

Planning Reference No:	09/2083C
Application Address:	Albion Inorganic Chemicals, Booth Lane, Moston, Sandbach, Cheshire, CW11 3PZ
Proposal:	Outline application for comprehensive redevelopment comprising of up to 375 residential units (Class 3); 12,000 sqm of office floorspace (Class B1); 3810 sqm of general industrial (Class B2), warehousing (Class B8), car dealerships and petrol stations (Sui Generis) and fast food restaurant (Class A5) uses; 2600 sqm of commercial leisure uses incorporating hotel (Class C1), restaurant/pub uses (Class A3/A4) and health club (Class D2); retention and change of use of Yew Tree Farm Complex for local centre use (Classes A1, A2, A3, B1 and D1); public open space; together with access and associated infrastructure.
Applicant:	Countryside Properties (Northern) Ltd
Application Type:	Outline
Grid Reference:	373132 362923
Ward:	Congleton Rural
Earliest Determination Date:	10 th September 2009
Expiry Dated:	14 th October 2009

SUMMARY RECOMMENDATION:

- **APPROVE** subject to Section 106 Agreement and conditions.

MAIN ISSUES:

- Principle of Development
- Amenity
- Landscape and Tree Matters,
- Conservation and Design Matters
- Drainage and Flooding,
- Affordable Housing,
- Highways
- Education
- Open Space Provision

1. REASON FOR REFERRAL

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

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to approximately 19ha of land and is situated 3.6km north west of Sandbach Town Centre, and is 4.5km south east of Middlewich. The site comprises two distinct areas, an intensively developed chemical manufacturing facility extending to approximately 11.2ha, and a former sports ground affiliated to the chemicals factory extending to approximately 7.8ha. The former factory site has recently been cleared and now comprises a hardcore surface.

The former sports ground was predominantly undeveloped but does include the Grade II listed, Yew Tree Farm House, which dates from the 16th century, with 19th century additions. The predominantly two storey farmhouse was recently used as a club for Directors of the chemical works but has stood vacant for approximately 10 years. Constructed from an oak frame with plaster panels, the farmhouse was extended and partially rebuilt in brick. The listing description for the building notes that there is currently a clay roof in situ but concludes that this was probably formerly thatched.

The listed building and its curtilage structures which are also listed but proxy and were formerly used a staff social club are currently unoccupied. And have been party to various degrees of damage due to relatively recent criminal acts of both vandalism and theft. The buildings are secured in order to prevent further incidents. However, the complex does not benefit from any natural surveillance due to it's isolation from the chemical plant and therefore there is a high probability of further criminal damage occurring in the future whilst the buildings remain undeveloped and unoccupied.

The application site has a plethora of identified constraints including a pedestrian footpath, which provides links through the site to the wider countryside to the north, an electricity substation and a series of mature trees.

The character of the surrounding area is determined by its location within the Cheshire Plain and predominantly open countryside. However, there are additional industrial uses situated off Booth Lane, notably an electricity substation directly to the north –west and the British Salt Works complex located off Booth Lane, which affect the site's setting. An area of semi-national ancient woodland, Hollins Wood, comprises native tree species is located to the south east of the site beyond the railway line. In addition Sandbach Flashes Site of Special Scientific Interest (SSSI) is located to the west of the site beyond the Trent and Mersey Canal

On the west, the site has a long frontage to the A533, and it is bounded by the Sandbach to Middlewich railway line to the south. The site also lies adjacent to the Trent and Mersey Canal which is a designated Conservation Area.

3. DETAILS OF PROPOSAL

Outline Planning permission is sought for the comprehensive redevelopment of the site for a mix of uses including up to 375 residential units (Class 3); 12,000 sqm of office floorspace (Class B1); 3810 sqm of general industrial (Class B2), warehousing (Class B8), car dealerships and petrol stations (Sui Generis) and fast food restaurant (Class A5) uses; 2600 sqm of commercial leisure uses

incorporating hotel (Class C1), restaurant/pub uses (Class A3/A4) and health club (Class D2); retention and change of use of Yew Tree Farm Complex for local centre use (Classes A1, A2, A3, B1 and D1); public open space; together with access and associated infrastructure.

4. RELEVANT HISTORY

The applications site's lawful use as a chemical plant pre-dates the advent of the Town and Country Planning Act in 1947. Accordingly there are no planning records associated with the original development of the site. Planning applications for the site post 1947 are associated with the plant's incremental growth and do not have any relevance to the current application.

5. POLICIES

National Policy

PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPS7 Sustainable Development in Rural Areas
PPG13 Transport
PPS23 Planning and Pollution Control
PPS25 Development and Flood risk.

Local Plan Policy

PS8 Open Countryside
GR21 Flood Prevention
NR4 Non-statutory sites
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR16 Footpaths Bridleway and Cycleway Networks
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 Habitats
NR5 Habitats
H6 Residential Development in the Open Countryside
H13 Affordable Housing and low cost housing
E10 Re-use and redevelopment of existing employment sites

6. CONSULTATIONS (External to Planning)

Archaeologist

- There is no evidence that the site contains below ground archaeological remains of national importance or of sufficient importance to warrant preservation *in situ*.
- There is one area of archaeological potential within the application area, an area currently used as farmland at the south-eastern part of the proposed development area. This should be subject to a programme of geophysical survey in order to establish the need, if any, for further archaeological mitigation. This should be secured by condition

English Heritage

- No comments
- The Application should be determined in accordance with national and local policy and the Councils own specialist advice.

British Waterways

- No objection to the redevelopment of the brownfield part of the site
- Impact of development of the southern Greenfield Area could be reduced through the reconfiguration of the master plan
- The green space shown around the hotel and gym could be designed on a board linear northeast-southwest alignment in a green swathe right through the site from the road and canal to open fields beyond
- The business park could be relocated to allow a less dense urban grain, possibly to the northern end of the site providing buffer between the sub-station and residential areas.
- The large roadside willows should be retained at the northern end of the site to safeguard the visual amenity of the canal conservation area
- The pub will represent a facility for boaters using the nearby canal and they support this aspect of the scheme
- There may be opportunities to use canal water for heating or cooling within some the development areas open site especially the industrial areas

United Utilities

- No proposals have been submitted in respect of the foul drainage for the site.
- The applicant has not stated the supply volumes required.

Natural England

- Does not object to the proposal.
- There will be no adverse impact on Sandbach Flashes SSSI
- Further protected species information is required to ascertain the likely effect of the proposal on protected species (Bats & Barn Owls).
- It is important to ensure that all possible alternative uses have been considered and that the proposed use enhances the much degraded corridor between Middlewich and Sandbach.
- A new development does not need to be completely screened, Tree planting and 3 m high artificial bunds are not necessary if new development

is well designed, takes the best features of the surrounding landscape character into account and is acceptable in its own right.

- They support the establishment of new woodland and tree planting in appropriate locations and patterns.
- Environmental Stewardship can help to enhance the farmed landscape, and agricultural land within the site boundary may be eligible for this too.
- They support the aim of keeping proposed built development to a lower level than the existing development.
- Careful control would be needed to ensure that the overall mass and sometimes the height of the proposed buildings would not be greater than the existing.
- There are mature trees present, which make a significant contribution to local amenity and should be protected within the development.

Network Rail

- No objection in principle
- The Design and Access Statement makes an error in describing the railway as a freight railway. The line serves as an important diversionary route for passenger as well as freight services. Increasing levels of rail usage mean it is possible that more traffic will be routed this way in the future
- The developer is responsible for removing the existing rail connection into the site.
- The applicant must liaise with Network Rail's engineers regarding matters such as excavation, drainage, demolition, lighting and building works that may affect the safety, integrity and access to the railway.

Highways Agency

- No objection in principle subject to recommended conditions.
- As an alternative option it is understood that the LPA would be willing to impose a Section 106 agreement for an equivalent financial contribution towards a future highway scheme at Junction 17.

Highways Department

Traffic Generation

- The original Transport Assessment for this application identified traffic impact from the site at a number of junctions as far afield as J17 M6 and the Leadsmithy Street traffic signal junction in Middlewich.
- The proposed Highway Improvement Package provided options for financial contributions to help mitigate the traffic impact on a number of junctions along the affected routes and this was assessed by CEC and their Traffic Consultant.
- The Strategic Highways Manager took the decision that the offered junction improvements/financial contributions to infrastructure were less appropriate than the Highway Authority required and the applicants were asked to review

and change the balance of the proposed improvements in an effort to address the preferred needs of the Authority.

- This work was completed and has been reviewed taking all aspects of the site into account.
- The total value of the Highway Improvement Package for this site is agreed at £640,000 and will go towards the improvement of the following junctions:
 - Junction 17 – M6, Sandbach.
 - Signal junction at A533/The Hill/High Street & Waitrose roundabout, Sandbach.
 - A533/A54 Leadsmithy Street/St. Michaels Way, Middlewich.
- In addition, the provisional financial sums will also provide improvements to local sustainable transport options such as quality partnership bus shelters, and will provide for more effective travel planning through additional measures such as real time passenger information at Sandbach station.
- The contributions from this development will have phased release as the proposed development builds out,
- Additionally, the contributions will allow for some betterment in terms of traffic impact and the Highway Authority have negotiated the maximum available for highway infrastructure contributions
- The monies that Cheshire East Council will receive will be available for more comprehensive improvements once future other development contributions come on line.
- This is particularly the case for the improvement at Junction 17 of the M6 where the Highways Agency have agreed that Cheshire East Council should accrue developer contributions towards the improvement of this junction in the future.

Travel Planning.

- This is a very important aspect of this site and the developer has provided a Travel Plan Framework which has outlined the proposed methods for travel planning of the residential and employment elements of the development site.
- The Travel Plan Framework is meant only to give broad intent for travel planning, with a detailed Travel Plan to follow with the future detailed applications.
- The SHM has had some criticism of the Travel Plan Framework as it was not felt that the targets and weight of intent expressed was sufficiently robust. However the developer's consultant has updated the TPF to include better options and mechanisms for managing travel demand and in discussion with the Planning Department it has been agreed that the Travel Plan Framework

and future Travel Plan documents specifically can be managed via planning conditions requiring their agreed detail.

Conditions:

1. Provision of a Highway Technical Note detailing proposed trigger points for the agreed financial contributions for highway infrastructure improvements
2. Provision of the financial contributions set out above
3. A revised Travel Plan Framework with firm targets and mechanisms for travel plan management to the satisfaction of the LPA.

