ITEM

Application Reference	**DC/067014**
Location:	Land Off Midland Road Bramhall Stockport SK7 3DX
PROPOSAL:	Temporary ground intrusive works lasting approximately 10 days comprising a number of boreholes, monitoring wells and trial pits.
Type Of Application:	Full Application
Registration Date:	04.09.2017
Expiry Date:	20171204
Case Officer:	Jane Chase
Applicant:	Persimmon Homes Ltd (North West)
Agent:	ADAS

DELEGATION/COMMITTEE STATUS

Should the Area Committee be minded to grant permission under the Delegation Agreement the application should be referred to the Planning & Highways Regulations Committee due to the size of the application site being in excess of 3ha.

PROPOSED DEVELOPMENT

The application proposes intrusive ground works (referred to in the application as Supplementary Investigations) to investigate further the feasibility of potential remedial options for future development on the site. The works proposed include the following:-

- Six cable percussion boreholes located in the south of the site, drilled to proposed depths of 15m bgl and the installation of six temporary combined gas and groundwater monitoring wells within each of the boreholes to depths of up to 15m bgl;

- Twelve window sample boreholes located along the eastern edge of the site, drilled to proposed depths of 5m bgl and the installation of up to twelve temporary gas monitoring wells within each of the boreholes to depths of up to approximately 5m bgl; and

- Twenty trial pits across the full extent of the site, to proposed depths of up to approximately 4m bgl.

- The provision of welfare and skip facilities to the northern end of the site adjacent to the access onto Midland Road.

- The proposed works in total would take place during over a period of approximately 10 days. Hours of working are proposed as 8am to 5pm Monday to Friday. No temporary lighting is required. Activities involving substantial vibration are not planned.

- Once the boreholes and monitoring equipment is in place gas monitoring will then be completed for a period of up to two months. This will consist of an engineer walking onto the site with a small gas analyser to visit each of the boreholes to take readings before leaving them locked.

- The proposed boreholes along with those already existing on the site will then be decommissioned as part of any future remedial works.

The locations of the proposed exploratory holes are shown on the plans attached to this agenda. The applicant advises that it is possible that the depth of the proposed investigation points could be deeper or shallower than the depth provided. This is normal in an investigation of this nature and is often determined through observations that are made during the works. It is also possible that the location of each investigation point will vary slightly to that given. Changes in position are usually within 5.0m of the intended location and the move can be due to the presence of vegetation (trees or bushes), uneven ground, proximity to a road or footpath, etc. Accordingly the applicant requests that a condition be attached to any planning permission to ensure that any required locational changes can be agreed and carried out during the works should the need arise.

The application is accompanied by a Planning Statement which advises:-

Previous site investigation work has been carried out at the Midland Road site. The presence of the landfill and the associated potential for contamination, generation of ground gas and leachate and poor geotechnical conditions present a variety of development constraints that need to be resolved to permit safe development. Further site investigation is required to obtain the suitable information to inform the options appraisal, remediation design and ultimately the safe development of the site.

The term ‘Supplementary Investigation’ has been used to describe the proposed intrusive ground works, in line with the definition provided in BS10175, British Standards on the Investigation of Potentially Contaminated Sites – Code of Practice. The investigation is being undertaken by Persimmon to further investigate the feasibility of potential remedial options for future development on the site. The Council have confirmed that the work constitutes development and a planning application is required.

- Cable percussive boreholes are a common method of ground investigation work. A drilling rig will be towed to the proposed location using a four-wheel drive vehicle and the borehole advanced into the ground. Disturbed and undisturbed samples will be collected however, it may be necessary to install a monitoring well for collecting groundwater or ground gas samples.

- Window sampling will be carried out using track mounted percussive sampler. A

metal sample tube is driven into the ground to collect soil samples and is used where access is restricted and where disturbance must be kept to a minimum.

- Trial pitting is carried out using a tracked excavator. The trial pit will reach a depth of approximately 4m bgl. No excavation will be left unattended and every trial pit will be backfilled and restored once the data has been collected.

Also submitted with the application is a Supplementary Investigation Methodology which advises accordingly:-

- In 2013, Persimmon Homes secured planning permission for apartments. This permission has since expired and Persimmon are now considering applying for permission for a revised scheme to include conventional low rise, owner occupied housing with some apartment blocks in the southern part of the site. The presence of a landfill and the associated potential for contamination to be present, generation of ground gas, leachate and poor geotechnical conditions present a variety of development constraints for the revised scheme that need to be resolved to permit safe development. Supplementary site investigation is required to obtain the suitable information to inform the options appraisal, remediation design and ultimately the safe development of the site.

- This method of appraising the site for future development follows the technical framework produced by the Environment Agency, which is referred to as CLR11 – Model Procedures for the Management of Land Contamination. This framework is adopted by local authorities throughout the planning process when considering ground conditions. The framework is used for applying a risk management process when dealing with land affected by contamination, which is designed to be applicable to situations dealing with voluntary investigation and remediation, such as the proposed supplementary site investigation.

- Since 1994, there have been four phases of ground investigation, each with slightly different objectives none of which were required to be completed with the need for planning permission. These can be summarised as follows:-

1994 - 40 boreholes drilled into superficial deposits (monitoring wells were installed at all locations) and 33 trial pits. 98 soil samples were taken for chemical testing

2004 - 21 boreholes drilled to depths of between 14m and 31m into superficial deposits and underlying bedrock (monitoring wells were installed at all locations) and 20 trial pits. 45 soil samples were taken for chemical testing and 22 leachate tests on selected samples. Some groundwater samples were also collected for chemical testing.

2013 - 8 boreholes to depths of up to 17m into superficial deposits (five boreholes were installed with gas monitoring wells) and 10 trial pits. 30 soil samples were taken for chemical testing, plus some chemical analysis of selected groundwater samples.

2015 - 32 trial pits with 40 soil samples taken for testing.

- The works are regulated by the New Construction Design and Management Regulations 2015 whether the project is notifiable to the Health and Safety Executive or not. Operations are also governed by the need to carry out a Health and Safety Plan which aims to protect workforce personnel.

- Based on information obtained for the site the following hazards associated with the investigation works are considered present: contamination (typically metals or hydrocarbons) within soils and groundwater; asbestos in soil; hazardous ground gases and hazards due to biological agents (bacteria and viruses).

- Risk is assessed using the industry standard BS ISO 18400-103 (2017). The potential severity of harm is classified based on the following terms: extremely harmful, harmful and slightly harmful. The likelihood of harm occurring is then classified on a 3 point system; likely, low likelihood and unlikely. Once the probability of an event occurring and its consequences have been classified, a risk category can be assigned; intolerable, substantial, moderate, tolerable and trivial.

