

Planning Reference No:	P09/3639C
Application Address:	13, Congleton Road, Sandbach, Cheshire, CW11 1HG
Proposal:	Demolition Of All Existing Buildings And The Erection Of 53 No. Retirement Apartments
Applicant:	Gladman Care Homes Ltd/Hackney
Application Type:	Full
Grid Reference:	375985 361087
Ward:	Sandbach
Earliest Determination Date:	17 December 2009
Expiry Dated:	29 January 2010
Date of Officer's Site Visit:	29 December 2009
Date Report Prepared:	7 January 2010
Constraints:	Wind Turbine Dev. Consultation Area

SUMMARY RECOMMENDATION:

REFUSE on the following grounds:

- The development represents an incongruous feature in the streetscene, out of context with the environment.
- The proposal, by reason of its close proximity to the southern boundary, scale and design, would, when viewed from Sandbach Park, appear obtrusive and would visually intrude into the park, to the detriment of the openness and character of the area.
- The proposed development by virtue of its location would be harmful to the continued effective operation of the existing public sewer.

MAIN ISSUES:

- The acceptability of the development in principle
- Layout, design and street scene
- Impact on neighbour amenity by reason of the scale and mass of the development proposed
- Provision of affordable housing
- Open space provision
- Sustainable development
- Renewable energy

1. REASON FOR REFERRAL

This application has been referred to the Strategic Planning Committee due to the significance of the application in terms of its scale, prominent location and impact on the character of the Town Park.

2. DESCRIPTION OF SITE AND CONTEXT

The majority of the site comprises of a former petrol filling station and haulage depot on Congleton Road approximately 50m north of Sandbach town centre and within the development boundary. A two storey residential property also forms part of the site on the north western corner.

The site is roughly rectangular in shape extending to a point on the north eastern end of site and covers an area of approximately 0.47 Ha.

Currently on the site is barrel roofed building at the front of the site and a number of smaller single storey structures for the haulage business with the house number 13, facing onto Congleton Road with a red brick exterior and slate roof. These buildings are no longer in use.

An access road leading to the rear of the site lies on the northern side of the site beyond which is 17 Congleton Road, a dry cleaners and a number of residential properties facing the main road. To the north east of the site are a number of dwellings accessed off Eaton Close which back onto the site and are separated from the site by tall conifer hedges which in places are up to 6.0m in height but generally in poor condition. These properties are generally only single storey though there are some dormer bungalows as well.

To the south east lies Sandbach Park, a Protected Area of Open Space/ Recreational Facility as allocated in the adopted Congleton Borough Local Plan First Review, which benefits from a number of public footpaths which cut across the area. To the immediate south are Sandbach Ambulance and Fire Stations which have access onto Congleton Road. Both of these structures are relatively modern in terms of construction.

The application site is relatively level throughout, with only a slight rise from the east of the site to the west of approximately 1.5m. Notwithstanding this, the ground level is elevated approximately 2m to 3m above the ground level of the neighbouring dwellings to the north. Also, the ground level of the application site is approximately 1m above the ground level of the ambulance and fire stations to the south. There are currently two access points that serve the overall site; one served the petrol station and the other is further to the north, running along the northern boundary of the existing dwelling and served the haulage depot. Both access points are from Congleton Road.

3. DETAILS OF PROPOSAL

This application is for the development of 53 apartments divided into 13 one-bed apartments and 40 two-bed apartments. This is a commercial development for the creation of retirement apartments as opposed to the development of an extra care facility and accordingly, the scheme does

not benefit from a wide range of facilities or on site care provision. As a consequence, the development is subject to the same policy obligations in respect of affordable housing, public open space provision and parking requirements.

In terms of its built form, the building is essentially U shaped with differing levels of development with a two storey element on the southern ends and rising to four storey in the centre. In terms of appearance, the design of the building is contemporary in form comprising of brick to the ground and first floors with render above and a tiled roof. Use is also made of either full or juliet balconies to provide additional detailing.

In addition 26 parking spaces including 2 disabled spaces are to be provided at the side of the site close to the northern boundary.

Secure garden areas for the residents are to be provided to the east and additional landscaping is also to be provided.