Environmental Health

Recommend the following:

1. An additional extensive intrusive *Contaminated Land* investigation across the entire site and identification of any additional remediation.
2. An additional Air Quality Impact Assessment to address other pollutants from the CCGT plant in addition to NO_x; include provision of receptor location maps and consider the potential AQ impacts arising from the removal and remediation of the historically contaminated land.
3. Implementation of mitigation measures to minimise any impact on air quality alongside ensuring dust related complaints are kept to a minimum.
4. South west facing residential facades shall be attenuated by close-boarded wooden fencing along the south west site boundary
5. The north western boundary shall be attenuated by a landscaped buffer zone, bund and a 2m acoustic fence in order to provide further attenuation.
6. A scheme for protecting the proposed dwellings from railway noise and vibration
7. A scheme for protecting the affordable housing from noise from all the commercial and industrial activities that have been placed around them.
8. A scheme for protecting the proposed dwellings from developments such as the restaurant/hotel, Business Park and local centre.
9. A noise impact assessment for the commercial development.
10. Submission and approval of hours of opening/operation for the commercial development
11. A scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise, for the commercial development
12. Prior to its installation details of any external lighting for the commercial development shall be submitted to and approved
13. Details of security for the car parks to prevent congregations of vehicles late at night to and approved.
14. Details of the specification and design of equipment to extract and disperse cooking odours, fumes or vapours shall be submitted to and approved
15. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.

16. Details of the method, timing and duration of any pile driving operations connected with the construction of the development shall be approved in writing
17. Details of the method, timing and duration of any floor floating operations connected with the construction of the development shall be approved in writing

Public Rights of Way

- The development is to affect Public Footpath No. 7 Tetton (now in the parish of Moston), as recorded on the Definitive Map
- If the development will permanently affect the right of way, then the developer must apply for a diversion of the route under the TCPA 90 as part of the planning application.
- If the development will temporarily affect the right of way then the developer must apply for a temporary closure of the route

Environment Agency

Recommend that the following planning conditions are imposed:

- Contaminated land assessment
- A scheme for the provision and implementation of a surface water regulation system
- A scheme for the management of overland flow
- A scheme to be agreed to compensate for the impact of the proposed development on the two drainage ditches within the development boundary.
- A scheme for the provision and management of compensatory habitat creation
- Wetland creation, for example ponds and swales.
- A scheme to dispose of foul and surface water

7. VIEWS OF THE PARISH / TOWN COUNCIL:

- Moston Parish Council has concern about houses being built close to a sub-station. Could they be moved to where the Units are? There is concern about the flow of traffic through Elworth. Moss Lane traffic should also be taken into consideration.
- Middlewich Town Council whilst not objecting to this application wishes to make the following observations / suggestions. It is suggested that there should be a section 106 agreement to facilitate highway improvements and improvements to local amenities. There is concern that there are insufficient local services such as schools, healthcare etc. to serve the occupants of the new dwellings. There is a need to ensure that there is a sense of community amongst the new occupants
- It is suggested that provision should be made to reserve land to build a railway halt to serve this development in the event of the railway being re-opened to passenger traffic. Also has any investigation been given as to whether railway

siding might serve a passing loop for the railway. It is requested that the town Council be allowed the opportunity to obtain and preserve any artefacts of interest to the heritage of Middlewich prior to the demolition.

8. OTHER REPRESENTATIONS:

Letters of representation have been received from Zan Ltd; 6 Brookfield Drive, Holmes Chapel; Haslington Villa, Wheelock Heath and 36 Croxton Lane, Middlewich, raising the following concerns:

Highways

- Any form of highway alteration on the A533 next to the two canal bridge entrances would undermine the business of the adjoining farm and would be totally unacceptable as they would be unable to access the land safely and easily with tractors, forage harvesters and cattle wagons and other large farm machinery.

Services

- There is a large chemical pipe going under the A533 to the settling beds at Crow's Nest Bridge.

Drainage

- The applicant incorrectly states that the water flows beneath an electricity substation. This large amount of water does lead to flooding in this area and flooring to the land to the west of the canal. This is mostly due to poor maintenance of a ditch running alongside Albion and to an existing drainage pipe being at an effective depth and size to cope with the water flowing under the canal. Any additional water from any new development will result in part of the A533 being flooded if this matter is not resolved in its early stages.
- Many watercourse that flow around and through Middlewich (the rivers Dane, Wheelock, Croco, Sanderson Brook and Small Brook, their tributaries of and to Canals are suffering increased incidence of flooding
- The vast areas of land north and south of Celdford Lane which either have outline or full planning permission for large scale development and other tracts of land upstream from Middlewich where development is proposed will increase the rate of run off into these main watercourses.
- The flood risk for these developments it is never assessed cumulatively and does not address all the existing and proposed development.
- Further discharge into the canals could cause problems in Middlewich during periods of heavy rainfall as the rivers often burst their banks making it difficult for excess water to be discharged from the canals.
- Discharge into Small Brook which already experiences flooding, between this point and its confluence with Sanderson's Brook. Two recent developers, in Middlewich had to make alternative arrangements for the disposal of run off and surface water as they could not make an agreement with British Waterways.

- The flood reports must reflect the worst case scenario, i.e. the developers have to use Small Brook instead of the Trent and Mersey. Surface water discharge and run off from development upstream of Middlewich already exceeds the capacity of the entire local watercourse during wet weather. The development could increase substantially the risk of flooding in Middlewich, damage to property and difficulty obtaining insurance to the detriment of the residents of Middlewich

Land contamination.

- The products of the chemical works while in themselves corrosive and hazardous to handle, did not leave an environmental legacy. However there were certain substances used which could permanently pollute the land on which they were handled.. These hazards are Lead, Mercury, Asbestos and certain chlorinated organic compounds which came from the use of carbon anodes.
- During operations on the site between about 1953 and 2003 chlorine was manufactured using mercury cells. Since about 1975 there were environmental concerns about the mercury process which eventually led to the mercury plant's closure in the about 2003.
- Whilst the mercury cells were operating many tonnes of mercury were lost much of which was to ground. Mercury is toxic and unless there has been a difficult and expensive clean up, the site is not suitable for residential purposes.
- The planning application has Zone 1 directly on the former mercury cell plant.mWhile site decontamination using 'best practical means' may claim to remove the risk, hot spots may have persisted. To be on the safe side it would be wise not to use such locations for residential housing.
- Over what timescale will the decontamination and remedial work be achievable, do the decontamination technologies exist for mercury and are they economically viable if funded by redevelopment? Has the applicant any reassurances that mortgage lenders will treat domestic property on a site with a history of mercury contamination as suitable for lending. Are domestic house purchaser demanding this type of property on a high risk site, are Social Landlords prepared and able to fund affordable housing on this high risk site.
- A solution needs to be found that does not involve people living and gardening on the contaminated area, the risk to future generations of residents is too great.
- The site would appear to have a very high risk, with the current proposed development phasing, of not providing safe residential houses in the 0-5 year time-frame.

The submission is poor quality and incomplete

- The published application documents are of poor quality, specifically the quality of the print makes them difficult to read and sections are incomplete.

Railway Line

- The line has potential to minimise road transport during construction and serve the industrial components of the development. It has potential for additional rail traffic, recent press reports include proposals for a passenger service, the published response from Railtrack highlights the track as having had the signaling upgrades and is integrated within the West Coast Mainline project and could be used to take additional regular or relief services (from the Sandbach to Stockport section of the line). The potential for 24 hour use of the track as well as increased intensity of use would suggest a requirement for major noise and vibration attenuation measures to be incorporated in any residential element of the proposed development. The measures implemented at the Wychwood Park development in Crewe adjacent to the London mainline would indicate the major scale of work required.

Sustainability.

- The site is a poor choice for residential use given the busy A533 to the West, an existing noisy power station to the North and potential noise and vibration issues to the East with the railway-line. The site is distant from education and medical provision and requires new on-site provision of shops to provide any level of sustainability as a community. There are better locations within the Borough for development.

Green Field Site

- The application involves a substantial area of greenfield development for a business park - the applicant does not justify why greenfield land in the open countryside needs to be allocated for a business park when the Sandbach area already has unlet business park property within the Fodens site and the Junction 17 Science Park awaiting development. Additional greenfield land does not need to be sacrificed to employment use at present. The greenfield elements of the application site can be returned to agricultural use. Provision of employment through a Business Park on the brownfield area could be justified, given that it would be compatible with the noise and vibration issues of the railway-line, the noise from the A533 and the gas fired power station. The remaining issue would be the timing of the development given the existing unutilised business sites or allocated sites in the close vicinity.

Impact on canal

- The indicative design of the residential component of the development does not recognise the importance of the linear conservation area along the Trent and Mersey Canal, houses appear to back onto both the A533 and the canal.

Mix of land uses

- The proportion of the site allocated to industrial units, relocate the Business Park element to sit within the previously developed area. This would remove the dangers of allowing residential use on the contaminated area, by providing uses for the site that could sit on top of a 100% concrete impermeable barrier over the contaminated area. Employment uses within the site could be located

closer to both the railway line and road without compromising the amenity of the occupiers. The reduced residential provision would be balanced with increased employment use, moving the site closer to its historical level of 1000 employees.

9. APPLICANT'S SUPPORTING INFORMATION:

Planning Statement

- The application proposals represent a major mixed use redevelopment of the former Albion Chemicals site in order to bring the site back into beneficial use. A holistic approach is proposed for the site, with a range of land uses which will create a sustainable development and maximize the efficiency of the site
- Although the site is unallocated in the Local Plan, there is strong policy support for the proposals from all levels of planning policy. At a national level, government guidance seeks to prioritise the reuse of vacant and previously developed land and buildings, and PPS4 in particular encourages the achievement of a broad range of economic development including mixed use.
- At local plan level although the site is unallocated the vast majority of the site falls within the Settlement Zone Line for Sandbach where in accordance with Policy PS3, development is to be generally concentrated. Policy PS4 provides a general presumption in favour of development on the site, while in relation to the housing element of the scheme it is considered that the proposal meets the criteria of Policy H4.
- The range of land uses proposed is entirely consistent with the site's allocation in the Congleton Borough Site Allocation DPD, where the Council recognised the need for a comprehensive, mixed use development of the Albion Works, including the Greenfield land. Although no longer a policy document, the Site Allocations DPD, went through several stages of public consultation and was prepared in accordance with PPS12. It represents current thinking in relation to the site and in the absence of any alternative site specific policy, should be afforded some weight in the determination of the application proposals.
- The redevelopment the Albion Works brings with it a number of important planning benefits. In summary these include:
 - The removal of the current chemical plant and its blight on the landscape resulting in significant visual enhancement of the area in general and the Canal corridor Conservation Area specifically.
 - The removal of development restrictions in the area generally through the presence of current COMMAH, Waste management License and IPPC and Hazardous Substances Consents
 - The remediation of the sites contamination at no cost to the public purse, thereby enabling alternative uses to come forward, and preventing the site becoming blighted.
 - The provision of significant new housing in a sustainable mixed use development, supported by jobs and services, which will help contribute towards meeting the Councils housing lands supply requirements for the Congleton Local Plan area.
 - The provision of significant new jobs and employment opportunities as part of a mixed use development.
 - The delivery of significant improvements to a number of highway junctions in the area.
 - Securing a future appropriate role for the listed buildings within the site

- In overall conclusion, the application proposals have been put forward in a comprehensive fashion and in a joint venture approach between the landowner and a leading house builder in order to ensure the immediate delivery of the site, at a time when the current economic climate is preventing most new development from coming forward.
- For the above reasons it is considered that the application proposals comply with development plan policy and other material considerations also indicate strongly that planning permission should be granted.