- In relation to contamination within soils and groundwater, whilst the severity of the risk is potentially slightly harmful it is considered unlikely that any harm to adjacent residents will occur. As such the risk is classified as 'trivial', i.e. 'there is an improbability that any harm could occur; no mitigation measures are required. In coming to this conclusion is it is noted that nearby residents are unlikely to come into direct contact with site soils, due to the site conditions (thick vegetation), distance from the source, the duration of the works and the methods of investigation adopted. Soils are unlikely to become airborne through dust generation due to minimising vehicle trafficking on site, use of tracked excavator and not wheeled excavator, the water suppressant systems to be used and the backfill procedures proposed for the works. Window sampling along the eastern edge uses a mobile tracked drilling rig, which will minimises ground disturbance in this area and the volume of soils brought to the surface are very small. All drilling arisings will be bagged and disposed of in a covered and lockable skip. Trial pits are to be backfilled quickly, with the existing upper 1m of soil and vegetation reinstated at the surface.

- In relation to asbestos in soil becoming airborne, whilst the severity of the risk is potentially harmful it is considered unlikely that any harm to adjacent residents will occur. As such the risk is classified as 'tolerable', i.e. 'there is a low probability that slight harm could occur or an improbability that harm could occur. Minimal mitigation measures are required as the risk from activities is considered acceptable'. In coming to this conclusion it is noted that only very low levels of asbestos have been noted during previous investigations, with no evidence of elevated levels of fibres becoming airborne during the works. It is considered that the nearby residents are unlikely to come into direct contact with airborne asbestos fibres, due to the site conditions (thick vegetation), distance from the potential source, the duration of the works and the methods of investigation adopted.

- Window sampling along the eastern edge of the site minimises ground disturbance in this area and the use of heavy tracked equipment as much as possible will reduce rutting in the surface and disturbance of lower layers of soil. All drilling arisings will be bagged and disposed of immediately upon completion of the hole. Trial pits are to

be backfilled quickly, with the existing upper 1m of soil and vegetation reinstated at the surface.

- In terms of mitigation, dust suppression will be undertaken using a bowser towed by a tractor. A water misting hose attachment will be used during periods when excavated soils are exposed and this technique can be deployed on the roads within the site if necessary. If members of the public trespass on the site, work will stop, will be dampened down and will not commence until the person has moved away from the work area. Monitoring of the excavations by specialist personnel will be carried out. Should asbestos be encountered then work will be stopped, soils will be checked to ensure they are damp and no dust is being produced. The material will then be sampled, depending on the type of asbestos containing material identified either the hole will be backfilled immediately or the works completed as planned if the risk can be suitably managed. Air monitoring will be carried out downwind of the holes and tracks close to the boundary with the residential properties. Results will be monitored during each work period and should there be any evidence that the threshold clearance is exceeded the works shall stop immediately, additional mitigation measures employed or works stopped. Wheels of any vehicles will be washed down when leaving the site. In addition Midland Road will be cleaned daily by a road sweeper.

- In relation hazardous ground gases, whilst the risk is considered potentially extremely harmful, the likelihood of any harm occurring to adjacent residents is unlikely. As such the risk is classified as ‘moderate’, i.e.; ‘there is a high probability that slight harm could occur or an improbability that sever harm could occur. Suitable mitigation measures should be put in place to ensure the risk of any harm is removed.’ In coming to this conclusion it is noted that due to the nature of hazardous ground gases (acute risk to human health in a confined space), they should be considered as extremely harmful. However, due to the closest distance from the exploratory holes and adjacent residential properties, the proposed form of investigation is often used for this application and the use of percussive drilling without the need to use a flushing medium prevents the lateral displacement of ground gas. As such, whilst mitigation measures will be employed to protect site staff, none are required to protect adjacent residents.

- In relation to hazards due to biological agents (viruses and bacteria), whilst the risk is potentially harmful, the likelihood of any harm occurring to adjacent residents is unlikely. As such the risk is classified as ‘tolerable’, i.e. ‘there is a low probability that slight harm could occur or an improbability that harm could occur. Minimal mitigation measures are required as the risk from activities is considered acceptable’. In coming to this conclusion it is noted that these biological agents are not airborne, they are related to the direct contact of the skin to contamination. Therefore, the risk to adjacent site users is considered absent and no mitigation measures are required to protect adjacent residents.

- With regard to the potential for noise pollution, this has been assessed using methodology in BS5228-1 – Code of Practice for noise and vibration control on construction sites (2009+A1 2014). None of the activities planned will exceed the threshold levels set out in the Code, as such, given the predicted levels and the

temporary and transient nature of the works, the ground investigations proposed will not cause a significant impact at the receptors along the boundary of the site.

- Activities involving substantial vibration are not planned as part of the supplementary investigation works. Controls and monitoring for vibration are therefore not planned.

- In the event of a complaint being received in respect of nuisance dust, details of the complaint will be logged including: the location of the affected property, time/duration of the problem, weather conditions at the time, the outcome of the investigation into the potential sources of dust, remedial actions taken, communication with the relevant parties including the environmental health enforcement officer at SMBC
All of the above will be recorded within the daily site diary by the site engineer.

- Significant odoriferous material is present within the deeper landfill deposits, and to a much lesser extent within the 'cleaner capping' material, which outcrops at the site surface. The capping layer is on average to depths of around 3m below the existing ground level and no discernible odours have been observed at the site surface. Excavation of the underlying ground below this capping layer is proposed as part of the site works and as such, odoriferous material may be excavated or exposed as part of these investigation works. However, the duration is temporary and of a significantly short duration. All trial pits will be excavated and backfilled within a time period anticipated being approximately one hour. Window sample boreholes will be drilled and backfilled or sealed in as short a time as possible. The cable percussion boreholes will have all arisings bagged on exposure (not left on the site exposed), and the drilling casing will seal the inside of the borehole as it is drilled. Each cable percussion borehole will take between one and two days to complete, at which point a monitoring well will be installed and this will be sealed with bentonite (clay) and concreted in cover, so longer-term exposure is mitigated. Olfactory checks will be undertaken on a frequent basis.

The Preliminary Ecological Appraisal Report submitted with the application advises that:-

- A Phase 1 Habitat Survey and habitat assessment for protected vertebrates was carried out on 9 August 2017 to update previous Phase 1 Habitat Survey carried out by RSK in April 2014 and November 2015. A background data search (BDS) was carried out in April 2014 to obtain any records of notable species or sites in the area.

- The development site is a former landfill site comprising rough grassland and patches of woodland with scrub, tall-ruderal vegetation and ponds. On the site, there is habitat suitable for Badgers, bats, Great Crested Newts, nesting birds, reptiles and Water Voles. Surveys for Great Crested Newts and reptiles were carried out in 2016 and did not record any Great Crested Newts or reptiles on the site.