4. RELEVANT HISTORY

The main application of note is the recent refusal on 4th November 2008 of application: 08/0219/FUL. This was for the demolition of all existing buildings on site and the erection of 54no. retirement apartments with associated access, car parking and landscaping.

The remainder of the planning history for the site therefore relates more to incremental changes in the use of the site as a petrol filling station and a haulage yard.

5. POLICIES

National Policy

PPS 1: Delivering Sustainable Development

PPS3 Housing

PPG 13: Transport

North West of England Plan - Regional Spatial Strategy to 2011

DP1 Spatial Principles

DP7 Environmental Quality

L1 Health, Sport, Recreation, Cultural and Education Service Provision

L4 Regional Housing Provision

L5 Affordable Housing

EM11 Waste Management Principle

EM18 Decentralised Energy Supply

Cheshire Replacement Waste Local Plan

Policy 11 (Development and Waste Recycling)

Congleton Borough Council Local Plan First Review 2005

PS4 Towns

H1 & H2 Provision of New Housing Development

H4 Residential Development in Towns

H13 Affordable and Low Cost Housing

GR1 New Development

GR2 & GR3 Design

GR6 Amenity and Health

GR9 Accessibility, Servicing and Parking Provision (New Development)

GR17 Car Parking

GR22 Open Space Provision

S5 Other Town Centre Areas

SPG1 Provision of Public Open Space in New Residential Development

SPG2 Provision of Private Open Space in New Residential Development

SPD6 Open Space Provision

6. CONSULTATIONS (External to Planning)

Environmental Health

No objection to the development proposed although conditions in respect of the following are proposed:

- A contaminated land Phase 1 report shall be submitted to, and approved in writing by the Local Planning Authority with a Phase 2 report and, if necessary remediation works to be undertaken.
- 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.
- Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details.
- No development shall commence until an assessment of traffic noise [and vibration] has been submitted to and approved in writing by the Local Planning Authority. The recommendations in the report shall be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted. The assessment must also incorporate the potential impact on the proposed properties from the surrounding industrial premises.

- No development shall take place until an air quality impact assessment has been submitted to and approved by the Local Planning Authority. The impact assessment shall address the following issues;
 - Current air pollution levels around the development site;
 - Details of potential sources of air pollutants as a result of development activities;
 - Measurable changes (increase and/or decrease) to air pollution concentrations as a result of development activities;
 - Comparison of predicted changes in air pollution concentration to current air quality standards;
 - Precise details of any methodology/guidance used in the assessment of air quality impact;
 - Proactive measures to address potential air quality issues where appropriate.
- Heavy goods vehicles should be restricted and shall only access the site from 9 am to 5 pm Monday to Friday and 9 am to 1 pm on a Saturday.

Nature Conservation Officer

The officer has noted that the application was supported by an acceptable ecological survey and has no objections to the development. The only potential ecological issues relate to the presence of roosting bats and breeding birds.

No evidence of roosting bats was recorded although small numbers of bats were recorded as commuting along the eastern boundary of the site. The officer noted that the hedgerow along this part of the site is to be retained and enhanced as part of the development. Provided native species are used to supplement the hedgerow, this proposal is likely to be of benefit for bats.

With regards to breeding birds some evidence of previous nesting was recorded within the buildings on site.

If the scheme were to be approved, the officer has therefore recommend that two conditions to protect breeding birds and to ensure that some additional provision is made for both nesting birds and roosting bats.

Affordable Housing Officer

At the time of the preparation of the report, discussions were still being held with the applicant on the provision of affordable housing. Accordingly, no comment has been received at this time.

Senior Landscape & Tree Officer

The officer has commented that there are a number of trees and lengths of hedge in the vicinity of the site. None of the trees within the site are subject to TPO protection. The submission includes a tree survey. Whilst the cover of the report is dated October 2009, in the document it is stated that the survey was undertaken in July 2007. This is felt to be slightly out of date raising questions over the suitability of the survey.

The site layout plan ref. no.101 shows trees and landscape in an indicative manner and it is not possible to ascertain from the plan the full impact on existing vegetation. However, on block plan no. 102, annotations suggest that the existing hedge and some planting to the north and east would be retained with vegetation to the south being removed. In a tree quality assessment, the submitted tree survey and report classes all the trees to be removed as retention value class C1 or C2 and no outstanding specimens have been identified.