Transport Assessment

- The redevelopment proposals have been assessed in terms of compliance with current policy and detailed analysis has been undertaken of the trip generation characteristics of the proposed uses on the site and the consequent impacts on the local highway network.
- The site is accessible via a range of modes of transport
- An improved access arrangement has been identified for the site, including the provision of two new roundabouts on the A533 Booth Lane
- Additional off site highway improvements have been identified at the following locations
 - A54/A533 Leadsmithy Street, Middlewich – signal improvement including an extra lane, improved pedestrian control and other safety improvements
 - A533 / A534 in Sandbach – entry treatment to improve roundabout capacity
 - A533/ The Hill in Sandbach – changes to road markings, provision of cycle lanes
 - M6 / J17 - introduction of signal control
- The package of highway improvements proposed will offset the impact of additional traffic arising from the redevelopment, and ensure that the local highway network continues to operate in an efficient manner.
- The improvement proposals at the junction of the A54 Kinderton Street / A533 Leadsmithy Street will also have the benefit of improving safety at the junction, addressing concerns with the existing layout relating to the maneuvering requirements of large vehicles and improving the pedestrian crossing facilities.
- A travel plan framework has also been developed for the site, to provide sustainable travel behaviour.

Flood Risk Assessment

- Following a flood modeling exercise the majority of the site is found to lie within Flood Zone 1 and therefore has a low probability of flooding
- All forms of development are appropriate within flood zone 1 without the sequential and exception tests being undertaken.
- The assessment has also considered the potential impact of the proposed development on surface water runoff rates. Appropriate mitigation measures to attenuate surface runoff have been presented.
- It is a requirement that the maximum discharge rate, post= development, at the 10.2 hectare, current Brownfield area should be no greater than the current discharge rate. Post development, the impermeability of this area

will reduce from 100% to approximately 75%. Therefore reducing the maximum discharge rate. This will give an improvement in surface water runoff from this area reducing the risk of flood risk both on and off site.

- The maximum discharge rate from the current Greenfield area (7.5ha) should not exceed the mean annual runoff from the site, calculated to 34.5l/s. the attenuation volumes required for the 1 in 100 year rainfall event plus climate change (+20%) assuming no infiltration losses to the ground. (e.g. through the use of an underground tank storage system) and assuming infiltration losses (e.g. through the use of an infiltration basin) for the existing Greenfield area have been determined.
- The attenuation volume required to restrict runoff to the agreed current mean Greenfield runoff rate of 34.5l/s for the existing Greenfield area has been determined to be approximately 4,500m³ assuming no infiltration losses and 4,300m³ assuming infiltration losses. An attenuation storage capacity of 5,400m³ is recommended giving a factor of safety of 1.2.
- This FRA demonstrates that the proposed development will not be at risk from flooding and with appropriate mitigation measures will not increase flood risk elsewhere. Therefore the proposed development meets the requirements of PPS25. The development should not therefore be precluded on the grounds of flood risk.

Site Waste Management Plan (SWMP)

- The SWMP is an important tool to improve environmental performance, meet regulatory controls and reduce rising costs of disposing of waste
- It is a framework which details the quantity and type of waste that will be produced on the project site and outlines how it will be minimized and managed
- It is a live document which needs to be regularly updated to record how waste is managed during the course of the project
- It aims to provide a mechanism for recording, minimizing and managing the types and quantities of waste arising from the development
- The project consists of the demolition and redevelopment of a portion of the site which contains the inorganic chemical manufacturing facility into a mixed use development.
- It will demonstrate that the project complies with legislation and utilized resources efficiently
- Additionally Regional Spatial Strategies and local authority development plans are increasingly seeking the use of waste as a resource
- It will improve the projects resource efficiency and facilitate best practice
- Continuously measure the projects performance and demonstrate improvement
- Collate all relevant information into one usable document
- There are six important steps to implementing the SWMP
 1. Projecting information – preliminary information required by the regulations
 2. Pre-design and design measure – records decisions made regarding waste management prior to the start of construction work
 3. Waste forecasting and Action Plan – estimation of the quantities of waste that will be generated and actions to be taken to reduce and manage that waste

4. Register of Licenses Permits and movements
5. Continuous review
6. Completion Review.

Environmental Statement – Non Technical Summary

- **Highways and Transportation** - a package of measures has been negotiated, which are outlined in full in the transport assessment to mitigate the impacts of the proposal
- **Air Quality** – The air quality of the proposed is considered to be suitable for the proposed use
- **Landscape and Visual Impact** – The development presents an opportunity to benefit local views and landscape
- **Ecology and Nature Conservation** – Overall the impact of the scheme is assessed to be minor to moderate'
- **Hydrology and Land Contamination** – Subject to the adoption of the proposed mitigation measures, the residual effects relating to geology, hydrology and contamination are considered t constitute no likely significant effect.
- **Hydrology and Flood Risk Assessment** – Subject to mitigation measures the impact of fluvial flooding on the construction and post development phase has been assessed as negligible. The incorporation of the surface water management strategy and mitigation measures would result in a negligible to beneficial impact on the surface water and negligible impact on water quality
- **Noise** – the provision of the mitigation measures during construction and operational; phases which are suggested in the ES chapter would reduce the impact of the development to neutral significance.
- **Socio Economic Impact** – The development would ensure the remediation of a contaminated site and provide nboth employment and housing opportunities for local residents.
- **Archaeology** and cultural heritage – Appropriate mitigation would reduce residual effects on the cultural heritage resource to neutral

Tree Survey

- The veteran Oak trees within the Greenfield area to the south of the site are of high ecological cultural significance and landscape value and their retention should be a high priority.
- The retention of the tree groups to the western boundary of the site should also be seen as priority as they form a distinct landscape feature and serve to screen the site from Booth Lane
- There is little vegetation within the built up Brownfield area of the site and where trees do occur they are generally situated to the site's rear boundaries; as such it is considered that there is scope for substantial development within this area without an adverse impact upon the tree stock occurring.
- The long term retention of the pollarded Willow and poplar trees to the south west of the site should not be seen as a priority as these trees are of a low retention value. However, should they be retained it will be necessary

to make provision for the continued pollard management of the trees to minimize the risk of term failing.

- Several trees on the site should be removed irrespective of any development proposals due to their poor condition and potential for structural failure.
- To achieve a satisfactory juxtaposition between new development and those trees selected for retention the guidance contained within section 4 of the report should be considered during the detailed design of the site
- The proposed development of the site should take into account the presence of retained trees and should ensure that where possible all buildings and new surfaces are located outside their Root Protection Areas
- New development should not only take account of current tree sizes and position, but also of mature tree size
- Tree protection areas should be established and appropriate protection measures implemented prior to construction.
- Guidelines contained within BS 5837: 2005 Trees in Relation to Construction should be followed when dealing with trees. Working methods and specifications should be followed to limit potential damage to trees throughout the construction period.

Design and Access Statement

Use

- a range of complimentary uses to combine to create a bespoke mixed use development.
- Uses proposed are residential, open space, retail, financial services, café / restaurant, offices, non-residential uses, pub/hotel, health club, general industrial, storage and distribution, car dealerships, petrol station and fast food.
- The intention is to create a flexible development
- Compatible uses are grouped in zones to ensure that the layout of the development does not compromise any one use coming forward. For example, industrial uses are located to the north of the site and segregated from their residential neighbours with a significant landscape buffer
- The predominant use is residential as it generates the highest land value and will be required to support the other uses including employment generators.
- Realising the development value of the residential use will cover the remediation costs
- All proposed uses are considered to be appropriate to the site's satellite location including significant employment generators, particular in view of the fact that 50% of the residents of the former Congleton Borough commute to work outside it .
- The main employment use is offices
- Retail uses would be small scale within the local centre to serve needs arising from within the development itself rather than the wider area of Sandbach and Middlewich.

Amount

- The maximum amount of development to be accommodated has been expressed on the parameters plan
- This enables an appropriate cap on development limits to be enforced

- The amount of development has derived from
 - o The historical employment figures for the site
 - o The previous footprint of the chemical works
 - o The attractiveness and marketability of the development site
 - o The site location
 - o The capacity of surrounding infrastructure
 - o The industrial and semi-rural context
- The parameters seek to ensure that the site's optimum value is achieved and the site is utilized to full potential.
- However a less amount may be permitted if deemed acceptable at the reserved matters stage
- The supporting information, including the environmental statement., assumes the maximum levels are realised

Layout

- As the application is in outline consideration of layout refers only to the zones of use
- Based on that which was used in the Congleton Borough Site Allocations DPD
- Compatible and responsive to the sites identified constraints and opportunities as well as the economic viability of bringing the site forward
- It has also been informed by economic and planning policy restrictions
- Placing the residential development on the decontaminated proportion of the site will maximize values upfront to enable additional uses.
- This also ensures that the Brownfield element is regenerated first and accords with planning policy which encourages the use of Brownfield land for delivery of housing
- A small proportion of residential development is located on the undeveloped portion of the site and linked via the local centre and POS
- The layout of the additional zones was informed by the position of the residential development which should be surrounded by compatible uses
- The grouping of these uses will serve to create a focal point of the development and reduce the reliance on private vehicles to access local services
- The compatible zones will benefit from blurring the distinction between uses to provide a place which is logical to traverse
- The layout of the roadside uses and commercial zones on the Booth Lane frontage reflects their requirement to achieve a high degree of visibility from the primary access and through road
- The business park is located upon the undeveloped part of the site and will create a gateway to the development.
- The layout of the employment generating zones has been configured to facilitate a range of uses the interior of which can change over time subject to operator requirements.