- The appraisal includes a background data search and a field survey carried out using the extended Phase 1 Habitat Survey methodology.

- The suitability of the site for protected animals was assessed. Taking into account the location and habitats at the site, assessment was carried out for: Badgers; Bats (several species); Nesting birds; and Water Voles. There is no habitat suitable for Otters on the site. Surveys for Great Crested Newts and reptiles were carried in 2014 and 2016, and none were recorded. They are not therefore considered further in the report, though habitats on the site remain suitable for them.

- There are no records of protected species on the site. There are recent records of Badger, Common Pipistrelle, Brown Long-eared Bat, Soprano Pipistrelle, Great Crested Newt, Common Toad, House Sparrow, Skylark, Song Thrush, Small Heath and Wall Brown (butterflies) within 2 km of the site.

- The habitat on and surrounding the site is suitable for foraging Badgers (Meles meles), particularly the rough grassland and scrub. No evidence of Badgers and no Badger setts were recorded during the survey. The current survey effort was sufficient to conclude that no setts are present on site, although there are setts recorded within 2 km. No further action will be required if works commence within 12 months of this survey; otherwise - as Badgers are highly mobile - a repeat check of the site will be required prior to development.

- The site provides suitable foraging and commuting habitat for bats. The mature and semi-mature trees on the site are all in good condition and there are no trees suitable for bat roosting and no evidence of bats was recorded. No further action is required. The trees and scrub along the boundary of the site provide foraging and commuting habitats for bats and are to be retained. If the boundary features were to be removed, then in line with Bat Conservation Trust Guidelines (Collins, 2016) activity surveys at the site would be required to determine the level of use by bats.

- The scrub, ruderal vegetation and scattered trees are suitable habitat for nesting birds. All the habitats are suitable for foraging birds. The site is not suitable for ground-nesting birds due to disturbance from members of the public and their dogs. Removal of vegetation that might be used by nesting birds, such as the trees on this site should only be carried out outside the nesting season (March to August inclusive). If this is not possible, then the vegetation should be checked for nests by an ecologist immediately prior to removal. If nests are found, they must be retained until the young have fledged.

- The ponds and ditch are suitable habitat for Water Voles; however, no evidence was recorded on the site. As such no further action is required.

- In line with the latest planning guidance (The National Planning Policy Framework – NPPF) the proposed development should include carefully considered ecological enhancements. There are numerous opportunities on the site including: retaining and enhancing the line of trees along the eastern boundary of the site; erection of bird nest boxes on the retained semi-mature tree and mature trees; and eradication of Japanese Knotweed and Montbretia on the site.

The Arboricultural Impact Assessment submitted with the application advises that:-

- The majority of the trees onsite are considered to be retention category B being of medium quality and retainable for at least 20 years. In particular the trees along the eastern boundary should be considered as important as they form a dense screen between the site and the residential properties on Lugano Road.

- The remaining trees are considered to be of low or moderate quality and could either be felled to make way for the development of the site without having a negative impact (those which are low quality) or incorporated onto any future scheme to create a feeling of maturity (those which are moderate quality).

- The boreholes have all been located to avoid the RPAs of all individual trees and groups, therefore no impacts are predicted from these investigation points.

- A series of trial pits and window samples are proposed along the eastern boundary of the site. These are presently shown to be within the RPA of several significant tree groups [T11, T12, G2, G5, G7 and G11]. However, all exploratory locations, as stated in the RSK supplementary investigation methodology, can be moved in order to avoid any arboricultural or ecological effects. This is particularly true in relation to any effects to the higher quality groups along the eastern site boundary, which RSK know to be of local value and need to be preserved.

- In order to ensure that all exploratory holes do not impact any tree canopies or root protection areas, it is requested that a condition be attached to this permission to ensure that any required changes to investigation point locations can be made during the works, should the need arise.

- Final co-ordinates of all exploratory locations would be checked with an arboricultural specialist prior to the start of the investigation and all would be clearly demarcated on site using a GPS system. If required, the SMBC Tree Protection Officer could visit site to inspect the marked-out locations of investigation points prior to the start of works.

- On this basis, no arboricultural impacts are predicted in relation to the proposed supplementary investigation.

SITE AND SURROUNDINGS

The application site is located at the western end of Midland Road and accommodates a vacant 3.11 hectare former landfill site comprising naturally regenerated grassland and scrub. The site is undulating with informal tracks present across the site. The site forms part of a wider parcel of land of similar character and was used for the tipping of municipal waste between the early 1950's and 1974. Since the tipping of waste ceased the site has been contoured and grassed over. The site is enclosed by a locked gate to Midland Road with signage advising the public that unauthorised entry is prohibited. The site currently accommodates multiple boreholes which have been in situ since 1994 and are required in connection with the on going monitoring of ground conditions.

The site is bounded to the east by Lugano Road where there is a significant belt of trees along the boundary 5m to 10m deep. To the north of the site beyond the wider

landfill is a railway line and immediately to the west and south the site borders open space which also forms part of the former landfill. Beyond the former landfill the north and west is the air parks site, former Cheadle brickworks site and Adswood Biomass. To the east of the site are residential properties on an estate known locally as Little Switzerland. Closest to the application are 2 storey semi detached houses in Lugano Road whose rear gardens back onto the application site, along with similar houses at the end of Midland Road and houses in Berne Close. Vehicle access to the site is via a pair of gates at the head of Midland Road.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications/appeals to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan includes:-

- Policies set out in the Stockport Unitary Development Plan Review (SUDP) adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &

- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document (CS) adopted 17th March 2011.

N.B. Due weight should be given to relevant SUDP and CS policies according to their degree of consistency with the National Planning Policy Framework ('NPPF') issued on 27th March 2012 (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given); and how the policies are expected to be applied is outlined within the Planning Practice Guidance ('PPG') launched on 6th March 2014.

Saved policies of the SUDP Review

NE1.2 Sites of Nature Conservation Importance
NE3.1 Protection and Enhancement of Green Chains
PG1.3 Adswood

LDF Core Strategy/Development Management policies

CS8 Safeguarding & Improving the Environment
SIE-1 Quality Places
SIE-3 Protecting, Safeguarding & Enhancing the Environment
CS9 Transport & Development
T-1 Transport & Development
T-3 Safety & Capacity on the Highway Network

National Planning Policy Framework Conformity

The Planning Advisory Services' National Planning Policy Framework Compatibility Self-Assessment Checklist has been undertaken on Stockport's adopted Core Strategy. This document assesses the conformity of Stockport's adopted Core

Strategy with the more recently published NPPF and takes account of saved policies from the Unitary Development Plan where applicable. No significant differences were identified.