The officer is satisfied that there are no outstanding trees on the site. Nonetheless, retention and protection of the vegetation to the north and east is considered important to help protect the amenities of adjoining properties and reduce the impact of the development when viewed from Sandbach Park. The separation distance between the building and the boundary to the south is such that it would not be feasible to accommodate trees of any significance in mitigation for trees to be removed should the visual impact of the building when viewed from the south be considered an issue.

Site layout plan ref. 101 states that it should be read with the Landscape architects layout plan although no such plan was found in the submission.

In the event the application is deemed acceptable a comprehensive landscape scheme and full details of protective measures for retained trees and hedges will be required.

Highways

The Strategic Highways Manager has assessed this application and recognises that the proposed use offers significant betterment against the traffic that could be generated by the existing use if resumed.

The Strategic Highways Manager recommends conditions and informatives be applied to any permission which may be granted.

The conditions would seek to ensure that no development will commence until the developer has entered into and signed a Section 278 Agreement with the Council and prior to first occupation, all internal access roads and parking areas will be constructed, marked and available for use. In addition, prior to first occupation, the developer will provide a Staff Travel Plan to the satisfaction of the Local Planning Authority and a suite of detailed design plans of all 'off-site' highway

works, to the satisfaction of the Local Planning Authority (see informative below).

The informative would seek to ensure the S278 Agreement will include for the provision and construction of the 'off-site' highway works.

United Utilities

Objection to the scheme in the basis that a 100mm rising main runs along the southern boundary of the development and there should be no building over the line. In addition, an access strip 6.0 m wide in total (3.0m either side of the line) should be allowed for servicing.

In addition, the surface water should be on a separate system with only foul water connecting to the public sewer. In addition, a pumped storage system should be used and separate metered supply will be required for each unit.

Environment Agency

The Environment Agency has no objections to the stated application but has requested that if the scheme is approved informative should be included on the decision notice in respect of bat species.

The agency has also recommend that a landscaping scheme is incorporated composed solely of native species.

7. VIEWS OF THE PARISH / TOWN COUNCIL:

The Town Council has objected to this development on the grounds that the development is out of keeping with the area and represents an over development of the site thus contravening Policies GR1 and GR2 parts 1a and d of the Local Plan.

8. OTHER REPRESENTATIONS:

At the time of preparation of the report, four letters of objection have been submitted to the Council from neighbours to the north of the site in Eaton Road and in Radbrook Close. The objectors raised the following comments:

- Concerns over the impact that the development would have on the character of immediate area due to it being four storey in height. In particular, concern was raised to the impact on the park from which the development would be visible given that the trees on the boundary are predominantly deciduous.
- Other issues raised related to the impact that the development could have on causing additional congestion to the traffic on Congleton Road and drainage and sewerage.

- Reference has also been made to the difference in levels between the site and the dwellings in Eaton Close, the likelihood of the conifer hedge remaining following the redevelopment of the site and the displacement of parking onto Eaton Close.
- It has suggested that a two storey development would be more in keeping with the character of the surrounding area.

9. APPLICANT'S SUPPORTING INFORMATION:

Planning Statement

The applicants have supported the application with a planning statement that seeks to justify the development and looks closely at policies appertaining to the scheme proposed. The document also looks at the planning history of the site and draws attention to the key benefits that the proposal could bring.

Transport Assessment

A transport assessment undertaken by Ashley Helmes Associates was prepared by the applicants and submitted with the application. This study shows the development would only be likely to generate five vehicles in and out of the site during the morning peak hour and six vehicles in and out during the afternoon peak.

Accordingly, it is the consultants view that the development would not have a material impact on the operation of the local highway network.

Wildlife Surveys

The applicant has commissioned an Extended Phase 1 Habitat survey and a bat and bird report from Landscape Planning Ltd in respect of protected species that may be present on the site. This has found no significant presence of protected species on the site.

Design and Access Statement

The applicants have produced a Design and Access statement which examines the viability of the proposal and the character of the surrounding area. The document also looks at the relationship of the proposed development to the neighbours and the town park. The statement seeks to justify the design and scale of the development within the surrounding character of the area.