Scale

- The scale of the proposals has been captured to enable the assessment of the developments visual effects upon the surrounding environment. Akin to the amount of development and cap on the height of the proposed buildings will

ensure that the development is appropriate both within its context and in its interrelationship between zones and uses.

Landscaping

- The detailed landscaping for the site is as reserved matter. Therefore the application only addresses retention and mitigation of development impact on the locale.
- The existing landscape features evident on the application site have been retained where possible to enhance and respect the existing environment
- Specifically the majority of existing trees, hedges and boundary planting have been incorporated on the illustrative master plan
- The existing landscape feature provide the opportunity to use the intrinsic landscape positively to the benefit of the proposed development
- The POS is the only area of open space proposed as part of the master plan. However it is considered that further areas of open space may come forward at the reserved matters stage to create a hierarchy of connecting spaces
- The POS will provide formal and informal areas of dedicated open space and an equipped play area,.
- The POS will therefore provide opportunities for recreational activities and structured play
- The layout of the POS will be designed at reserved matters stage but will be heavily informed by the requirements of the National Playing Fields Association.

Appearance

- The appearance of the site will be wholly dependent on the aspirations of the individual developers and operators and will be controlled by the Council at reserved matters stage. However the mixed use nature of the scheme will serve to ensure that the site benefits from visual stimulation due to the inevitability of the variety of building structures and scales.

Environmental Statement Addendum

- As described in the original ES the broad makeup of development proposals remain unchanged and comprise the holistic redevelopment of the site for range of complimentary uses including employment, residential leisure and retail. The application is submitted in outline with all matters reserved. The proposed changes are limited to the redistribution of individual elements from one zone to another and minor changes to the highway infrastructure.
- The ES addendum aimed to evaluate the incremental impact of the change in the design parameter by first evaluating the impact on the full broad range of factors then conducting further analysis on the most relevant factors (Landscape and Visual Impact, and Highways and Transportation). The change to the existing baseline established in the original ES was found to be not significant which is explained by the relatively minor nature of the proposed design changes. It is considered that the findings of the original ES are still relevant to the project and the assessment included in that document is still representative of the development as now proposed

Revised Access Statement

- The revised access proposal comprises a new roundabout at the southern access point (as previously proposed), a new ghost island property junction to serve the northern redevelopment area (replacing the previously proposed northern access roundabout) and retention of the existing industrial access to the northern area (as previously proposed)
- The revised statement focuses on the ghost island which has been tested to determine the revised traffic flows. These show that the junction will operate well within capacity with the anticipated traffic demands in all scenarios.

Supplementary Planning Statement

- The planning position is unusual in that the site is midway between Sandbach and Middlewich, and yet is designated as falling within the settlement zone limits of Sandbach
- The historic chemical works use of the site has come to an end and it is essential that appropriate alternative land uses that are viable and deliverable can be consented in order to remediate and regenerate the site, which is a blot on the landscape.
- National planning policy is clear that if there is no reasonable prospect of a site being used for an alternative economic use, alternative uses should be considered
- There is no dispute that the site cannot continue in its existing use
- Local Plan Policy E10 permits change of use where the site is no longer suitable for employment use, or where there would be substantial planning benefit in permitting alternative use that would outweigh this loss.
- There is a chronic shortage of residential land within the former Congleton Borough area and this would justify redevelopment for entirely residential
- The applicants have not sought to do this however, preferring instead to come forward with a mixed use scheme, which also provides significant employment opportunities and new facilities.
- This sustainable approach is advocated by regional and national planning policy
- It is accepted that part of the site falls outside the settlement boundary and within open countryside, although historically the land has always been associated with Albion Chemicals as it was used as a sports ground
- The land was included within a former Congleton Borough Site Allocations DPD.
- Notwithstanding this there is a presumption against new development in the open countryside and the proposal does not comply with any of the exceptions to this policy
- However the local plan is out of date and not in conformity with the RSS
- It does not reflect current land use requirements particularly in respect of housing and employment land supply.
- This was the reason for the production of the Allocations DPD, which was founded on a substantial evidence base.
- In the absence of a replacement Cheshire East document it should be afforded significant weight

- The DPD recognised that it was necessary to provide a mixed use such that incorporated housing employment and other uses as a holistic sustainable and viable development. .
- It also recognized that the Greenfield element would be required to enable the Brownfield part of the site to be remediated. This position has not changed
- The application proposals mirror the Site allocations DPD designated uses.
- Financial viability appraisal undertaken by the applicant reflect the fact that the site was purchased not at a financial premium but as a mechanism for resolving environmental liability issues, identifies significant costs involved in remediating the former works.
- Significant infrastructure costs both on site and off site have also been identified in order to render the site suitable for alternative uses
- Taking these into account the viability assessment concludes that the redevelopment of the sit is only viable if all 11.2 acres of Greenfield land is included within the development, Redevelopment of the brownfield part of the site on its wine is simply not viable and if the Greenfield part of the development was removed from the proposal then the site could not be redeveloped without external grant funding which is not available.
- Without the Greenfield element of the application proposals the site will remain vacant, derelict and a wasted resource.
- The RSS does not seek to prevent he development of Greenfield land where appropriate and encourages local authorities to promote opportunities for economic redevelopment that will strengthen the economy of the North West in part, through the redevelopment fop poorly located employment sites for housing and the development of better located employment land that will help diversify the economy and provide local employment.
- The creation of up to 12,000sq.m of business park on the application site which is strategically located between Sandbach and Middlewich will assist in meeting the RSS objective.
- Not only will it provide up to 600 jobs it will also release poorly located historic employment land for other more suitable uses.
- It will help to addressed the housing land supply problems in the Borough as Cheshire East cannot demonstrate a five year housing land supply,
- PPS3 states that where the authority cannot demonstrate a 5 year supply they should consider favorably applications of new housing. This proposal would provide up to 375 new dwellings, a significant number of which could be delivered in the next 3 years,
- There is also an unquestionable need for affordable housing across Cheshire East as a whole, and Sandbach in particular. With very few new residential developments coming forward in the current economic climate, the development will be able to deliver a significant number of affordable units.
- As a consequence of the passage of time since the application was originally devised it has been necessary to make a number of revisions to the allocation of land uses across the site.
- However, these do not change the mixed use concept of the proposals, the overall quantum of development either by land use or as a whole, nor do they introduce new land uses.
- The chances have come about as a consequence of changing market requirements and the take up of the industrial land and delivery of jobs within Zone 7 and demonstrate the need to maintain a flexible approach to the planning of the site.

- The changes do not affect the conclusions of the Environmental Statement submitted with the planning application
- Highway improvements will be carried out to existing junctions in the vicinity of the site which will lead to highway betterment at no cost to the public
- The future of the Yew Tree Farm, listed building complex will be secured.
- In conclusion the application proposals have been put forward in a comprehensive fashion and in joint venture approach between the land owner and a leading house builder in order to ensure that the development is viable and can be delivered immediately. This is particularly important at a time when the current economic climate is preventing development from coming forward. The grant of outline planning permission for the p[roposals is justified not only by planning policy but by significant benefits that will arise out of the development.

10. OFFICER APPRAISAL

Principle of Development

The application site comprises three main areas: the former chemical works, Yew Tree Farm and an area of undeveloped land to the south.

Former Chemical Works

This part of the site lies within the Sandbach settlement boundary where under Policy PS4 of the adopted Local Plan First Review there is a general presumption in favour of new development, provided that it does not conflict with other policies of the plan.

This part of the site would be redeveloped for predominantly residential use which according to Policy H4 is acceptable, provided that it does not utilise a site which is allocated for any other purpose, conflict with other policies of the local plan or result in housing land supply totals at variance with the provisions of Policies H1 and H2. Policy H4 also states that in considering applications for residential development regard will also be given to the availability of previously developed sites, their location and accessibility to jobs shops and services, the capacity of infrastructure, the ability to build communities and sustain infrastructure and physical and environmental constraints of the site such as flood risk or contamination. These are considered in more detail below.

The site is previously developed and unallocated, in the local plan. However, in the light of the previous employment use of the site, it is considered that policy E10 is relevant. This states that the loss of the employment site can only be justified if it can be demonstrated that the site is not suitable for employment uses or that there would be significant planning benefit arising from the alternative use proposed.

The specialist nature of the building and equipment on the site were such that they were not suitable for re-use for other business purposes. Therefore, in terms of employment, re-use the only option would be redevelopment for commercial purposes. However, the viability appraisals submitted by the applicants has demonstrated that, due to its previous use, there are very high remediation costs associated with this site, and that complete employment re-use, would not generate sufficient land value to off-set those costs. However, an element of general industrial

development is to be retained to the north of the site, and further office and commercial space is included within the proposed uses on the Greenfield portion of the site, discussed below. Although the chemical works occupied a large area, the number of jobs per square foot, would have been significantly less than those which could be provided in an office park of similar area, and therefore, the proposal is likely to result in a net increase in jobs across the site, despite the loss of part of the existing employment land to housing.

Notwithstanding the above, a small portion of the site, at the northern end is proposed for retention in B2 and B8 uses, including the maintenance of a small presence by Albion Chemicals. These will help to provide a buffer between the existing transport depot and the new residential development. It will also help to off-set the loss of employment space elsewhere on the site and to create a wider range of uses.

With regard to the second limb of Policy E10, there would be a number of planning benefits arising from the removal of the former chemical plant, which detracted from the visual amenity of the area, including the surrounding open countryside and the adjacent canal conservation area. The scheme would also result in the removal of a potentially hazardous and polluting use and the remediation of the site. The proposals would also make provision for a long-term viable re-use of the listed Yew Tree Farm.

With regard to housing land supply, Policy H1 has not been “saved” and as a result no longer forms part of the Local Plan. However, national policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. Following a review, the Council has determined that it has 4.58 years housing land supply. Consequently the Cabinet has agreed that in order to address the lack of a 5 year housing land supply, an Interim Planning Policy on the Release of Housing Land should be approved for consultation purposes and that it be used in the determination of planning applications pending its adoption. This policy states that when it is demonstrated through the Annual Monitoring Report that there is not a five year supply of housing land as defined by PPS3, subject to other saved policies of the relevant Local Plan being satisfied, the Council will allow the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and encourages the redevelopment for mixed uses, including housing, of previously developed land within settlements.