National Planning Policy Framework

Paragraph 6 states: *"The purpose of the planning system is to contribute to the achievement of sustainable development".*

Paragraph 7 states: *"There are three dimensions to sustainable development: economic, social and environmental".*

Paragraph 11 states: *"Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise".*

Paragraph 13 states: *"The National Planning Policy Framework constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications"*

Paragraph 14 states: *"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".*

For decision-taking this means (unless material considerations indicate otherwise):

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *ii) specific policies in this Framework indicate development should be restricted".*

Paragraph 17 states: *"Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:*

- *be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;*

- *not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;*

- *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;*

- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*

- *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*

- *support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);*

- *contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;*

- *encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*

- *promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);*

- *conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;*

- *actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and*

- *take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs".*

Paragraph 109 confirms that the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible...preventing both new and existing development from contributing to or by being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate.

Paragraph 120 advises that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer.

Paragraph 121 confirms that planning decisions should ensure that the site is suitable for its new use taking into account ground conditions, including from former activities, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that mitigation. Decisions should ensure that adequate site investigation information, prepared by a competent person is presented.

Paragraph 123 advises that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

Paragraph 187 states *"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area".*

Paragraph 196 states *"The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions".*

Paragraph 197 states *"In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development".*

Paragraph 215 states *"……...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".*

RELEVANT PLANNING HISTORY

An extensive planning history exists but there are no extant planning permissions. Most recently:-

DC060490 - Proposed engineering operation involving the creation of a stockpile, the retention of two load test areas (retrospective) and associated works, in order to accelerate ground settlement and improve ground stability. Permission refused in March 2016 on the following grounds:-

1. The proposed development is based on the premise that the surcharging is required to facilitate a housing development. Having regard to the ground contamination of the site and the potential impact of the development in terms of noise, dust, ground contamination, gas, ecology and traffic generation, it is considered that this application to surcharge the site is premature without the applicant demonstrating that the site can be remediated to a level to facilitate a housing development. In the absence of such a justification the proposal is contrary to saved policies NE1.2 'Sites of Nature Conservation Importance', NE3.1 'Protection and Enhancement of Green Chains' and PG1.3 'Adswood' of the Stockport UDP Review and policies CS8 'Safeguarding & Improving the Environment', SIE-1 'Quality Places', SIE-3 'Protecting, Safeguarding & Enhancing the Environment', CS9 'Transport & Development', T-1 'Transport & Development' and T-3 'Safety & Capacity on the Highway Network' of the Stockport Core Strategy DPD.

2. The proposed development represents only the first phase of the surcharging of the wider site. Having regard to the location, ground and gas contamination, ecological interests of the site and the proximity of residential properties, it is considered that the surcharging of the site should be assessed as one comprehensive proposal so that the full and interactive impacts arising from the complete surcharging proposals can be fully assessed. In the absence of comprehensive proposals, the development is contrary to saved policies NE1.2 Sites of Nature Conservation Importance, NE3.1 Protection and Enhancement of Green Chains and PG1.3 Adswood of the Stockport UDP Review and policies CS8 Safeguarding & Improving the Environment, SIE-1 Quality Places, SIE-3 Protecting, Safeguarding & Enhancing the Environment, CS9 Transport & Development, T-1 Transport & Development and T-3 Safety & Capacity on the Highway Network of the Stockport Core Strategy DPD.

3. The application fails to adequately demonstrate what impact the proposed development will have in terms of ground contamination, gas, noise and dust pollution; what measures are proposed to protect adjoining properties against such impacts and what measures are proposed to mitigate against any harm that may arise in respect of these impacts. As such the proposal is contrary to saved policy PG1.3 'Adswood' of the Stockport UDP Review and policies CS8 'Safeguarding & Improving the Environment', SIE-1 'Quality Places' and SIE-3 'Protecting, Safeguarding & Enhancing the Environment' of the Stockport Core Strategy DPD.

4. The proposed development will result in the loss of 2 ponds which are listed as priority habitats in the UK Biodiversity Action Plan and Local Biodiversity Action Plan without replacement, resulting in harm to the ecological interests of the site and the

function of the Green Chain. As such the proposal is contrary to saved polices NE1.2 'Sites of Nature Conservation Importance' and NE3.1 'Protection and Enhancement of Green Chains' of the Stockport UDP Review and policies CS8 'Safeguarding & Improving the Environment', SIE-1 'Quality Places' and SIE-3 'Protecting, Safeguarding & Enhancing the Environment' of the Stockport Core Strategy DPD.

5. The application fails to adequately outline proposals in relation to the future of the stockpiles once surcharging is complete together with the impacts of such proposals in terms of traffic generation, ecology, ground contamination, gas, noise and dust pollution; what measures are proposed to protect adjoining properties against such impacts and what measures are proposed to mitigate against any harm that may arise in respect of these impacts. As such the proposal is contrary to saved policies NE1.2 'Sites of Nature Conservation Importance', NE3.1 'Protection and Enhancement of Green Chains' and PG1.3 'Adswood' of the Stockport UDP Review and policies CS8 'Safeguarding & Improving the Environment', SIE-1 'Quality Places', SIE-3 'Protecting, Safeguarding & Enhancing the Environment', CS9 'Transport & Development', T-1 'Transport & Development' and T-3 'Safety & Capacity on the Highway Network' of the Stockport UDP Review.

6. The development is 'Schedule 2 development' within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 being an Urban Development Project as described within the meaning of paragraph 10(b) of Schedule 2 of the Regulations and exceeding the 1ha threshold in Column 2. Assessed against the three selection criteria identified in Schedule 3 of the said Regulations, it is considered that the development is likely to have significant and complex effects on the environment by virtue of the nature, scale and location of the site/ development. Accordingly any planning application for the development should be accompanied by an Environmental Statement.

NEIGHBOUR'S VIEWS

The owner/occupiers of 54 neighbouring properties have been notified by letter and the proposal has been advertised on site and in the press as a major development.

To date 12 letters have been received objecting on the following grounds:-

- The land is seriously contamination so why is Persimmon still planning to redevelop the site? Such proposals put adjacent residents in danger from contamination. Future occupants of the site would be at danger when growing vegetables which would be unsafe to eat due to the type of chemicals found. This land is wholly unsuitable for development for a number of reasons. Not least due to the completely inadequate local infrastructure, lack of local school places and the very disturbing findings regarding asbestos/ chemicals on the land which will absolutely no doubt be released should development or detailed intrusive site investigations be undertaken.

- Workers will be equipped with breathing apparatus but how will adjacent residents be protected from airborne contamination.

