



Congleton Town Council

Historic market town

Chief Officer: David McGifford



3rd February 2016

Dear Councillor

Planning Committee Meeting – Thursday 11th February 2016

You are requested to attend a meeting of the Planning Committee to be held in the Town Hall, High Street, Congleton, on **Thursday 11th February 2016** commencing at **7 p.m.**

The Public and Press are welcome to attend the meeting. There may be confidential items towards the end of the meeting which the law requires the Council to make a resolution to exclude the public and press.

Yours sincerely

Linda Minshull
Civic Administration Officer

AGENDA

1. Apologies for absence

(Members are reminded of the necessity to give apologies in advance of the meeting and to give reasons for absence)

2. Minutes of Last Meeting

To confirm the minutes of the Meeting of the Committee held on 28th January 2016 (copy enclosed).



Congleton
beartown
where friends are made

Congleton Town Council, Town Hall, High Street, Congleton, Cheshire CW12 1BN

Tel: 01260 270350 Fax: 01260 280357

Email: info@congletontowncouncil.co.uk www.congleton-tc.gov.uk



3. Declarations of Disclosable Pecuniary Interest

Members are requested to declare both “non pecuniary” and “pecuniary” interests as early in the meeting as they become aware of it.

4. Outstanding Actions

None

5. Planning Applications

To make observations as may be necessary on planning applications submitted to Cheshire East Borough Council.

NOTE i) Lists for week received 29th January 2016 (copy enclosed).

ii) Lists for subsequent weeks will be circulated when received.

6. Planning Appeals

To note or comment as appropriate on planning appeals lodged with Cheshire East Borough Council.

7. Update on Planning Appeal – APP/R0660/A/14/2228681 –
Land West of Goldfinch Close

To receive an update from Councillor Morrison on the Seddon Planning Appeal. (Information attached).

8. Local Plan

To discuss whether the Town Council will make representations regarding the latest version of the Local Plan.

9. Provision of a Link Road

To receive an update from Jenny Unsworth on behalf of the Congleton Neighbourhood Planning Housing Group regarding the provision of a Link Road.

To: All Members of the Council Press 3, Burgesses 5.

CONGLETON TOWN COUNCIL

MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON 28th JANUARY 2016

PRESENT

Councillor Mrs A M Martin (Vice Chairman – In the Chair)
Mrs D S Allen
J G Baggott
D T Brown
G P Hayes
Mrs S A Holland
Mrs J D Parry
Mrs E Wardlaw

1. APOLOGIES

Apologies for absence were submitted from Councillors Mrs Akers Smith, Mrs. A. L. Armitt, L. D. Barker, P. Bates, C. Booth, R. Boston, G. R. Edwards, Mrs. A. E Morrison, H. Richards and G. S. Williams.

2. MINUTES

PLN/20/1516 RESOLVED: That the Minutes of the Meeting of the Committee held on 7th January 2016 be approved and signed by the Chairman as a correct record.

3. DECLARATIONS OF INTEREST

Members were reminded to declare both “non pecuniary” and “pecuniary” interests as early in the meeting as they become known.

Councillors Bagott and Wardlaw declared a “non pecuniary” interest due to their membership of Cheshire East Council.

Councillor G. P. Hayes declared a “non pecuniary” interest due to his membership of Cheshire East Council and also due to his membership of the Northern Planning Committee.
Councillor Hayes did not vote on any items.

Councillor D. T. Brown declared a “non pecuniary” interest due to his membership of Cheshire East Council and also due to his membership of the Strategic Planning Committee.
Councillor Brown did not vote on any items.

4. OUTSTANDING ITEMS

There were none.