The redevelopment of this brownfield site, within a settlement boundary for housing complies with this policy and will help to reduce pressure to release Greenfield land elsewhere in the Borough for residential development, which is a further benefit, which will help to outweigh the loss of the employment site.

It is therefore considered that the proposal to remove the existing chemical works and to redevelop the site for housing would have substantial planning benefits in terms of amenity, the environment and economy and that it would make an important contribution to the local area in terms of new jobs and housing. Consequently it is in accordance with the second part of Policy E10.

Open Countryside

The proposed land uses on this part of the site include commercial, an office park, residential and open space. The southern part of the site lies within open countryside,

as designated in the Congleton Borough Local Plan First Review, where development will not be permitted unless it is for one of a number of purposes, including, inter alia, new dwellings, in accordance with Policy H6 and development for employment purposes in accordance with Policy E5.

Policy E5 states that new employment development must either relate to the expansion or redevelopment of an existing employment site, new small scale development, the re-use of an existing building or diversification of a farm enterprise. Due to their scale, it is not considered that the proposals fall into any of the above categories.

Policy H6 states that new residential development in the open countryside will not be permitted unless it is for an agricultural worker, a replacement dwelling, the conversion of an existing building, the redevelopment of an employment site or infilling within an infill boundary line. The residential element of the development on this part of the site, therefore does not accord with this policy. Furthermore, it does not comply with the provisions of the Council's Interim Policy on the release of housing land, as it constitutes a Greenfield site on the edge of the Sandbach Settlement boundary, rather than Crewe.

As a result it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined *"in accordance with the plan unless material considerations indicate otherwise"*. The issue in question is whether there are sufficient material considerations to outweigh the policy objection.

The site, including the Greenfield element was allocated in the Congleton Borough Site Allocations Development Plan Document for missed use redevelopment. Although no longer a policy document, the Site Allocations DPD, went through several stages of public consultation and was prepared in accordance with PPS12. The site has also been identified through the Council's Strategic Housing Land Availability Assessment (SLAA). These should therefore be afforded some weight as material considerations. Furthermore, the developer's viability appraisal demonstrates that, due to the high remediation costs, the former chemical works site would not generate sufficient value to enable development to come forward. However, when taken considered as part of a larger site including the Greenfield element, which has much lower site preparation costs, the scheme generates sufficient profit for development to take place. In view of the regenerative and other benefits, such as provision of housing land supply, referred to above, it is considered to be important to bring this site forward for development. This is an important material consideration, which is considered to be sufficient, in this case to outweigh the, policy presumption against the development.

Policy EC14 of PPS4 requires a Sequential Assessment for main town centre uses that are not in an existing centre and not in accordance with an up-to-date development Plan. This applies in the case of the following proposed uses: Offices, fast food restaurant /pub use, hotel, health club or leisure centre. Policy EC14 also requires an assessment of impacts for planning applications for retail and leisure development over 2,500 square metres gross. Included within this scheme are a number of A class uses which will be accommodated within the local centre. However, given the scale of

floorspace will not exceed the threshold identified in Policy EC14 and that the floorspace will specifically serve the overall development, it is not considered that this element of the proposals needs to be separately assessed. The applicant has undertaken a sequential assessment of 27 sites, 16 of which fall within Sandbach and 11 within Middlewich. Each site has been assessed against the key criteria referred to in Policy EC15(a); namely availability, suitability and viability.

Many of the sites clearly fail one or more of the main criteria and therefore do not have to be considered further. In some cases this is because they have planning permission for other, potentially more viable uses such as housing, or their development would be unviable due to the need to deal with existing uses on the site. In addition a number of sites identified could accommodate an element of the Albion proposal but would be better suited for residential development given their location and/or identification in the former Congleton Draft Site Allocations DPD

A total of six out of the 27 sites were either last in use, having planning permission or the potential to accommodate one of the main town centre uses proposed by the Albion Application. These were examined in more details and 2 were found to be poorly served by transport, out of centre and no better than the Albion Site. There were located in edge of centre areas and potential could be re-used for hotel and pub uses and one had been sold for redevelopment. One could accommodate a limited amount of office development but would be significantly below the level of floorspace that is proposed for the Albion Site.

Therefore the sequential Assessment has found that there are very few sites that are available, suitable and viable to accommodate any part of the Albion proposals that required assessment. Those sites that are available are either no different in sequential classification or so small as to not be able to replace even the individual components of the Albion scheme. There is no evidence to suggest that the development of the main town centre uses on the Albion site would in anyway prejudice the limited sequentially superior sites.

Furthermore, the town centre uses proposed by the application form part of an important mixed-use package. Government and RSS policy encourage mixed-use development and without the package of uses proposed; the development would be less sustainable. Thus, whilst it would be possible to provide some of the constituent elements of the application in either Sandbach or Middlewich town centres (such as the pub or restaurant, this could be counter productive in terms of achieving a critical mass of the Albion redevelopment and would weaken the sense of place within the development.

With regard to the impact test, the applicants have concluded that with the exception of the offices, the uses are both individually and cumulatively small in scale; totally no more than 2,600 square metres. As such their impact will be very limited. The main catchments will clearly be the development itself and passing trade travelling along the A433 and the towns of Sandbach and Middlewich

In terms of potential competition with these towns, it is relevant that neither centre currently has a trading hotel. The only hotel is the Old Hall in Sandbach as closed down. Whilst both centres have pubs and restaurants, these are relatively limited in number and clearly cater for visitors to the town centre and local residents. Whilst

both towns have some local authority leisure facilities, neither benefits from a private leisure club.

With the exception of land between the High Street and Brookhouse Road in Sandbach, there are no outstanding Local Plan Locations for commercial and leisure uses within Middlewich and Sandbach town centres. The Brookhouse Road allocation is specifically for retail but suffers from land ownership issues and was not carried forward into the draft Site allocations DPD. There is no suggestion that the Albion proposals would prejudice a Development Plan Allocation from coming forward. Given the scale of existing provision the proposed uses are unlikely to have a major impact of drawing trade away from either Sandbach or Middlewich. Both town centres whilst suffering from the current economic decline, are coping comparatively well. For example, vacancy rates remain below the national average. Both town centres continue to see new investment either in existing shops or new facilities.

In terms of the proposed offices there are a number of allocations in Middlewich within the Local Plan, mainly as part of Midpoint 19 but have yet to be taken up due to a requirement to find the bypass, and will not come forward in the foreseeable future. The Albion proposals are not constrained in this respect.

Proposed as a business park the office element of the Albion proposals will provide modern flexible accommodation for a full range of companies of various sizes. Such a development will serve a different function and market to town centre offices and will not cause competition.

Finally as a mixed-use development the proposals are intended to inter relate to each other including the housing, which is the main land use component of the overall development. For example, an hotel use on the site will assist and help to promote the business part and employment uses whilst a health club has the potential to be used by both people living and working on the site. This approach to land use is fundamental to achieving a sustainable development.

From the applicants assessment, as summarised above, it can be concluded that the main town centre uses that form part of their proposals, because of their location, nature, scale and interrelationship, are unlikely to have any measurable adverse impact on development plan strategy, planned new investment or the vitality and viability of either Sandbach or Middlewich. It is considered that the applicant has demonstrated compliance with the requirements of the sequential approach, that there is no evidence that the proposals are likely to lead to significant adverse impact in terms of those set out in Policies EC12 and EC16 of PPS4 and that there is potential for positive impact, including physical regeneration and job creation on a vacant Brownfield site. Policy EC10 states that local planning authorities should adopt a positive approach towards planning applications for economic growth, particularly where these are designed in a sustainable way and it is therefore concluded that this proposal meets the requirements of PPS.4 in this respect.

Yew Tree Farm

Policy BH16 deals with the conversion of rural buildings to residential use, and states that this will not be permitted unless every effort has been made to secure a suitable

business re-use or residential conversion is a subordinate part of a scheme for business re-use or the location and character of the site is such that residential use is the only appropriate use.

As initially proposed, Yew Tree Farm was shown for conversion to a local centre. However, for conservation reasons, discussed in further detail below, it was considered that conversion to private dwellings would be more appropriate. In addition, residential conversion will enhance the viability of the site, and as a result it will assist in the delivery of an element of affordable housing on the site. This matter is also discussed in more detail below. It could also be argued, given the mixed use nature of the development of a whole, that the conversion of Yew Tree Farm to residential use constitutes a subordinate part of the scheme for business reuse and on this basis, it is considered that the proposal complies with Policy BH16

According to Policy BH15, the conversion, re-use or adaptation of an existing rural building to an alternative use will only be permitted where a number of criteria are satisfied.

The building must be of permanent and substantial and not require extensive rebuilding. Yew Tree Farm was subject to considerable repair and restoration, in the 1990's when it was converted for use as a social club by Albion Chemicals. It is therefore currently in a sound condition. It is considered that residential use is appropriate to the area in which the building is situated, and will not have an adverse impact on the surrounding countryside, as it will be situated alongside other new-build residential development. Therefore the second and third criteria of Policy BH15 are fulfilled.

As a listed building, the form, bulk, and design of Yew Tree Farm are considered to be in keeping with and enhance the surrounding countryside. The acceptability of any alterations, extensions in design and conservation terms would need to be the subject of subsequent reserved matters and listed building consent applications, as the proposal are only in outline at this stage. The remainder of the criteria under policy BH15 relate to matters of access, parking, landscaping and amenity and are dealt with in more detail below.

The site is bounded to the north west by a transport depot, the A533 to the south west and the railway line to the north east, beyond which lies open countryside. The site is also bounded by open countryside to the south, and there are a number of small office and light industrial units on the opposite side of the A533, adjacent to the open countryside part of the site to the south.

The nearest neighbouring residential property is Hollin Green Farm, which is located approximately 450m to the north east of the site. At this distance, it is not considered that there would be any adverse impact on residential amenity, from any of the proposed land uses including the general industrial part of the site at the north western extremity.

Landscape and Tree Matters,

There are no major landscape designations that encompass the site although the Trent and Mersey Canal Conservation area is to the west, separated by the A533,

and the Sandbach Flashes SSSI lies to the south west beyond the canal. The National Landscape Character Area as identified by the Countryside Agency is the Shropshire, Cheshire and Staffordshire Plain. In the Congleton Borough Landscape Character Assessment 1999, the site is within the Middlewich Open Plain character area with the Sandbach Flashes character area in close proximity.