Draft Section 106 Heads of Terms

The applicants have set out the key terms of a section 106 agreement to provide 16 apartments of the 53 proposed which equates closely to a 30% provision which is to be sold at a 30% discount as discount market value housing and an offsite contribution towards public open space provision. The applicants have also accepted that the discounted units should be discounted in perpetuity.

Site Investigation Report

A report by RSK ENSR Ltd has been submitted. The report looks at existing ground conditions and soil contamination together with identifying a remediation strategy to make the development acceptable.

Ground Water Monitoring Statement

Although the applicants have not produced a flood risk assessment as the site is below a hectare in size and not in an area at risk of flooding, they have submitted a report from RSK ENSR Ltd originally produced for the original occupiers Chevron Texaco to look at ground water condition given the historic use of the site as a petrol filling station.

This report has been considered as part of the wider contamination survey.

Tree Survey Report

A report by Trevor Bridge Associates has been submitted identifying the value and quality of the trees on site in accordance with the guidance in BS 5837:2005. Aside from two Jaquemont Birches which are class B/C1, all the other specimens are either class C1 or C2 i.e. those trees of a lesser quality or value.

Renewable Energy & Waste Recycling

The applicants have not looked at any specific details for the integration of sustainable building techniques within the development although in the main Planning Statement they have stated that they will be looking for the building to be energy efficient.

In terms of waste recycling, the applicants have stated that facilities will be provided within each flat for the sorting of waste.

Additional Material

Although not submitted with the application, the applicants have made reference to the December 2009 publication "HAPPI - Housing our Ageing Population - Panel for Innovation" by the Communities and Local Government, Department of Health and the Homes and Communities Agency.

10. OFFICER APPRAISAL**Background**

The scheme is similar to the earlier proposal (08/0219/FUL) which was refused but differs in a number of key aspects. The overall footprint of the building has been reduced by approximately 240m² to 1,771m² and the overall floorspace has been reduced by 23%. The building has been reduced in height particularly on the south west corner by 1.8m with a resultant ridge height of 14.27m. The southern elevation, i.e. the bottom side of the U of the building, has also been reduced in length by 3.6m from 62.2m down to 58.6m.

Principle of Development

The application site is located within the Settlement Zone Line for Sandbach to the north of the Town Centre as identified in the adopted Congleton Borough Local Plan first review. Therefore, there is a presumption in favour of development. The site is not allocated in the Local Plan. To the east, the site abuts a Protected Area of Open Space/Recreational, i.e. Sandbach Park.

As the scheme is for retirement flats, the development itself is considered under Use Class C3 i.e. domestic residential and therefore needs to be considered as any other open market housing scheme.

One of the first matters for consideration is the impact that the scheme may have on the Councils housing land supply figures. There are two aspects to this consideration that need to be taken into account, firstly, the suitability of the site for housing when considered against the sequential test for site prioritisation and secondly, if the site is unsuitable, whether the Council can show a viable five year land supply.

In the first instance, the site is located close to the heart of Sandbach and is therefore in a very sustainable position. Furthermore, as the scheme is for the redevelopment of a brownfield site it is felt that the proposal is in a preferable location in terms of policy compliance. On this basis, it is felt that housing development can be supported. For information, the Council is currently close to providing a five year land supply however this is subject to a consideration of the viability on the delivery of some of the schemes previously granted approval due to the recent market down turn and it may be argued that the Council could not prove an adequate five year land supply and accordingly residential development should be looked upon favourably.

Layout, Design and Street Scene

On the basis that the site is deemed suitable for residential development, attention is then given to the details of the scheme.

The earlier proposal was refused on a number of grounds amongst them the scale and mass of the development proposed together with impact that the scheme would have on the neighbours and the views from the town park.

Before looking at the impacts that the scheme will have on the neighbours, attention is given to the relationship of the proposed building to the existing street scene. Whilst there are some three storey properties in the vicinity of the site, the area is predominantly characterised by the existence of two storey dwellings. Whilst some of these are quite grand either being Victorian or Edwardian in character the proposed development is a noticeably larger form. In itself, being larger than surrounding properties is not a reason for refusal but the question to be answered is whether the degree of contrast between the

scale of the building being proposed and those that already exists is acceptable.