- The site also contains cadmium, mercury. There is a fair amount of poisonous leachate seeping into the surrounding area, and the plan would squeeze more of this into the local water table.

- Methane levels on the site are at dangerously high levels which present a major explosion risk: I have seen huge flares of methane being burned off.

- Persimmon Homes have suggested the worst area to be effected will be to the east which happens to be our residential area but they believe the tree line will protect us. This is the tree line that has been systematically destroyed and thinned. This dust no matter whether damped down or not will contain potentially hazardous particles disturbed from underground by this process will be carried on the wind when dry and will have to settle somewhere.

- One of the reports states that there is no reptile life on this land at the time of inspection. However adjacent garden areas often have lizards in during the summer which suggests that there are also lizards on the field. There are also families of foxes and, in the Spring, cubs can be seen and heard playing in an evening. There are also herons that constantly frequent the land and surrounding gardens as well as a beautiful family of peacocks. The wildlife over the years has been reduced, but not naturally. This reduction is due to the deliberate destruction of the habitats in the way trees, grasses and shrubbery are "maintained" and "controlled". If left, even more wildlife would return.

- Hosing down vehicles is not going to prevent mud transference.

- The tree line cannot be relied upon to suitably protect residents from ground or air contaminants. It is well documented that this land is highly contaminated, any water that is disturbed will run into our garden, as it is at a lower level than the proposed land, and I do not feel that my family or pets should be exposed to this.

- The volume of traffic, for the work force and the machinery will also have an impact on the local roads. The roads were not designed for heavy vehicular use. The start of work time is also stated as 8.00am, at which time many of the side roads are used as a shortcut, to cut out part of Bramhall Lane South, depositing people at the junction of Midland Road, which for the majority of the time is single file due to parked cars. The increased volume of traffic at this time of day will cause congestion, as it is also the same time of day as people start to arrive for school drop off where parents are encouraged to park further away from school, such as the Midland Road area, and walk the short distance. This also contributes to the majority of surrounding roads being single file to traffic.

CONSULTEE RESPONSES

EHO Contamination - Potential Risks include contamination within soils and groundwater and hazardous ground gases/biological agents. Taking each in turn:-

Contamination within soils and groundwater

Low levels and isolated hotspots of contamination are expected to be found during the investigation however the possible pathway for contamination is by direct contact with the contaminant, site staff will be in close proximity to the contaminants during the soil sampling and drilling works however these risks will be mitigated through health and safety procedures including site inductions and PPE. Visitors will not be allowed to handle the soils and will be accompanied at all times. Trespassers on site will be discouraged from entering through signage and security; if trespassers do enter during working times all work will stop. If trespassers enter during site closure times, all exploratory holes will have been backfilled and sealed with either a borehole cover or with the upper 1m of soil which is currently in place.

Off site residents are unlikely to come into direct contact with the contaminants due to site security, thick vegetation, distance from the source, methods of investigation used (due to the type of equipment used, the soil arisings which are brought to the surface will be minimal and will be bagged and disposed of in a lockable skip immediately) Trial pits will be exposed for a maximum duration of 1 hour and will then be backfilled with the original top layer of soil reinstated at the surface.
The proposed investigation is unlikely to cause any impact to the underlying groundwater or surface waters due to the use of clean drilling techniques. The Environment Agency has also been consulted and has no objections.

Hazardous Ground Gases/Biological Agents
Due to the nature of hazardous ground gases (acute risk to human health when accumulation occurs within a confined space) they should be treated as extremely harmful. However there are no works within buildings or confined spaces that will be undertaken and ground gas monitors will be used on site by staff. There will be no entry in to excavations allowed and the ground gas dilution in to the atmosphere will be high, any potential risks will be significantly reduced as any gas will dissipate into the atmosphere during the investigation works. Nearby residents will not be affected due to the distance from the exploratory holes and the dilution rate to atmosphere. There is no risk of the ground gases moving laterally within the soils as no flushing medium (pressurised air/water) will be used. Hazards due to biological agents (bacteria and virus) These hazards occur naturally on site and not as a result of the investigation works, site staff will be within close proximity to the soils however due to the use of PPE and managed investigation techniques.

Nearby residents will not be at risk as the biological agents are not airborne and only related to direct contact with skin. All works will also be undertaken by Qualified Environmental Consultants and in accordance with relevant British Standards such as BS10175.

As noted in the objections, one of the comments discusses squeezing of leachate into the surrounding area and watercourses. Please note that there is only a potential for this to happen during surcharging of the site or actual building works, this planning application relates only to a proposed site investigation therefore, the squeezing of leachate is not relevant in this case. The EA have been consulted too and have no objections.

Another objection discusses future growing of vegetables on site, again this is not relevant to this application as it only covers a proposed site investigation and will not involve building work, landscaping etc.

On the basis of the above I raise no objection.

EHO Noise - Background noise levels have been taken from a number of locations, assessed against projected noise levels in line with guidance. Noise levels should be below the threshold of significance in line with guidance, therefore should not cause a significant impact upon residential receptors. Conditions can be imposed to restrict the hours of operation to between 08.00-17.00. Given that the site will be operational for 10 days only I do not object to the above development

EHO Dust - It is considered that the nearby residents are unlikely to come into direct contact with site soils, due to the site conditions (thick vegetation), distance from the source, the duration of the works and the methods of investigation adopted. Soils are unlikely to become airborne through dust generation due to minimising vehicle trafficking on site, use of tracked excavator and not wheeled excavator, the water suppressant systems to be used and the backfill procedures proposed for the works. Window sampling along the eastern edge uses a mobile tracked drilling rig, which will minimises ground disturbance in this area and the volume of soils brought to the surface are very small. All drilling arisings will be bagged and disposed of in a covered and lockable skip. Trial pits are to be backfilled quickly, with the existing upper 1m of soil and vegetation reinstated at the surface.

As for public accessing the site without permission, only very low levels of asbestos have been noted during previous investigations, with no evidence of elevated levels of fibres becoming airborne during the works. Trespassers on the site have been discouraged to enter the site through signage and fencing. However, if they do enter it is unlikely that they will come into contact with any airborne asbestos fibres, due to the following reasons: works will stop if any members of the public approaches the works area and all exploratory positions will be backfilled and sealed with either the borehole covers, or with the upper 1m of soils and vegetation, which is currently in place at the site finally all waste soils will be kept in a locked skip and removed from site quickly following the works.