The environmental statement includes a Landscape and Visual Assessment. The Senior Landscape Officer has examined the statement and concurs with the conclusion that the existing industrial works are considered to be a significant detractor on views, particularly from the Trent and Mersey Canal Conservation Area, the A533 road corridor and the surrounding footpath network. In principle, therefore, there is no objection to redevelopment of the existing chemical works and it is noted that the redevelopment presents a number of opportunities to benefit the local landscape. However, she has raised some concerns about the inclusion of the Greenfield part of the site, to the south. Whilst it is acknowledged that the loss of this area of open countryside would result in some harm to visual amenity and the character and appearance of the rural area, as detailed above, this harm will be outweighed by the regenerative benefits that it will enable.

Furthermore, the Greenfield part of the site is tightly constrained by the chemical works site to the north west, the A533 to the south west, the railway line to the north east and a farm track to the south east. As a result, it will not create the appearance of unconstrained urban sprawl into the open countryside. When viewed from the north and west, it will be screened by the existing haulage yard and the existing light industrial development on the opposite side of the A533, and when viewed from the east and south, it will be viewed against the backdrop of those existing developments. The landscape impact of developing of this site, including the Greenfield element, was also considered and found to be acceptable, when it was included in the Congleton Borough Site Allocations DPD.

It is noted, however, that a topographical survey has not been submitted with the application. The existing topography is unlikely to have any impact on the acceptability of the proposed land-uses, in principle. As stated above, the visual impact of the redevelopment is likely to be considerably less than the existing chemical works. Equally it is acknowledged that there will be some adverse visual impact arising from the loss of the open countryside part of the site. However, it will be important in considering the detailed layout and design proposals that will form the reserved matters applications, and it is therefore recommended that a condition is attached requiring a topographical survey to form part of any future reserved matters submission.

Buffer planting either exists or is proposed, specifically to the north, to the west adjoining the A 533 and to the east adjoining the railway. It must be noted that in some locations where buffer planting is proposed, there may be constraints. Establishment of future ownership and ongoing maintenance of such areas is a significant issue which would need to be addressed. Consequently, the Landscape Officer would not support buffer planting within residential curtilages, although this could be addressed as part of the reserved matters submission. In addition, she has commented that the height and spread of planting adjacent to the railway may be limited by the rail company's restrictions, planting adjacent to the A533 could encroach on visibility splays or be restricted by services.

As development would be piecemeal, it would be essential to establish design principles and to secure a comprehensive landscape framework retaining existing features of both landscape and ecological value. The landscape framework would need to be closely aligned to ecological mitigation proposals. Advance structural planting would need to be secured and consideration would need to be given to the ongoing maintenance of such planting as part of an overall landscape and ecological management plan for the site. However, these matters could be dealt with through the use of appropriate conditions.

There are no TPOs and no records of ancient semi-natural woodland on the site. (Hollins Wood SBI to the south east beyond the railway is recorded as an ancient woodland site). The site includes a number of individual trees and several groups of trees. There are few trees within the former industrial area. The groups of trees are mainly on the western boundary adjacent to the A533 and to the east, adjacent to the railway. There are a number of individual trees within the fields to the south of the site. There are hedgerows within and on part of the boundary of the site.

The submission includes a comprehensive tree survey undertaken in accordance with British Standard 5837:2005 Trees in relation to construction. The survey report includes tree constraints plans indicating tree positions, categories and root protection areas. The survey covers 61 individual trees and 11 groups of trees. It is reported that of the trees on site:

- 21% are category A - High retention value
- 25% category B – Moderate retention value
- 41% category C - Low retention value
- 13% R -No retention value

The survey report comments that veteran oak trees within the greenfield area to the south of the site are of high ecological, cultural and historic landscape value and their retention should be a high priority. The retention of tree groups to the western boundary is also seen as a priority. The long-term retention of pollarded Willow and Poplar trees to the south west of the site is not considered a priority .

Four lengths of agricultural hedgerow are included in the survey. Two sections on the southern boundary, and two adjoining the A533. These have been graded following the Hedgerow Evaluation and Grading System (HEGS) and found to be of low-moderate value.

As the application is outline with all matters reserved and only an illustrative masterplan provided, it is difficult to fully assess any potential future impact on trees and hedgerows at this stage. It would appear likely that the layout indicated on the masterplan would have some impact on these features. As part of a detailed application, a full arboricultural impact assessment and arboricultural method statement would be required. There are a number of trees worthy of retention and the Landscape Officer would expect the layout of a detailed application to make such provision for these, together with boundary hedgerows. These could also be made conditions of any planning permission.

It does not appear that an assessment of the Hedgerows has been undertaken in accordance with the Hedgerow Regulations 1997. (Such assessment covers both ecological and historic value and is undertaken in accordance with specified criteria). Such assessment is recommended as the presence of a hedgerow found to be 'important' under the regulations would be a material consideration. However, the proposals are in outline, with only broad areas of zoning shown on the indicative layout plans. Whilst a more detailed indicative layout has been provided of the residential zone, this relates to the former chemical works, and the hedgerows on site, are mainly located within the undeveloped area to the south, which is proposed for primarily commercial development and open space. Consequently, it is not possible at this stage to determine which hedgerows, if any, would be proposed for removal. Therefore it is recommended that conditions are imposed requiring assessments under the Hedgerow Regulations to be carried out and submitted with each reserved matters application, for any hedgerows to be removed as part of that phase of development.

Conservation and Design Matters

Initially, there was some concern that the Grade II listed Yew Tree Farmhouse the timber-framed building and its much later brick-built steading would be engulfed by the new development, and would have been surrounded by housing to one side and commercial development the other. This would be to the detriment of its setting. It would also be unlikely that anyone would wish to convert it into an exclusive residence in this situation, and therefore the only option would be to utilise it as a local centre. Conversion to this type of use has a number of practical difficulties in terms of the fitting the requirements of a modern commercial premises into a listed building without causing loss or damage to features of historic and architectural interest. Also the local centre would not be required until a substantial amount of the other development had taken place. Consequently, it may be some time before a viable re-use for the historic buildings could be secured and in the intervening period they would be susceptible to decay and vandalism.

However, the zoning plan has now been amended to create a greater landscaped buffer around the farmstead, and to move the commercial uses away from it. This should create sufficient space to protect the setting of the listed building, and to create sufficient separation from the new residential development to ensure that the house and its range of outbuildings could be converted into a number of more exclusive bespoke dwellings.

The conservation officer has expressed concerns that, left in the midst of a development site that could take several years to decontaminate and fully build-out, it will be pillaged of most of its original fabric by thieves and vandals long before the developer has converted it. Similar problems occurred at the nearby Cledford Hall, following the allocation of Mid-point 18 for commercial development. However, the developer has agreed to a condition which would require the intermediate use of the farmhouse as temporary site office from the beginning, which would ensure 24 hours security of the building.

The site is adjacent to the canal conservation area and British Waterways has objected to the proposed Greenfield development on the grounds of the suburbanizing effect on the appearance of the canal and its conservation area. Whilst it is acknowledged that there would be a marked change in the character of the conservation area, it is not considered that it would necessarily be detrimental to that character. High quality of design and layout has the potential to create an active and attractive frontage to the canal. The indicative layouts show properties fronting onto the canal and a strip of open space along the site frontage which would link the canal to the development and would allow the public to enjoy the waterside setting.

The scheme could be enhanced in conservation terms, through further development of the master plan to link the canal and greenspace on the site frontage to the main area of open space adjacent to the former farmstead. The main access road should also be realigned to run around the perimeter of Yew Tree Farm, rather than through it as currently shown, to reflect the change in the proposed use from local centre to private residences. Subject to these matters being addressed through the reserved matters submission, it is considered that the proposals would be acceptable in conservation and design terms.

Drainage and Flooding,

A number of residents have expressed concerns about drainage matters. The developer has submitted a Flood Risk Assessment with the application which concludes that the proposed development will not be at risk from flooding and with appropriate mitigation measures will not increase flood risk elsewhere. Therefore the proposed development meets the requirements of PPS25. The Environment Agency has considered the report and raised no objections subject to the imposition of appropriate planning conditions to ensure that the required mitigation is carried out. United Utilities have objected as no detailed foul drainage proposals have been submitted. However, given that this is an outline application, which seeks merely to agree the broad principles of development, and that the detail of the application in terms of layout, number of dwellings and precise mix and location of commercial uses is reserved for future applications, it is not possible to produce definitive foul drainage proposals at this stage.

It is therefore considered that detailed foul and surface water drainage proposals should be dealt with by condition. This approach has been endorsed by the Environment Agency and on this basis, whilst the concerns of United Utilities and local residents are noted, it is not considered that a refusal on flood risk or drainage grounds could be sustained.

Affordable Housing,

Congleton Borough Council adopted Supplementary Planning Guidance and the Cheshire East interim affordable housing policy both require the provision of 30% affordable housing, unless economics of provision arguments indicate otherwise.

A financial viability assessment prepared by Wallace Cameron & Associates (WCA) was submitted with the original planning application and identified the likely level of

revenue that could be delivered from the scheme after account had been taken for the cost of purchasing the land, dealing with site remediation and infrastructure costs and allowing for developer's profit. At that point in time the applicant did not put forward any firm proposals in relation to affordable housing or a broader Section 106 package, wanting instead to understand the Council's priorities following consultation on the application.

In May 2010 as part of minor revisions to the disposition of uses within the application and following the submission of a detailed Supplementary Planning Statement, a further financial viability assessment was submitted by WCA, which updated the original assessment. Based on that revised financial viability appraisal, the Supplementary Planning Statement (May 2010) contained (at paragraph 5.7) a package of planning gain measures including off site highway works and affordable housing.

The Council subsequently instructed Rodger Hannah and Co. (RHC) to review the WCA financial viability appraisal. Their advice was that WCA had adopted the wrong approach in assessing the level of affordable housing that the development could afford, and requested instead that the applicants appraise only the residential element of the mixed use proposals, using the HCA's Economic Appraisal Toolkit (July 2009 version). The applicants, therefore, instructed BNP Paribas Real Estate (BNP) to undertake an assessment of the economic viability of the residential element of the scheme and their original report was issued in July 2010. This was then reviewed by RHC who provided their initial response in September 2010, raising a number of points of concern in respect of BNP's conclusions. Following a meeting to discuss the principal differences further reports were produced by both firms in late October. Whilst the two consultants have achieved a consensus of opinion on a number of matters, some differences still remain. These are set out below.