In this instance, it is felt that the Congleton Road frontage of the development is still very prominent despite the reduction in scale and mass since the last application. At the street frontage the development is three storeys in height but due to the additional floor further back, the roof level continues to rise. Whilst this will not be particularly prominent to pedestrians passing on the eastern pavement, those passing on the western side of Congleton Road will see the structure at a different angle and therefore experience the mass of the roof form which is particularly noticeable when compared against other buildings near by.

The other principle elevation is that to the park to the east. In the earlier 2008 report, the officer noted the following *“The upper floors of the building will be visible above the tree line, in particular from the view from Sandbach Park to the south. This will result in an obtrusive feature that will have a detrimental impact on the openness of the neighbouring park.”*

Whilst the amended scheme will have a reduced impact on the park especially at the southern (left-hand) end, the building will still be prominent. Having considered the relationship of the building to the park, it is still felt that the scheme will represent an obtrusive feature and will have a detrimental impact on the openness of Sandbach Park.

Amenity

The relationship of the building to the neighbours on the northern boundary is one of the key issues of concern.

Whilst there is an existing conifer hedge along the edge of the site to the north and there is a step change in the difference in levels between the two sites, the building will be relatively close to the neighbouring bungalows.

In their Design and Access statement, the applicants have considered the distances of the building from the neighbours dwellings. Their analysis however has looked at the distance of the three storey element of the building from the rear windows of the existing houses. Whilst there is some merit in this approach given the change in levels and the existence of a bank between the two sites, it is still felt that the analysis should be to the main part of the new development i.e. the two storey element to the north and also take into account that the development will have on the neighbours private garden areas.

One mitigating fact is that the scheme is separated from the neighbours by virtue of the existing conifers but the arboricultural report indicated that these may only remain for up to 20 years. In addition, the applicants have proposed the use of a 2.0m high close boarded fence on the boundary which will impact on the neighbours.

Due to the orientation of the buildings, there will also be a degree of overshadowing which will be especially noticeable in the autumn, winter and spring when the sun is lower in the sky. Whilst this is accounted for in part by the presence of the conifers, these will not remain in place in perpetuity and accordingly the building will overshadow the neighbours.

After consideration, it is felt that the development as proposed will have an unacceptable impact on the neighbours due to overbearance of the buildings and overshadowing.

Landscape

The development will result in the loss of some low quality trees which although not of sufficient worth to warrant protection through the use of a tree preservation order are of some value.

Due to the limited space surrounding the site once the parking area, access road and the building itself are taken into account, there will be little scope for new planting on the site of any substantial planting. On the site plan, the applicants have shown some trees in the garden area to the rear but if allowed to grow to full maturity, they will impact on light entering the bedroom windows to the detriment of the residents and accordingly may be removed

Given that this part of the site represents the interface between the development and the park to the east, the relatively light level of planting and landscaping proposed is felt to be limited and insufficient to mitigate against the impact of the development especially if the planting near to the building is removed.

Ecology

Consideration has been given to the EC Habitats Directive 1992 which requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species “Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case, consideration is given to the findings of the protected species survey undertaken on behalf of the applicant. Whilst there are birds and bats that use the site, their main activity is based around the park to the east.

The Nature Conservation Officer has suggested two conditions in respect of controlling development during the breeding bird season and these are felt appropriate and are therefore recommended.

Highways and Parking

This matter has been considered by the Strategic Highways Manager. In principle they have no objection to the development being proposed on the basis that the historic use of the site was as a petrol filling station and a haulage yard, a use that could resume without the requirement for a planning application being submitted.

In terms of the level of parking, the applicants have proposed a provision of 0.5 spaces per dwelling, whilst this is low compared to

traditional dwellings, it is recognised that the development is for people over 55 and therefore car ownership will be lower than normal. In addition, there are spaces within the town which are readily accessible and can be used for overspill parking if necessary.

Contamination

The applicants have looked at the past history of the site and this has been considered by the Council's Environmental Health Officer. Whilst the site has some contamination, these are matters commonly found with similar sites and therefore the remediation approaches that can be utilised are well established. Accordingly, the Officer's opinion is that should planning permission be approved, this matter can adequately be addressed through the use of conditions.

Open Space Provision

Policy GR22 requires the provision of Public Open Space. Policy GR22 requires that this public open space is of 'an extent, quality, design and location in accordance with the Borough Council's currently adopted standards and having regard to existing levels of provision'. It goes on to state that the 'Council may accept a commuted payment in lieu of on site provision, providing the alternative is near to and easily accessible from the housing site'.