5. PLANNING APPLICATIONS

PLN/21/1516 RESOLVED: That the following comments be made to Cheshire East Borough Council:

Received 12th January 2016

15/5756C Unit 2 – 4 Radnor Park Ind Est, Congleton, CW12 4XE
 No objection to condition 2 and 4
 Objection to variation of condition 5 due to noise of the unloading of lorries disturbing the neighbouring properties
 Refer to enforcement officer to check regarding problems with non compliance with existing conditions in respect of hours of unloading
 Councillor Mrs. A. M. Martin declared a “non pecuniary” interest in application 15/5756C

Week ended 15th January 2016

15/5846C	Tall Ash Farm Triangle, Buxton Road, Congleton, CW12	NO OBJECTION
16/0068C	Edwards Mill, Hatter Street, Congleton, CW12 1QQ	NO COMMENT
16/0144C	5 Brookland Road, Congleton, CW12 4LT	NO OBJECTION
16/0148C	56 High Street, Congleton, CW12 1BB	NO OBJECTION
16/0193C	49 Moss Road, Tunstall Road, Congleton, CW12 3BN	NO OBJECTION
16/0202C	24 Park Lane, Congleton, CW12 3DG	NO OBJECTION
16/0011T	Vale Mill, Priestly Fields, Congleton, CW12 4AQ	REFER DECISION to Cheshire East Tree Preservation Officer
16/0175T	28 Linksway, Congleton, CW12 3BS	REFER DECISION to Cheshire East Tree Preservation Officer
15/5837D	Unit 2 – 4, Radnor Park Ind Centre, Congleton, CW12	NO OBJECTION
16/0180D	Tall Ash Farm, 112 Buxton Road, Congleton, CW12 2DY	NO COMMENT

Week ended 22nd January 2016

15/5537C	28 High Street, Congleton, CW12 1BD	NO OBJECTION
15/5822C	Fields Barn Site, Middle Lane, Congleton	NO OBJECTION
15/5827C	Congleton Retail Park, Barn Road, Congleton	NO OBJECTION
16/0013C	Land Off Astbury Mere, Newcastle Road, Congleton	REFUSE due to concerns regarding the elevation of the site and the visual impact on Astbury Mere Country Park
16/0041T	38 Lamberts Lane, Congleton, CW12 3AU	NO OBJECTION subject to usual conditions
16/0070C	Swallow Eves, 214 Padgbury Lane, Congleton, CW12	NO OBJECTION
16/0077C	7 Minton Close, Congleton, CW12 3TD	REFER back to Cheshire East
Councillor Mrs. S. A. Holland declared a “non pecuniary” interest in application 16/0077C		
16/0243C	Church House Inn, Buxton Road, Congleton, CW12 2DY	NO OBJECTION
16/0244C	Land Off Brook Street, Congleton, CW12	NO OBJECTION
16/0257C	5 Southlands Road, Congleton, CW12 3JY	NO OBJECTION
16/0258C	3 The Mount, Congleton, CW12 4FD	NO OBJECTION
16/0267C	Land rear of 21 West Street, Congleton, CW12	NO OBJECTION
16/0270C	43 Ullswater Road, Congleton, Cheshire, CW123JE	NO OBJECTION
16/0274C	Unit 3 Barn Road, Congleton, CW12 1LJ	NO OBJECTION
16/0276C	4 Meadowfield Crescent, Congleton, CW12 4GZ	NO OBJECTION

15/5855C	Moss Inn, Canal Road, Congleton, CW12	REFUSE – due to
	The proposed changes being an overdevelopment of the site and planned height of the	
	 dwellings. It is recommended that a new application be submitted	
16/0245C	Land adj. to Pump House, Forge Lane, Congleton	NO OBJECTION

6. **PLANNING APPEALS**

None to report.

7. **UPDATE ON PLANNING APPEAL**

No discussion on report provided due to Councillor apologies.