For people accessing the site with permission only very low levels of asbestos have been noted during previous investigations, with no evidence of elevated levels of fibres becoming airborne during the works. Any site visitors will undergo site inductions by the site engineer and will adhere to PPE requirements on site. Visitors will not be permitted to handle the soils or come within close proximity of the excavations or drilling operations. It is therefore unlikely that there will be direct contact with airborne asbestos fibres. All site visitors will be inducted with the site rules and will be accompanied at all times. The mitigation methods used to control dust should also control the release of any asbestos fibres. Notwithstanding this a sampling methodology should be put forward to ensure that no fibres have become airborne during the process.

Nature Development Officer- The site comprises rough grassland with marshy areas and patches of woodland with scrub, tall-ruderal vegetation and ponds. The site has

no legal nature conservation designations. It is however designated as Green Chain under the retained policies within the UDP. This is not referred to within the ecological report submitted as part of the current application. As part of the larger development site, I am satisfied that the functionality of the Green Chain can be maintained with adequate mitigation/compensation proposals.

The site has the potential to support protected species such as great crested newts, reptiles, nesting birds, badgers and bats. An ecological survey has been undertaken in August 2017 and submitted the application. This survey was carried out by a suitably experienced ecologist. The survey mapped the habitats present and assessed their potential to support protected species. The current survey updates previous survey work undertaken in April 2014, November 2015 and 2016.

Four ponds are located on site (three of which are within the current application area). These ponds were surveyed for great crested newts in 2014 and 2016. Great crested newts are protected under UK (Wildlife and Countryside Act 1981 (as amended)) and European legislation (The Conservation of Habitats and Species Regulations, 2010). The 2017 ecology report states suitable habitat is present but that no evidence of great crested newts was recorded during the surveys. No further information is provided. For completion I would ask that a brief summary of the survey methods (to confirm accordance with best practice survey guidance) and results is submitted to the LPA for review. The applicant should also bear in mind the length of time that survey data remains valid and that update surveys for great crested newts would be recommended in Spring 2018. From reviewing previous information relating to the site it is understood that a medium population of smooth newts was recorded in 2014 and the ponds were found to contain frogs and common toad (Section 41 species, UK Priority species).

The 2017 Ecology Report states that reptile surveys were carried out in 2014 and 2016 and that no reptiles were recorded on site. Reptiles are protected under the Wildlife and Countryside Act 1981 (as amended). It would be useful if a brief summary of the reptile surveys could be submitted (i.e. confirmation that surveys were in accordance with best practice).

Many trees have the potential to support roosting bats. Bats receive the same level of legal protection as great crested newts (outlined above). The trees within the application area were assessed as to their potential to support roosting bats. No potential bat roosting features were identified. The site does however offer suitable bat foraging and commuting habitat.

Suitable habitat for badgers (particularly foraging) was recorded on the site, however no evidence of badgers or their setts was found. Badgers are legally protected under the Protection of Badgers Act 1992.

Potentially suitable water vole habitat was present on the site through the presence of ponds and a ditch, however no evidence of water voles was found. Water voles are protected under the Wildlife and Countryside Act 1981 (as amended).

Suitable nesting habitat for breeding birds is provided by the trees, scrub and tall ruderal vegetation on site. All breeding birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended).

Japanese knotweed and Montbretia were recorded on site. These invasive species are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to spread or otherwise cause to grow these species in the wild.

The proposed window sampling locations are focused along the eastern boundary of the site, and in their current location would adversely impact on the trees within this area. This is an important habitat feature within the site and so I would expect it to be retained and enhanced as part of the wider development of the site (as per sections 4.3.2 and 4.4 of the 2017 ecology report). The Supplementary Investigation Methodology submitted with the application states that the proposed sample locations can be moved if necessary to avoid vegetation/trees. I would therefore ask that this is done to minimise potential impacts on the trees and associated habitats.

All retained trees should be adequately protected from any adverse impacts associated with the proposals in accordance with British Standard best practice and following advice from the relevant Council Arboriculture Officer.

No evidence indicative of great crested newts, reptiles, badgers or water vole has been recorded during the ecology surveys. I would ask that a brief summary of the great crested newt and reptile surveys is submitted to the LPA for completeness (confirming that surveys were carried out in accordance with best practice survey guidelines). I would also advise that an informative is used so that the applicant is aware that the granting of planning permission does not negate the need to abide by the legislation in place to protect biodiversity and it at any time during works protected species are discovered on site, works must cease and a suitably experienced ecologist contacted for advice. The applicant's attention should also be drawn to the length of time survey data is valid for and bear in mind that update surveys (including for badger and great crested newts) are recommended in 2018 as part of the proposed wider development for the site.

To protect the habitats on site and prevent potential risks to amphibians (including common toad, which is a UKBAP species) it is recommended that the following condition is attached to any planning permission granted [BS 42020:2013: D.4.1]:
No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
a) Risk assessment of potentially damaging construction activities.
b) Identification of "biodiversity protection zones".
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The following condition should be attached to any planning permission granted: [BS42020: D.3.2.1] No vegetation clearance works should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before vegetation clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the LPA.

[BS42020: D.3.10] Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the LPA, detailing the containment, control and removal of Japanese knotweed and Montbretia on site. The measures shall be carried out strictly in accordance with the approved scheme.

Tree Officer - There are no legally protected trees within this site or affected by this development. The proposal for window sampling locations are focused along the eastern boundary of the site and have the potential to impact on the trees located within the site and on the edge of the development site.

Any tree loss would be detrimental as they offer a high level of amenity and biodiversity in a very urban part of the borough. The positon of the trial holes will impact too much on the existing tree groups and it is suggested that the trial holes be moved away from the tree canopies as per the Supplementary Investigation Methodology submitted with the application.

Conditions should be imposed to ensure that no trees should be removed other than those shown on the submitted plans (without the prior written approval of the local planning authority) and all retained trees shall be protected during the works.

Environment Agency - We have no objection in principle to the proposed Ground Intrusive works and no further comments to make.

ANALYSIS

By way of background, Members are advised that the works proposed by the application are generally held not to require planning permission and are routinely carried out on sites known to have contamination issues so to inform the options for those sites in terms of development proposals and ongoing maintenance. Such works also form an important element of preparatory works

required in advance of the submission of planning applications to ensure that the appropriate level of information is submitted with such applications as well as the appropriate mitigation measures. Indeed, Members are advised that similar works have been carried on this and the wider site to the west in 1994, 2004, 2013 and 2015, all without the need for planning permission.

In July 2017, consultants acting on behalf of the applicant contacted residents adjacent to the site in writing to give them advance notice of their intention to carry out survey works on the site. As a result of this, the Council received numerous complaints from residents in relation to the planned works and accordingly, engaged with the consultants to obtain further information.

As a result of those discussions and with the co-operation of the applicant the Council took the view that the works proposed constitute development, namely an engineering operation requiring planning permission.

