided a topographical survey with the application and has confirmed that existing levels on the site will not be altered as part of the proposed remediation works. Whilst vegetation is to be removed as part of the remedial works, the visual impact of this would be temporary as a soft landscaping strategy for the site will; be required as part of the future reserved matters application for the redevelopment of the site for residential purposes. Given this situation, it is considered that the proposed remedial works would not result in a detrimental impact on the character of the surrounding area.

11.0 APPROPRIATENESS OF REMEDIATION STRATEGY

- 11.1 The ground investigation reports submitted with the application have been amended to address the Borough Contaminated Land Officer's concerns regarding the presence of a number of potentially significant sources of contamination that were not originally identified. Specific areas of the site will be targeted for further investigation. As a consequence, no further investigation is considered to be necessary prior to commencement of the earthworks.
- 11.2 Further remediation work will be required for the construction phase (i.e. soil cover systems in garden areas and also possibly ground gas protection measures). The scope of the construction phase remedial works will depend on how effectively the earthworks

remediation is carried out and on the exact extent and nature of sources of ground contamination encountered during the undertaking of the remediation works.

- 11.3 Whilst the remediation strategy makes reference to elements of a future construction phase, it is considered that a condition requiring compliance with the remediation strategy could reasonably be limited to content relating to the pre-construction phase of development only. Such a condition is attached to the recommendation.

12.0 TREES

- 12.1 The applicant has submitted an Arboricultural Impact and Method Statement in support of the application. The proposed remediation works would result in the loss of one individual tree and a group of trees, all of which the Borough Tree Officer considers to be of relatively low amenity value. Some works are proposed to the group of Poplar trees in the south eastern corner of the site, on the boundary with Manchester Road. There is also the potential for the remediation works to affect the condition of these trees. The Tree Officer has raised no objections to the proposals, subject to the imposition of a condition requiring the protection of these trees during the proposed works. Such a condition is attached to the recommendation.

13.0 ECOLOGY

- 13.1 An ecological appraisal produced by Rachel Hacking Ecology has been submitted with the application. In relation to protected species, the appraisal considers that the site is mostly overgrown with rank, continuous scrub, hardstanding and tall, ruderal vegetation. Several mature trees are present on the site with species including Wild Teasel, Willow saplings, Red Fescue, Canadian Fleabane and brambles. The mature trees on the site were assessed for their potential to support bat roosting during the survey of the site. The trees on the site were considered to be of low roosting potential, with no evidence of peeling bark, knot holes or woodpecker holes found at any of the trees on site.
- 13.2 The tree belts on the site boundaries, as well as the canal corridor are considered by the appraisal to offer suitable foraging and commuting opportunities for bats and as such, a sensitive lighting scheme be adopted to protect the canal corridor and retained tree belts from artificial light pollution is recommended. A condition covering this issue was attached to the outline planning permission and relates to the impact of the redevelopment of this site as opposed to the remediation of the land, which is the subject of this application.
- 13.3 The remains of a building are present on the western edge of the site. The report concludes that due to the dilapidated state of the building and the lack concealed voids ensure that the roosting potential of the structure is low. Gaps within the external walls were surveyed using an endoscope and no evidence of bat activity was found.
- 13.4 No evidence of Badger activity was recorded on the site during the survey period. Likewise, no mammal holes or field signs of Badger, such as paw prints or fur, were recorded. The site is considerably flat, with a mostly rubble and hardcore substrate and no Badger setts were found on site or immediately off-site.
- 13.5 The bare ground areas adjacent to dense vegetation are considered offer suitable basking habitat for reptiles. No evidence of reptiles was found during the survey and the majority of the site is not optimum reptile habitat. The assessment concludes that no further reptile survey work is considered necessary.
- 13.6 The assessment recommends that the site is cleared from west to east i.e. towards the canal, to allow wildlife to escape and that if during site clearance or construction, a

protected species is found, work must immediately cease in that location and a suitably experienced ecologist be contacted for advice. Given that the mature trees on the site are considered to offer potential for nesting birds, the assessment also recommends that no vegetation removal occurs during the breeding season (March to August).

- 13.7 GMEU has not raised any objections to the findings of the ecological appraisal. Compliance with the mitigation measures detailed in the assessment can be secured by condition. The other conditions requested by GMEU were attached to the outline planning permission relating to the residential development of the site and do not relate to the remedial works that are the subject of this application.
- 13.8 An invasive species management plan has also been submitted with the application. The document identifies three principal areas within the site where knotweed is present and details the method to be employed to treat the knotweed in each of these areas, which will involve removing the excavated specimens from the site. GMEU has not raised any objections to the proposals. A condition requiring compliance with the method statement is attached to the recommendation.
- 13.9 The Ashton Canal running adjacent to the site is designated in the UDP as a Site of Biological Importance (SBI). Assessments relating to the method of remediation and the impact of the works on the stability of the Canal embankment have been submitted in support of the application. Cross sections at 6 locations across the Canal frontage have been studied in relation to land stability and details of the mitigation measures to be put in place to ensure that the biodiversity value of the Canal is not eroded during the remediation works are included within the assessments.
- 13.10 The extent of the mitigation measures within 8 metres of the Canal has been clarified through the submission of additional information. Following receipt of this additional information and on the basis that a condition is imposed requiring compliance with the updated method statements, the Council Engineer has no objections to the proposals. Such a condition is attached to the recommendation. The comments of the Canal and Rivers Trust on the revised information shall be reported verbally at the Panel meeting.