Mrs A. M. Martin – Vice Chairman

Planning Applications Registered Weekly List
W/E 29/01/16

SOUTH AREA

1 *

	App No	Registration Date		Ward
Delegated Agenda	16/0378T	26 January 2016		Congleton East
Applicant	Mr John Hewitt			
Agent				
Location	Moss Nook Cottage, 9, BACK CROSS LANE, CONGLETON, CW12 3HT			
Proposal	Fell maple tree			
Comments Deadline				

2 *

	App No	Registration Date		Ward
Delegated Agenda	16/0394D	27 January 2016		Congleton West (2011)
Applicant	Mr Leyton O'Reilly			
Agent	VWB Architects			
Location	27, LAWTON STREET, CONGLETON, CW12 1RU			
Proposal	Discharge of conditions 3, 4, 9, 11, 14, 15 and 16 on approval 13/0577C			
Comments Deadline				



Brandon Lewis MP
Minister of State
Department of Communities and Local Government
2 Marsham Street
LONDON
SW1P 4DF

9 Tudor Way
Congleton
Cheshire
CW12 4AS

22nd January 2016

BY EMAIL AND POST

Dear Mr Lewis,

Planning Appeal APP/R0660/A/14/2228681 – Land west of Goldfinch Close, Congleton

This letter is being sent on behalf of the third parties who gave evidence at the recent appeal hearings into the development at land west of Goldfinch Close, Congleton – Appeal No. APP/R0660/A/14/2228681.

We are very concerned that the Inspector has not only given approval to a demonstrably unsafe road improvement she has also completely ignored or at best given scant consideration to other aspects of our evidence including impact on the local road network, landscape, heritage and amenity value. To put this into a wider context, this site is part of a larger area of freely accessible open countryside, which, almost uniquely, extends to the centre of the town and this is the third appeal in the last two years. Judgements from the two earlier appeals differ sharply to this most recent decision. These two other appeals which we reference later in this letter are:

Appeal Ref: APP/R0660/14/2214018 - Land off Waggs Road, Congleton

Appeal Ref: APP/R0660/12/2188604 and 5 - Land off The Moorings, Congleton

Given the role of the NPPF in determining decisions we are at a total loss to understand how two Inspectors can independently and substantially agree on the main issues and yet a third Inspector is so completely at odds with these assessments. The lack of consistency between this latest appeal and the earlier ones is all the more worrying given that this Inspector had the two previous decisions before her.

Consequently, it is our opinion that **the decision is fatally flawed and needs to be immediately annulled and we ask that you do this as a matter of urgency.**

We consider that this decision raises very serious issues of such magnitude that we feel that it is only right that we be given the opportunity to raise these with you personally. To this end I am asking Fiona Bruce MP (our local MP and to whom this letter is copied) and who is fully aware of our concerns to formally request such a meeting.

The following outline our key issues.

Road Safety

This appeal decision gives approval to an unsafe road improvement scheme. Let me be clear here, I am not only writing as a very concerned local resident but also as a qualified and very experienced highway engineer, so an expert witness.

There is currently a very substandard road layout where the road leading from the development enters the town centre. In essence the road narrows such that alternate way working is necessary (i.e. a pinch point, the tightest of several along this road), furthermore, this is compounded by very limited forward visibility in both directions resulting from a tight bend and a junction with a side road where visibility to the right is only the width of the road. All of this is on the immediate approach to the junction with the main shopping street. The situation for pedestrians is already dire as a result of the very narrow and discontinuous footways; a situation which is made all the more worse by the increased footfall associated with the town centre.

The developer submitted a much earlier road improvement layout that was accompanied by a Road Safety Audit (RSA): the Council rejected this layout on several grounds including the safety issues raised in the audit. The later revised layout was submitted to the Council some 8 months before the appeal hearings and without an accompanying RSA but this time it was approved by them. After refusing the earlier layout on safety grounds how, in the absence of a revised RSA, could the Council possibly judge whether the revised layout had addressed the safety issues with the earlier layout and so be considered as safe?