In coming to this position Planning Officers applied/followed the following process:-

The definition of development within Section 55 of the Town and Country Planning Act is the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

The works being proposed are not exempt from being classed as development under the provisions of Section 55(2) of the act.

The nature and scale of the works especially in relation to the formation of permanent boreholes fitted with grid tops along with the use of specialist machinery to carry out both the digging of inspection pits and drilling of boreholes in the opinion of the Council is an ‘engineering’ or ‘other operation’ and as such constitutes development within the meaning as defined in the Act.

The development is not permitted by any class in the General Permitted Development Order and therefore planning permission is required for the works.

The Council notes that pre application investigations are carried out on a regular basis including historically on this site, however in this case as a matter of fact and degree the Council considers that planning permission is required due to the fact that: -

1. The works go beyond a normal pre application site investigation, in this case it is clear that the permanent bore holes are being installed so that levels of contamination can be monitored over a considerable period of time and therefore the investigation is not being carried out as part of an planning application which will be submitted in the immediate future, or are being carried out to comply with a condition imposed on a planning permission.

2. The works as a matter of fact and degree will be intrusive (going beyond a simple site investigation with an auger etc.) it will involve excavations and the

drilling of bore holes and will therefore have the potential to impact upon the amenity of the occupiers of nearby dwelling houses.

It is accepted that similar investigative works have been undertaken on several occasions since 1994, however, this does not mean that planning permission was not required for those works. It would appear that no Planning Officers were involved in discussions relating to the previous investigations nor were complaints made to the Planning department about the impact of such works. As such, Planning Officers were not in a position to make a judgement as to the need for planning permission. It could also have been the case that previous investigations were less intrusive, covered different parts of the site (which at least one did), required a lesser form of investigation and/or the use of different equipment, all of which could affect the need for planning permission. The Council deal with such investigations on a case by case and where notified of the proposed works, will carry out an assessment to ascertain if the works as a matter of fact and degree are development within the meaning of Section 55 of the Act.

Accordingly, the applicant respected the Council's position and cancelled all works planned. The application now submitted therefore seeks planning permission to carry out the investigative works as detailed above and includes supporting information requested by Council Officers.

The main issues for consideration are the impact of the development in terms of impact on residential amenity through contamination, noise and dust together with the impact in terms of ecology (trees and protected species).

Prior to the consideration of those issues it is important to note that whilst the site is heavily contaminated, it is identified within the UDP Review as a Policy Guidance Area (PG1.3 east). Policy PG1.3 'Adswood' confirms that 'a comprehensive planned approach to redevelopment will be adopted in line with a Planning Brief for the former tip. Three zones are identified for possible redevelopment in the PGA: PG1.3 (north), PG1.3 (east) and PG1.3 (west) on the periphery of the area of Strategic Open Space…….Development proposals will have to demonstrate the measures that will be provided to ensure the permanent safety from methane gas and any other contaminants for future occupiers of the site and neighbouring users.'

Whilst no planning brief has been published to date, the principle of residential development on this site has been accepted through the grant of outline planning permission in 2006 for the redevelopment of the site to provide 163 managed flats and 24 sheltered flats for elderly persons with associated gas venting systems and construction of vehicle access from Midland Road (DC002039 refers) which was renewed in 2013 (under reference DC043068) and expired on 19th December 2016.

Members are advised that it is a clear requirement of the UDP Review that any development proposals for the site have to demonstrate measures to ensure that permanent safety of future and existing occupiers. In order to demonstrate that is the case, it is essential that investigative works such as those proposed by this

application take place. In considering this application, given the requirements of policy PG1.3, the issue of whether such investigations should take place is perhaps therefore not for debate but rather, how the works are to be carried out and what mitigation measures are proposed to ensure that such investigations minimise any impact.

It should also be noted that aside from the planning consideration of this application, the works are regulated by more detailed wide ranging regulations to which the development has to adhere to ensure that it is safe in terms of public health.

Impact in terms of Contamination

Clearly, the issue of contamination is the main concern arising from the development proposed and the applicant has sought to address this in their submission. Members are reminded that it is a clear requirement of the UDP Review that any future development proposals for the site will have to demonstrate measures to ensure that permanent safety of future and existing occupiers. In order to demonstrate that is the case, it is essential that investigative works such as those proposed by this application take place.

The applicant has considered the potential for contamination through the soils, groundwater and ground gases. The proposed development in this respect has been assessed against the industry standard BS ISO 18400-103 (2017). The methodology submitted with the application advises that it is considered unlikely that any harm to adjacent residents will occur in relation to contamination from these sources. This is because nearby residents are unlikely to come into direct contact with site soils, due to the site conditions (thick vegetation), distance from the source, the duration of the works and the methods of investigation adopted. Furthermore soils containing any contamination are unlikely to become airborne through dust generation due to the limited amount of vehicle traffic on site, use of tracked excavator and not wheeled excavator, the water suppressant systems to be used and the backfill procedures proposed for the works. In addition to this, there will be minimal ground disturbance along the eastern boundary of the site through the use of a mobile tracked drilling rig and in any event, the volume of soils brought to the surface are very small and will be bagged and disposed of in a covered and lockable skip.

In considering the above, it should be noted that despite the concerns raised by neighbouring occupiers, only very low levels of asbestos have been noted during previous investigations, with no evidence of elevated levels of fibres becoming airborne during the works. Monitoring of the excavations by specialist personnel will be carried out and if asbestos is detected, work will cease to allow the soils to be checked and to make sure they are damp. Once the material has been sampled then depending on the type of asbestos containing material identified, either the hole will be backfilled immediately or the works completed as planned if the risk can be suitably managed. Air monitoring will be carried out downwind of the holes and tracks close to the boundary with the residential properties. Results from this will be monitored and if there is any evidence that the threshold clearance is exceeded the works shall stop immediately. Work will not start again until additional mitigation measures are employed. In addition to this, a wheel

wash will clean vehicles leaving the site and Midland Road will be cleaned daily by a road sweeper. As such, it is considered unlikely that the nearby residents will come into direct contact with airborne asbestos fibres.

In relation hazardous ground gases, the likelihood of any harm occurring to adjacent residents is unlikely due to degree of separation between the proposed works and residential properties. In addition to this, any gases emitted will be able to disperse easily into the atmosphere during the investigation works.

Having considered all the above, the Council's EHO has concluded that subject to the development being carried out in accordance with the Methodology submitted, then there should be no adverse impact arising from contamination. Members are advised that a condition requiring the compliance of the development with the Methodology can be imposed on any planning permission. Accordingly, and noting that the works are necessary to comply with the requirements of policy PG1.3, objections relating to harm arising from contamination cannot be sustained.