Through the draft Heads of Terms for a Section 106 agreement, the applicants have offered to provide a financial contribution in lieu of provision.

Given the proximity of the development to the town park and the potential need for large areas of land to be put aside for sports activities e.g. football, it is felt that a commuted sum in this instance would be appropriate.

Affordable Housing

The applicants have offered 16 of the units for affordable housing which represents a 30% provision based on the total number proposed. These however are to be given as discount market housing and not as social rented or equity share dwellings.

Normally, such provision would not meet the requirement of the Council's affordable housing guidance in SPD6 but it has to be remembered that this development is for shared living with associated service charges.

At the time of writing the report, no formal comments have been received from the Affordable Housing Officer though it is understood that discussions have been ongoing with the applicants in respect of the suitability of the offer being made to the existing policy framework. The outcome of these discussions will be provided through an update sheet prior to the Committee meeting.

Renewable Energy & Waste Recycling

As indicated, the applicants have not looked at any specific details for the integration of sustainable building techniques and renewable energy measures within the development or detailed measure to improve waste recycling

In the absence of any supporting information to show why the target in the Regional Strategy requiring 10% of the energy demand for the site to come from renewable sources has not been met, the application is not felt to be in compliance with the adopted policies.

In light of recent case law though, it is recognised that this matter can be addressed through the use of a condition to require the submission of details and timetables for the provision of 10% of the overall energy supply to come from renewable sources should the application be deemed acceptable and is recommended for approval.

Supporting Information

In support of the application, the applicants have put forward information to show the need for retirement homes and the role that they can play. This includes reference to the recent publication in December 2009 entitled "HAPPI - Housing our Ageing Population - Panel for Innovation" by the Communities and Local Government, Department of Health and the Homes and Communities Agency.

This guidance promotes the development of premises such as the one currently under consideration and the important role Local Authorities have in securing such facilities.

Whilst it is accepted that there is a need for retirement homes amongst the wider portfolio of housing, this is not in itself felt to be a sufficient material consideration to weigh against the harm that the proposed development is likely to have on the wider street scene, views from the park and the neighbours to the north.

Other Matters

In light of the comments of United Utilities, it is felt that the proposed development could have a detrimental impact on the drainage provision crossing the site. Although the applicants have suggested that the building could be altered to accommodate the requirements of the service provider, the scheme in its current format would result in conflict with the sewer and accordingly is not felt to be acceptable.

11. CONCLUSIONS

The principle of development on this site is accepted as the application site is on a brownfield within the Settlement Zone Line of Sandbach, on land that is not allocated for any purpose in the Congleton Borough Local Plan.

In respect of open space provision, the applicants have offered a contribution in lieu which in principle is accepted. The issue of affordable housing though is one though that needs further consideration and will be subject to an update sheet.

Although an objection was received regarding parking provision, it is considered that due to the good access to public transport and its close proximity to the town centre the proposed parking meets the requirements of GR17 and PPG13.

The key issues though relate to the design of the proposal. Despite the reductions in the mass and height of the building is still considered that the building will be out of character with the surrounding area. The development will create an incongruous feature in the street scene and will result in an over development of the site. Furthermore, it will have an unacceptable overbearing impact on the neighbouring residential properties and will be obtrusive on the openness of the adjoining Sandbach Park, creating an undue sense of enclosure detriment to the amenities of the users of the park.

12. RECOMMENDATIONS

REFUSE for the following reasons:

The proposal, by reason of its siting, scale, mass and design, represents an incongruous feature in the street scene, out of context with the environment and neighbouring properties and as such would be harmful to the street scene. As such the proposal is contrary to Policies GR1, GR2 and GR3 of the Congleton Borough Local Plan First Review.

The proposal, by reason of its close proximity to the southern boundary, scale and design, would, when viewed from Sandbach Park, appear obtrusive and would visually intrude into the park, to the detriment of the openness and character of the area, contrary to policy GR1, GR2, and GR3 of the Congleton Local Plan First Review.

The proposed development by virtue of its location would be harmful to the continued effective operation of the existing public sewer. As such the proposal is contrary to Policies GR20 of the Congleton Borough Local Plan First Review.