In my opinion, it appears that, in considering the revised layout, the Council were solely concerned with road capacity which the revised layout addresses to some extent, rather than road safety. My grave concerns over the safety of the revised layout were confirmed when the RSA of the revised layout was eventually undertaken and submitted to the appeal immediately before the hearings; the RSA identified the same road safety issues as those of the earlier layout, i.e. the revised layout completely failed to address the safety issues that caused the earlier layout to be refused and yet it was approved by the Council! I consider this to be gross incompetence on the part of the Council's highways officers; the situation having now been seriously compounded by the Inspector, who despite not only my evidence but the independent assessment of the RSA auditors has given approval to this layout. In my professional opinion, she has not only failed in her duty to fully consider all of the evidence submitted to the appeal she has failed to provide any reasoned argument for dismissing the evidence that showed the layout to be unsafe..

The dangerousness of this section of road was clearly demonstrated on the evening of the first day of the appeal hearings when there was a serious accident at this location and after the appeal closed a fatal accident occurred. I wrote to Fiona Bruce MP regarding my grave concerns with the way the Council had dealt with the safety issues and highlighting both these accidents. She forwarded my letter to PINS and I received the attached response, via Fiona Bruce MP, which I consider to be trite. The cavalier attitude to road safety displayed by PINS is wholly unacceptable.

Road safety - Appeal Ref: APP/R0660/14/2214018 Land off Waggs Road, Congleton

A comparison with the Waggs Road appeal highlights the many similarities between this road and the one I have detailed above. Both are substandard and give rise to similar safety issues.

What is truly astonishing is the striking differences in conclusion. The appeal for the Waggs Road development was dismissed solely on the grounds of road safety, despite, of the two, Waggs Road itself having a better, but still not good, accident record. This level of inconsistency is very worrying and again we are at a loss to understand how two Inspectors can come to such differing decisions, particularly where the safety of the public is concerned.

Traffic Figures

The existing road is operating above theoretical capacity and the evidence submitted to the appeal concurred with this general acknowledgement. In such circumstances it has been shown that even the slightest increase in traffic would cause a breakdown in traffic flows resulting in very significant queuing.

While the appellant's highways witness and I agreed on the general magnitude of the additional traffic generated by the development my case was that this was sufficient to cause the traffic flow to breakdown. Again I would have expected the Inspector to have given consideration to these arguments and provided reasoned arguments why she considered the proposed layout to be adequate.

Given that we are now facing as part of this development, the prospect of a road improvement which is not only demonstrably unsafe but which is incapable of accommodating the increased traffic generated by it, I ask that **this decision be immediately annulled**.

Open Countryside

Appeal Ref: APP/R0660/14/2214018 - Land off Waggs Road, Congleton

Appeal Ref: APP/R0660/12/2188604 and 5 - Land off The Moorings, Congleton

Both of these earlier appeals, that is, Waggs Road and Land off The Moorings, Congleton also relate to developments in the same area of freely accessible open countryside. Again there are substantial differences between this latest appeal and the two above that accord in the assessment of this aspect.

While the Inspector for The Moorings appeal gave approval to this small development, he was very clear in his decision on the value of the land. At paragraph 43 of his decision he states 'this is a sensitive area that has value to the setting of the town' and again at paragraph 35 'This ... open land has an important role to play'. Throughout his decision he acknowledges and addresses the 'significant levels of local concern' from residents and councillors and considers the development within the context of scale. Again at the other end of the area of open countryside the Inspector at Waggs Road states that 'The appeal site lies within an area that has survived largely unchanged for many centuries and forms part of the rural setting of Congleton'.

In marked contrast the Inspector in this latest appeal states that the land has no specific attributes to raise it above the ordinary. Again, how can the views of one Inspector be so completely contrary to two others given that the views of the two were before her?

The Inspector for land off The Moorings goes on to acknowledge that the town cemetery which extends a short way into the open countryside as having a 'peaceful character and appearance' and that even the limited development he was considering would interrupt this setting. In contrast the Inspector in this latest appeal states that 'the cemetery and the permitted development have eroded any particular sense of a "green lung"' this despite the fact that the area of development being considered at this latest appeal was significantly greater both in extent and impact, again something this Inspector failed to identify let alone address.