Impact in terms of Noise

The only noise generated from the proposed operations is that associated with the use of the machinery required to carry out the excavations of the trial pits, the drilling of the boreholes and the window sampling. This includes a 13 tonne tracked excavator for the trial pits, a drilling rig and track mounted percussion sampler for the creation and window sampling of the boreholes.

In assessing the impact of the development in this respect, the applicant has taken existing background noise readings and advises that none of the activities planned will exceed the threshold levels set out in BS5228-1 – Code of Practice for noise and vibration control on construction sites (2009+A1 2014). On this basis it is not considered that there will be any adverse harm in relation to noise pollution, a view which the Council's EHO concurs with.

Conditions can be imposed to restrict the hours of operation, duration of the proposed works and type of machinery used. Bearing in mind that the proposed works are extremely limited in their duration (10 days in total) and will take place only during the hours of 8am to 5pm Monday to Friday, it is not considered that an unreasonable level of noise will be generated by the proposed development. On this basis, objections relating to noise pollution cannot be sustained.

Impact in terms of Dust

The potential for dust to be generated arises mainly from the excavation of the trial pits and drilling of the boreholes.

The belt of trees along the eastern boundary of the site is some 5m to 10m deep and whilst this clearly might not form a barrier to all dust arising from the operations proposed, it will assist. In addition to this, the use of a tracked excavator and drilling rig will help minimise dust and any that is generated will be suppressed with water. Any material arising from the drilling of the boreholes will be bagged and stored in a covered skip.

The EHO considers that given the operations proposed, the machinery and water suppression measures to be employed, there will not be unacceptable levels of airborne dust generated by the works proposed. Conditions can be imposed to ensure that the development is carried out in the manner suggested by the applicant.

Impact on Ecology

The eastern boundary of the site is formed in the most part by a belt of mature trees, 5m to 10m deep. None of these trees are protected and can be removed without consent. Notwithstanding this, it is noted that the window sampling positions are all within this belt of trees and it is difficult to see how this element of the works could be carried out without substantial tree removal. This wooded buffer plays an important role in terms of protecting the residents on the west side of Lugano Road from any works planned on the application site; it is therefore not only important to the residents that it is maintained but also to the applicant in terms of their ability to carry out the proposed works in a reasonable manner.

The Methodology submitted with the application confirms that the location of each investigation point could vary slightly from that shown on the submitted plans due to the presence of vegetation (trees or bushes). The applicant has therefore suggested that a condition be attached to any planning permission to ensure that any required locational changes can be carried out during the works should the need arise. This approach is considered appropriate and Members are advised that an appropriately worded condition can be imposed to ensure that the location of the works does not result in the reduction of this buffer. This condition will ensure that the final position of these sample location is agreed on site with the Planning Officer and that a plan will then be submitted showing the agreed position of these locations. Members are advised that no agreed location will be any closer to residential properties than those shown on the submitted plans. This condition will ensure that there is no tree loss associated with the proposed works.

The Council's Nature Development Officer has confirmed that the site has no legal nature conservation designations but is designated as Green Chain under the retained policies within the UDP. The site has the potential to support protected species and an ecological survey was undertaken in August 2017 which is submitted the application.

No evidence indicative of great crested newts, reptiles, badgers or water vole has been recorded during the ecology surveys. Accordingly, it can be concluded that the proposed development will not have an adverse impact upon the ecology of the site in terms of protected species.

Conditions can be imposed to ensure that update surveys (including for badger and great crested newts) are carried out in Spring 2018 if the development has not commenced by that time as well as that restricting vegetation clearance within the bird nesting season.

An informative can also be attached to any planning permission advising the applicant that the granting of planning permission does not negate the need to abide by the legislation in place to protect biodiversity and it at any time during works protected species are discovered on site, works must cease and a suitably experienced ecologist contacted for advice.

It is noted that the Nature Development Officer has requested the submission and approval of a construction environmental management plan (CEMP: biodiversity) prior to the commencement of the development. The purpose of this condition is to protect the habitat of the common toad. Members are advised that the common toad or its habitat is not afforded the same level of protection as great crested newts, reptiles, badgers or water vole. As such, and having regard to the scale and nature of the works proposed, it is not considered reasonable to impose a condition as suggested. Equally, it is not considered reasonable to impose a condition requiring the submission and approval of details to contain, control and remove non native species such as knotweed or montbretia (crocosmias) as only 3 stands of knotweed and a small stand of montbretia were identified. The applicant has offered to provide an exclusion area around this part of the site which is considered sufficient to address the concerns of the Nature Development Officer. An informative can be attached to the decision notice reminding the applicant of the need to do this.

Other Matters

In response to objections received from residents, Members are advised that the impact of any potential plans for the future redevelopment of this site is not relevant to the consideration of this application.

Foxes, herons and peacocks are not protected species and as such, the impact of the development in respect of these species can be afforded little weight.

In terms of traffic generation and its impact on the safety and capacity of the local road network, the applicant advises that there would be up to 10 vehicles delivering materials and equipment to the site at the start of the investigation and approximately 7 staff on site during the investigation. Given the limited scale and temporary nature of the works proposed, it is not considered that any additional impact would not be sufficient to justify the refusal of planning permission.

RECOMMENDATION Grant subject to conditions

BRAMHALL AND CHEADLE HULME SOUTH AREA COMMITTEE 14TH DECEMBER 2017

The Planning Officer introduced the application and Members asked the Planning Officer about the contamination on the site and how the development would impact on adjacent residents in this respect. Cllr Bagnall asked if there is an extant planning permission in relation to the site and was advised that there is not. Cllr Hunter noted that the principle of the redevelopment of the site has been agreed through the planning process and history of the site.

Cllr McGahan asked if this type of development normally requires planning permission and was advised that it normally does not. The Planning Officer explained the reasons why an application had been requested (as is outlined in the report).

A resident spoke in opposition of the application making reference to the extensive history of the site and levels of contamination which exist.

Katie Foster of RSK spoke in favour of the application, explaining how the development would be carried out and what mitigation measures are proposed to protect residents.

Cllr Bagnall asked if there would be a wheel wash for vehicles leaving the site and was advised that there would be.

Cllr Walker asked about the contamination that exists and was advised that there is much information in this respect however the proposed works will complete the knowledge of the current position and will enable assessment against current regulations. Cllr Walker also asked about the drilling rigs and the noise emitted from them and was advised that they are powered by a small diesel engine and are not noisy (within acceptable levels).

Cllr Bodsworth commented that previous applications have considered all the arguments heard tonight. It is important that the work proceed so that more information about what contamination is present can be gained. He understands the concerns of residents but it is better that we know what contamination is present so that it can be addressed.

Members agreed the recommendation.