14.0 OTHER MATTERS

- 14.1 In relation to highway safety, a construction environment management plan relating to the remediation and construction phases of the development has been submitted with the planning application. The plan includes the measures to be put in place to control noise, vibration and dust and indicates that access to the site will be taken from Manchester Road during the phases. The management plan has been revised to include details of vehicle parking and turning areas within the site, measures to control access to and from the site and further details in relation to wheel washing, to prevent the depositing of material on the highways. Following receipt of this additional information and on the basis that a condition is imposed requiring compliance with the updated management plan, the Local Highway Authority has no objections to the proposals. Such a condition is attached to the recommendation.
- 14.2 In relation to flood risk, the site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. The Environment Agency did not raise any objections to the principle of the redevelopment of the site for housing, subject to the imposition of a condition requiring further investigation into potential sources of contamination. As discussed in detail above, the contaminated Land Officer is content that sufficient information has been provided to demonstrate that the remediation proposed would mitigate any adverse impact during the works proposed in this application. On that basis and given the fact that details of surface water drainage will need to be provided prior to the commencement of further development to satisfy the relevant condition on the outline planning permission, it is

considered that the works proposed in this application would not increase the risk of flooding or surface water contamination, subject to compliance with the updated method statements.

- 14.3 Given that the proposed remediation works would not result in a change to the existing ground levels, that noise and pollution control measures are included within the construction environment management plan and the fact that the site would be accessed from Manchester Road to complete the remediation works, it is considered that the proposals would not result in an adverse impact on the residential amenity of any neighbouring properties in terms of loss of outlook/overshadowing or noise and disturbance. No works are proposed that could result in adverse overlooking into neighbouring properties.
- 14.4 The EHO has raised no objections to the proposals, subject to a condition limiting the hours of work during the remediation of the site. The hours of work detailed within the construction environment management plan submitted with the application match those requested by the EHO and therefore the condition requiring compliance with the measures detailed in that document would suffice in this regard.
- 14.5 Concerns have been raised by objectors in relation to the impact of residential development on the site. As this application relates solely to the remediation of the land and enabling works pursuant to the redevelopment of the site, these matters are not material to the assessment of the proposals. In any event, the principle of re-developing the site with up to 350 dwellings has been established through the granting of outline planning permission.

15.0 CONCLUSION

- 15.1 Following the assessment in the main body of this report, it is considered that the proposed remediation works are acceptable in principle given that the site benefits from an extant planning permission allowing redevelopment for residential use. Following amendments to some of the reports submitted in support of the application, the proposals would not result in an adverse impact on the character of the area, the ecological value of the site and the adjacent canal, highway safety or the condition of trees to be retained, subject to the imposition of appropriate conditions. The applicant has demonstrated that the land can be remediated in a way that would have due regard to the sources of contamination on the site.
- 15.2 The proposals therefore accord with the national and local planning policies quoted above.

RECOMMENDATION

That, subject to the Canal and Rivers Trust raising no objections to the revised information, planning permission be granted, 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. Development shall be carried out in accordance with the approved plans.
3. The development shall be carried out in accordance with the measures detailed in sections 10 (Remediation) and 12 (Further Investigation) in the document entitled Phase I and II Site Appraisal produced by Patrick Parsons (dated 06.04.2018) and the Remediation and Enabling Earthworks section of the Supplementary Phase II Geo-environmental Site assessment: remediation and Enabling Works Strategy produced by e3p (ref. 13-713-R1 Rev. 1 dated January 2020).

4. The development shall be carried out in accordance with the measures detailed in the Remediation and Earthworks Method Statement produced by BSH Remediation (dated 16 December 2019).
5. The development shall be carried out in accordance with the measures detailed in the Mitigation Measures section of the Canal and Slope Stability Assessment produced by e3p submitted with the planning application (dated 10 December 2019).
6. The development shall be carried out in accordance with the measures detailed in Sections 6 (Tree Protection Measures) and 7 (Summary of Impacts and Potential Mitigation Factors) within the Arboricultural Impact Assessment and Method Statement produced by Ascerta (dated November 2019) (Ref. P1256.19).
7. The development shall be carried out in accordance with the measures detailed in the Summary and Recommendations section of the Protected Species Survey produced by Rachel Hacking Ecology (dated 10 December 2019).
8. The development shall be carried out in accordance with the measures detailed in sections 4 (Proposed Method of Treatment) and 5 (Programmed Work) in the document entitled Invasive Weed Management Plan, produced by Knotweed Eradication (dated 16 October 2019).
9. The development shall be carried out in accordance with the measures detailed in the amended Construction Environment Management Plan (including the hours of work) produced by Bellway (received 24 January 2020).
10. The development shall be carried out in accordance with the measures detailed in the Demolition Statement produced by BSH Remediation (dated 18 December 2019).