Differences between BNP and RHC using the HCA Toolkit

It is important to note at the outset that both viability appraisals are based on a hypothetical housing scheme of 379 residential units, made up as follows:

Unit Type	Total Number	%
Yew Tree Farm Courtyard Apartments	9	2.4%
1 Bedroom Flats	8	2.1%
2 Bedroom Flats	11	2.9%
2 Bedroom Houses	71	17.4%
3 Bedroom Houses	149	39.3%
4 Bedroom Houses	135	35.6%
Yew Tree Farmhouse	1	0.3%
Total	379	100%

As indicated above, this is a hypothetical scheme assuming that the site is developed for the maximum of units proposed and in accordance with the specific unit size mix. Given that the site area of the application given over to residential is 7.9 hectares (19.51 acres), this hypothetical mix would provide a density of 48 dwellings per

hectare, including the listed building area. In practice, the likelihood is (based on current market trends) that the site will be developed at a lower density (i.e. less units).

Notwithstanding the above, RHC and BNP have both separately appraised the viability of this hypothetical scheme using the HCA Toolkit. While there is agreement on a wide range of inputs into the Toolkit, for the reasons set out below there is a clear difference in the conclusions of the assessments in terms of what level of affordable housing provision could viably be made. For the applicants, BNP's assessment concludes that the scheme could not afford to provide any affordable housing. Conversely, RHC conclude that the scheme could afford to make a 15% affordable housing provision. There are three main reasons for this difference which are set out below.

Sales Values

In the original appraisals by BNP and RHC there was a considerable difference in sales values (expressed as £/sq.ft of residential floor area) between the parties, and it is noted that in their more recent assessment RHC have put forward a more 'conservative' value model and consider this appropriate in light of the continued retrenchment of the residential market, which indeed has gathered momentum in recent weeks with further monthly falls recorded by the Nationwide Building Society. RHC's figures per square foot are now generally closer (within 5%) of the BNP rates, as the following summary table demonstrates:

Unit Type	BNP Sales Value per sq.ft	RHC Sales Value per sq.ft
Yew Tree Farm Courtyard	£185.61	£232.02
2 Bedroom House	£182.14	£179.42
3 Bedroom House	£165.12	£182.24
4 Bedroom House	£169.83	£170.97
Yew Tree Farm	£211.11	£211.11

The difference between the parties is now marginal except for the Listed Courtyard, which is diminimus in terms of the overall appraisal, and the three bedroom houses. As there are 149 three bedroom houses within the hypothetical scheme, the difference of £17.12 per sq.ft in value for the three bedroom houses when multiplied by the average floor area for a three bedroom house amounts to quite a considerable sum.

Both parties acknowledge that there is a lack of new build residential schemes in Sandbach from which to draw comparison. However, the applicants consider that the RHC approach fails to reference the very cautious state of both the National and Cheshire housing market and the negative outlook of the majority of commentators in the market at the current time. As a result they consider that the RHC approach remains too optimistic.

Residential Floor Areas

As part of the HCA Toolkit approach average floor areas must be stated for the hypothetical residential mix as this is then used to assess both construction cost and unit sale values.

Although they did not raise it at in their original assessment (September 2010) RHC have raised some concerns about the BNP residential floor areas. In particular, they suggest that it is incorrect for BNP to apply larger residential floor areas to the affordable housing (as compared to the private housing), and suggest that residential floor areas should be taken from the Hop Yard development in Sandbach town centre constructed by house builder Seddon's.

The difference between the two parties in terms of unit sizes can therefore be demonstrated by the following summary table:

Unit Type	BNP Average Floor Area (sq.ft)	RHC Average Floor Area (sq.ft)
Yew Tree Farm Courtyard Apartments	431	431
1 bedroom affordable	538	538
2 bedroom private house	700	780
2 bedroom affordable flat	753	700
2 bedroom affordable house	753	753
3 bedroom private house	969	1,070
3 bedroom affordable house	1,055	969
4 bedroom private house	1,238	1,316
Yew Tree Farm	4,500	4,500

The applicants disagree with the rationale given by RHC for changing the residential floor areas. The use of the Seddon Homes floor areas for the application site is not comparing like with like given that the Seddon Homes scheme is an infill town centre scheme and the Albion scheme is in a semi-rural location on the edge of Sandbach. Moreover it is up to the applicant to decide the most appropriate size for each market unit and affordable unit floor areas are set out by the HCA. RHC have reduced the affordable housing floor areas to below those published by the HCA.

The applicants argue that contrary to what RHC state in their most recent report, market practice is not that affordable units are generally smaller than private units, the position is actually the other way round due to HCA minimum standards for affordable housing which do not apply to market housing.

The effect of RHC's adjustment to the residential floor areas is that with their appraisal, there is 26,865sq.ft more residential floor area across the development. Expressed on a per acre basis, the RHC hypothetical scheme would achieve 20,845sq.ft per acre compared to BNP's 19,468sq.ft per acre.

According to the applicant the housing sector is very wary of building at over 19,000 or 20,000sq.ft per acre in out of town locations and the density applied by BNP was already at the upper end of normal site coverage – the trend is very much to have

less density of development than was the norm in the past. Added to which, given the rural location, and the recent removal of minimum densities from PPG3, it is unlikely that a density at the upper end of the range referred to above, would be appropriate in planning terms.

Percentage Uplift in Sales

In the latest BNP assessment a sensitivity analysis is carried out which identifies that in order to deliver 10% affordable housing, there would need to be a 5% increase in sales values. The applicants are of the opinion that RHC have misinterpreted this sensitivity test and taken it to be recognition by BNP that house prices will increase by 5%. As a consequence, RHC have applied a 5% increase to the residual value in their appraisal in order to justify a 15% affordable housing provision.

The applicants argue that not only does this approach misrepresent BNP's appraisal, but it also seeks to challenge the common held view within the industry that house prices have yet to stabilise and will continue to fall for the time being. Indeed, as set out in the BNP October 2010 report, recent data on house prices presents a fairly gloomy picture. For example, the Halifax National House Price Index showed a monthly fall of 3.6% in September, and the Land Registry Index also reported a fall in June. Commentators remain very cautious on the future of the market with experts such as Capital Economics predicting an 11% fall in North West house prices in 2011, on top of a 3.5% fall in 2010. Against the current position and outlook, the approach taken by RHC towards sales values cannot be justified.

Revised Toolkit Appraisal

The above three factors are largely responsible for the difference in valuations between the applicant's consultant BNP and RHC on behalf of the Council. However, since the original reports were prepared by BNP and RHC (in October 2010) two inputs into the Toolkit have been identified which require amendment and these are discussed below.

Firstly, both BNP and RHC have modelled the residential proposals on the basis of 379 units whereas in fact, the planning application has applied for a maximum of 375 units.

Secondly, the level of Section 106 monies attributable to the residential element of the development has been revised following detailed discussion with Highway Officers. A total package of off-site highway works has been agreed at £640,000, of which £470,000 can best be attributed to the residential element of the development. This is significantly more than the £320,000 quoted in the original appraisal.

In addition to these two revisions, and in an attempt to narrow the differences between the parties, BNP have also now applied the RHC higher sales values to the BNP floor areas. In other words, notwithstanding the firm view that the RHC sales values are too high and therefore generate a greater sales receipt, the figures have been accepted for the purposes of providing a revised Toolkit Appraisal.

The revised appraisal with the above 3 adjustments identifies that in order to achieve the residual land value of £3.3M (agreed between the parties), the residential

development could only afford to provide 8.3% affordable housing, rather than the 15% suggested by Rodger Hannah and Co. Based on this revised appraisal, the applicants are proposing an affordable housing provision of 8% (which equates to 30 units out of 375) to be provided on site. The housing is to be provided based on 33% social rented and 67% intermediate/shared ownership, and to be provided in a variety of unit sizes to meet local requirements, in accordance with the scheme to be agreed at the Reserved Matters stage. The affordable housing to be 'tenure blind' and pepper potted throughout the site, subject to RSL operational requirements.

In summary, three principal points of difference remain between the applicant's consultant, BNP, and the Council's Consultant, RHC,, which has led to a difference of opinion as to the level of affordable housing that the site could support. RHC argue that it should be %15 and BNP are of the view that it is 0%. The three points of disagreement are over sales values, floor areas, and percentage uplift in sales. The applicant's have agreed to use the RHC sales values and have provided convincing arguments as to why the floor areas and percentage uplift figures they have used are robust. They have also factored in two recent development in terms of a correction to the number of units proposed and an increase in section 106 monies which will be provided, which further reduce the viability of the scheme. On that basis they have offered 8% affordable housing. On balance, for the reasons given above, it is considered that the 8% contribution is fair and reasonable and reflects the economics of provision.

Highways

As initially proposed, access to the site would have been via two new roundabouts on the A533 Booth Lane and a retained industrial access to the north. However, the Strategic Highways Manager was concerned about this arrangement and has agreed amended plans showing a new roundabout at the southern access point (as previously proposed), a new ghost island property junction to serve the northern redevelopment area (replacing the previously proposed northern access roundabout) and retention of the existing industrial access to the northern area (as previous proposed). On this basis the Strategic Highways Manager is satisfied that a safe access can be achieved to the development.

With regard to wider traffic impacts, a Transport Assessment has been submitted with the application which concludes that the proposed development will generate a significant increase in traffic movements on the A533, in towards both Middlewich and Sandbach, and more significantly, will increase the loadings on main junctions in both town centres. There will also be an impact on, junction 17 of the M6, which is already heavily overloaded. The Highways Department have examined the Transport Assessment and endorsed its conclusions.

Following detailed discussions between the applicants Transport Consultants SK Transport Planning, the Highways Agency and the Council's Highway Engineer, a package of off-site highway works has been agreed, which will address junction capacity issues arising out of the completed Albion redevelopment, and in certain instances addressing existing deficiencies. The package will also assist in making the application site more accessible to non-car borne modes of transport. The package is as follows:

- i. £190,000 financial contribution to Cheshire East Council for the proposed improvement works to Junction 17 of the M6, or such other scheme as deemed appropriate by the Local Highway Authority and Highways Agency.
- ii. £197,000 financial contribution to Cheshire East Council for the proposed improvement scheme to the A533 Old Mill Road/High Street/The Hill and A533 Old Mill Road/Brookhouse Road.
- iii. £170,000 financial contribution to Cheshire East Council for the proposed improvement scheme to the A54 Kinderton Street/Leadsmithy Street junction, or such other alternative scheme deemed appropriate by the Local Highway Authority.
- iv. £25,000 financial contribution to Cheshire East Council for the provision of Quality Partnership Bus Stops on the east and west bound carriageways of the A533 in the immediate vicinity of the application site.
- v. £20,000 financial contribution to Cheshire East Council for the provision of a 'Real Time Passenger Information Facility' at Sandbach railway station.
- vi. £38,000 to be provided in an Escrow account to be used to enhance the accessibility of the application site should the detailed Travel Plan modal split targets not be achieved.