The point of bringing these two other appeal decisions to your attention is that both of these other decisions give considerable weight to the value of this open countryside in relation to landscape, heritage and amenity value. Despite both of these decisions being submitted to the appeal by the Congleton Sustainability Group the Inspector makes no reference to either in this latest appeal decision. These earlier decisions are significantly at odds with this latest to which there was substantially more evidence submitted regarding the historic nature of the site. For example, Lambert's Lane, lies adjacent to the site and is an ancient drover's path at least 700 years old. In the appeal decision this is reduced to a, "well used path". The long history of opposition to development took up considerable time at the appeal; it dates back to 14th century documentation citing the Burghers of the town who gave protection to the area, along with the ancient Town Wood, for the people of the town to enjoy. There is no mention of this or the many other historical documents relating to the preservation of this area and the lengths the people of the town have gone to safeguard this cherished place. Indeed, other voices are for the most part silent; third party submissions and presentations are so rarely mentioned.

Few aspects of the rich history, tradition and folklore of the area are alluded to but these end up as of no value.

There was substantially more evidence submitted in relation to these aspects by both the Council and the third parties but the Inspector fails to grasp let alone address in any meaningful way the importance of this area of open countryside to the setting of the town and its inhabitants. Given that the NPPF is meant to set the policy regarding development we are at a total loss to understand how two Inspectors can independently substantially agree on the (high) value of this area of open countryside and yet a third be completely so dismissive; surely there needs to be some consistency between decisions, especially, as in this case, the third Inspector has the two previous decisions before her.

This just highlights some of the key issues raised by the Inspector's decision; there are many omissions of evidence and conflicts in judgement with the two earlier decisions. As a result of these we consider the whole of the Inspector's decision to be flawed and as stated above **we ask that you immediately annul this decision.**

For the avoidance of doubt, if you or your officers feel you need to challenge anything we have included, a response that simply states that the Inspector will have considered all evidence before her in coming to her decision or similar such wording will not be an acceptable response. Should you wish to challenge anything in this letter we require you to provide as a minimum the fully reasoned arguments, which are currently missing from the decision, such as why the Inspector considers the road improvement to be safe and has sufficient future capacity and why she disagrees so completely with what the previous Inspectors have concluded regarding the landscape, heritage and amenity value of the land. This is why we consider a meeting would be more appropriate to deal with these issues before you consider a reply.

Yours sincerely

Peter Minshull
BSc CEng MICE
Congleton Sustainability Group

cc Fiona Bruce MP
 Caroline Simpson, Cheshire East Council

NOTES

15



52



RELOCATION OF EXISTING BUS STOP

II

HIGH STREET

PAVEMENT WIDENED

**FORMAL KERB BUILD OUT TO
REDUCE VEHICLE SPEEDS**

3 PARKING BAYS (18METRES) TO BE PERMANENTLY REMOVED

Community Garden

RESTRICTED HEIGHT BRIDGE
WARNING SIGN RE-LOCATED
TO NO LONGER OBSCURE
STREET NAME PLATE

**DROPPED KERB CROSSING
POINT WITH TACTILES**

FOOTWAY WIDENED FROM 0.75M TO 1.5M ADJACENT TO EXISTING INFORMAL SINGLE FILE GIVE WAY

**RESTRICTED WIDTH
WARNING SIGN**

REV.	DETAILS	DRAWN	CHECKED	DATE

SEDDON HOMES

PROJECT: PROPOSED RESIDENTIAL
DEVELOPMENT, CANAL ROAD,
CONGLETON

DRAWING TITLE:

PROPOSED IMPROVEMENT TO
HIGH STREET/ALBERT PLACE

SCALE: 1:500 @ A3

DRAWN:	TC	CHECKED:	TR	DATE:	OCT 14
--------	----	----------	----	-------	--------

6th Floor, Quay House
Quay Street
Manchester, M3 3JE

croft
Transport Solutions

Email: info@crofts.co.uk
Tel: 0161 827 1740

DRAWING NUMBER:	0011.07	REVISION:	A
-----------------	---------	-----------	---