Items (i), (ii), (iv), (v) and (vi) are all considered to be most attributable to the residential element of the development either because they will be required very early on in the development process, or because they the residential development is likely to be the land use that advances first on the site. This is how the figure of £470,000 that has been put into the revised Toolkit appraisal has been calculated.

Education

The Council's School Organisation and Capital Strategy Team have identified that there are currently not sufficient places in primary schools within a two mile radius of the application site to accommodate all of the pupils that could be generated by the residential development. Conversely however, there are sufficient places within secondary schools with a catchment that takes in the application site. The education department has therefore determined that a developer contribution of £462,355, will be sufficient to off-set any impact on local provision.

The developer has proposed a financial contribution of £100,000 to be paid towards the provision of additional infrastructure at the Elworth CE Primary School. Whilst this is significantly below the amount requested, as has been detailed above, the viability of the scheme is marginal, and any increase in education provision, would, by default, result in a corresponding reduction in either the highways contributions or affordable housing provision. On this basis, it is considered that a £100,000 contribution is reasonable and achieves a fair balance between education improvements and other required mitigation works. Furthermore, it should be noted that this contribution would be made prior to occupation of the first residential property, notwithstanding the fact that the residential development will take many years to complete and hence, the generation of additional primary school pupils will have little impact on the primary school in the early years of the development.

Open Space Provision

The indicative zoning plan shows the provision of both Amenity Greenspace and Public Open Space within the development. The developer has explained that this will be provided in accordance with the Council's Supplementary Planning Guidance and will be maintained by a management company. Precise details of the location, nature and extent of the open space will be submitted at reserved matters stage.

To ensure that this takes place it is therefore recommended that the Section 106 Agreement should state that the reserved matters shall make provision for the Public Open Space within the development site. The Agreement should also require details of grading, drainage, layout, landscape, fencing, seeding and planting of the public open space to be agreed in writing with the Council.

Ecology,

A substantial amount of supporting ecological information has been submitted with the application. The Council's ecologist has examined the proposals and raised no objections subject to conditions. Three specific areas require further work to be carried out as part of future submissions. Firstly, a further full planning application will be required for the conversion of Yew Tree Farm, once the final use for those buildings has been determined. A full bat, barn owl and breeding bird survey will be required with that application. Secondly, the survey work that has been undertaken has indicated that there are no badgers on site at present. However, this situation can change rapidly, and it is therefore recommended that further surveys are undertaken as part of the preparation of reserved matters applications for each phase of development. The presence of badgers on site would not prevent development altogether but it would inform the layout and any necessary remediation work at the detailed design stage. Finally, although there are no barn owls identified as being present on site, they are in the vicinity and the scheme could lead to some degradation of their foraging areas. Consequently, it is recommended that provision is made via condition for the establishment of habitat enhancement areas, within the land owned by the applicant, outside the development site boundary.

Contaminated Land

A number of third party objections have been received in respect of contaminated land. However, the Council's Contaminated Land Officer has raised no objection subject to conditions requiring details of the proposed mitigation measures to be submitted and approved. Consequently, it is not considered that a refusal on these grounds could be sustained.

Air Quality

An Air Quality Impact Assessment has been submitted with the application. The Council's Environmental Health Officers have examined the report and highlighted a number of omissions. It is therefore recommended that conditions are imposed requiring a revised and updated report and accompanying mitigation measures to be submitted and approved prior to commencement of development.

11. CONCLUSIONS

The proposal involves the redevelopment of a brownfield site within the settlement boundary, for residential use, which is considered to be acceptable in principle. Although the proposals would result in the loss of an existing employment site, the redevelopment involves a significant element of new employment generating uses, both on part of the former factory site, and on adjoining undeveloped land. The scheme also has a number of other positive planning benefits, most notably the removal of an unsightly chemical works and the remediation of the site. It will also assist in meeting the Council's 5 year housing land supply requirement and in the delivery of much needed affordable housing.

The proposal also involves the development of an area of Greenfield land alongside. Whilst this is contrary to adopted local plan policy it will enable the remediation and regeneration of the adjoining previously developed land which would not otherwise be economically viable. The proposals have been carefully assessed and any harm in terms of impact on the character and appearance of the wider rural landscape, is considered to be limited in this instance, and on-site landscape impacts can be adequately mitigated.

The proposals are considered to be acceptable in terms of their impact on the listed building on site and the canal consideration area, and are not anticipated to result in increased risk of off-site or on site flooding. The developer has offered to provide 8% affordable housing based on 33% social rented and 67% intermediate/shared ownership, and to be provided in a variety of unit sizes to meet local requirements, in accordance with the scheme to be agreed at the Reserved Matters stage. The affordable housing to be 'tenure blind' and pepper potted throughout the site, subject to RSL operational requirements. Whilst this is below the policy requirement of 30%, it is considered that convincing economics of provision and viability arguments have been put forward to justify this level of provision. IN addition the developer will provide a £100,000 contribution to education provision.

The highways impacts of the proposal have been carefully assessed and £640,000 of off-site improvement works has been identified. The Strategic Highways manager is satisfied that this package of measures will adequately mitigate the traffic impacts of the proposal; He is also satisfied that the proposed access arrangements which include a new roundabout on the A533, are acceptable in highway safety terms.

The proposal will make adequate provision for on-site public open space in accordance with the Council's Supplementary planning guidance. It is not considered that any adverse impacts will occur in terms of ecology and it is considered that the contamination issues on the site can be adequately remediated.

Therefore, whilst the principle of the proposal does not comply with the provisions of the development plan policies, in respect of the new development within the open countryside, it is considered that these are outweighed by a number are substantial material considerations. In all other respects the proposal complies with the relevant local plan policies and accordingly it is recommended for approval subject to a Section 106 agreement and appropriate conditions.

12. RECOMMENDATIONS

APPROVE subject to completion of Section 106 legal agreement to secure the following:-

Affordable housing provision of 8% - to be provided on site. The housing is to be provided based on 33% social rented and 67% intermediate/shared ownership, and to be provided in a variety of unit sizes to meet local requirements, in accordance with the scheme to be agreed at the Reserved Matters stage. The affordable housing to be 'tenure blind' and pepper potted throughout the site, subject to RSL operational requirements.

And the following contributions:-

- A533/A54 Leadsmithy St, Middlewich:- £170,000**
- A533/A534 The Hill/High St/Old Mill Rd/Brookhouse Rd roundabout, Sandbach £197,000**
- Junction 17 – M6:- £190,000**
- Quality partnership bus shelters £25,000**
- Real Time Information facility, Sandbach Rail Station £20,000**
- Travel Plan facilities and targets £38,000**
- Education contribution - £100,000**

The reserved matters to make provision for the Public Open Space within the development site, details of grading, drainage, layout, landscape, fencing, seeding and planting of the public open space to be agreed in writing with the Council.

And the following conditions

- 1. Standard outline**
- 2. Submission of reserved matters**
- 3. Approved Plans – location and zoning**
- 4. Notwithstanding detail shown – no approval of indicative residential masterplan.**
- 5. Submission of Landscape Design principles**
- 6. Submission of Landscape framework**
- 7. Submission of Landscape and ecological management plan**
- 8. Retention of trees and hedgerows**
- 9. Submission of Arboricultural Impact Assessment**
- 10. Submission of Arboricultural Method Statement**
- 11. Submission of Comprehensive tree protection measures**
- 12. Submission of assessments under the Hedgerow Regulations with each reserved matters application, for any hedgerows to be removed as part of that phase of development.**
- 13. Submission of topographical survey as part of reserved matters.**
- 14. Use of farmhouse as site office**

15. geophysical survey in order to establish the need, if any, for further archaeological mitigation and submission / implementation of mitigation.
16. Submission of travel plan with each reserved matters application
17. Contaminated land assessment
18. A scheme for the provision and implementation of a surface water regulation system
19. A scheme for the management of overland flow
20. A scheme to be agreed to compensate for the impact of the proposed development on the two drainage ditches within the development boundary.
21. A scheme for the provision and management of compensatory habitat creation
22. Wetland creation, for example ponds and swales.
23. A scheme to dispose of foul and surface water
24. Submission of contaminated land investigation / mitigation
25. Submission of revised air quality impact assessment / mitigation
26. South west facing facades of dwellings to be attenuated by close-boarded wooden fencing along the south west site boundary in order to provide a 5 dB reduction.
27. The north western boundary shall be attenuated by a landscaped buffer zone which shall be 2m high and a minimum surface density of 15/20 kg/m³. Along the top of the bund shall be a 2m acoustic fence in order to provide further attenuation.
28. Submission of scheme for protecting the proposed dwellings from railway noise and vibration
29. Submission of a scheme for protecting housing from noise from all the commercial and industrial activities
30. Each reserved matters application for commercial activities to be accompanied by submission and approval of proposed hours of operation
31. Each reserved matters application for commercial activities to be accompanied by a noise impact assessment has been submitted to and approved by the Local Planning Authority. The noise impact assessment shall address;
 - All hours of operation;
 - noise from moving and stationary vehicles;
 - impact noise from working activities;
 - noise from vehicles moving to and from the site in terms of volume increase; and
 - current background levels of noise.Any recommendations within the report shall be implemented prior to the development being brought into first use.
32. Prior to commencement of development of any commercial building scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise, to be submitted

- 33. Prior to commencement of development of any commercial building details of any external lighting shall be submitted to and approved**
- 34. Prior to commencement of development of any commercial building details of security for the car parks to prevent congregations of vehicles late at night to be submitted**
- 35. Prior to commencement of development of any commercial building details of the specification and design of equipment to extract and disperse cooking odours, fumes or vapours**
- 36. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays**
- 37. Details of the method, timing and duration of any pile driving operations to be approved**
- 38. Details of the method, timing and duration of any floor floating operations connected with the construction of the development hereby approved to be approved**



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