

CONGLETON TOWN COUNCIL

Minutes of the Planning Committee Meeting held on 14th September 2023

In attendance:

Committee Members: Councillors Amanda Martin (Chair)
Robert Brittain (Vice Chair)
Dawn Allen
Charles Booth
David Brown

Congleton Town Council officer David McGifford Chief Officer

0 Members of the press

15 Members of public

1. Apologies for Absence

Apologies for absence were received from Committee Members: Suzie Akers Smith, Robert Douglas Suzy Firkin and Kay Wesley (Deputy Mayor)

2. Minutes of Previous Meetings

PLN/11/2324 Resolved to approve and sign the [minutes of the Planning Committee meeting held on the 14th September 2023](#)

3. Declarations of Disclosable Pecuniary Interest

Declarations of “non-pecuniary” (NP) and “pecuniary” (P) interests were received from Councillor: David Brown – NP Cheshire East Council

PLN/12/2324 Resolved that item 10 Licensing be brought forward to this point of the agenda due to public interest at the meeting

4. Outstanding Actions – outstanding updates on Astbury Bridge and TPO at the Church House

7.9.23 Astbury Place /Congleton park bridge Section 106 – Briefing note from David Malcolm CEC Planning

Following various false starts and lack of action from Morris Homes (including threats of legal action), momentum was finally achieved in 2022 and the Council held several meetings with Morris Homes to understand the options for retrospective installation of the footbridge, alongside agreeing the necessary Licenses, Agreement for Lease and Heads of Terms. Formal site investigations were completed in summer 2022, which resulted in a package of technical information alongside a suite of documents including the bridge designs and a programme of works submitted towards the end of last year. A number of further queries arose from that information which Morris Homes responded to in February this year.

It is evident that when the footbridge was proposed on the original planning application (and included in the legal agreement) that no significant details of the bridge and its construction were considered (other than what it might look like). Notwithstanding this, there is a breach of the legal

agreement and the homes have now been constructed, and therefore it is the recently submitted information that provides the level of detail and the understanding as to the impact of construction.

Access

The construction of the bridge and the plant (vehicles, cranes etc) required to transport/construct the bridge can only take place from the Congleton Park side. Investigations of a lighter bridge solution are not possible due to the span required.

Loss of Trees

While some tree loss was expected as part of the original approval, the extent of tree removal alongside the embankment is significant and of potential concern and would require significant mitigation (space to do this?).

Park and Pitches

Construction access via the park would lead to a significant closure of the park itself, with an estimated programme period of 35 weeks. There would also need to be a proposed haul road across the rugby pitch(s) and its subsequent remediation which would have an impact on the use of the rugby pitch for at least one season possibly 2.

River Dane

This river system is notably active in terms of erosion and riverbank stability and the introduction of a new asset into this river system may also bring with it new, future maintenance liabilities from a flood hazard and public risk perspective. Removal of trees along this embankment may also affect stability without appropriate safeguards.

Approvals and Consents

It is noted that various permissions and licences will be required from the Council and other Governing bodies (e.g. the Environment Agency) both to install the bridge and for its maintenance over the parkland in perpetuity. Further consideration will be given to this once a scheme is agreed and finalised.

Suitable Alternatives

Should the cost / benefit impacts of the bridge not support its construction then it may be that through negotiation with Morris Homes an alternative solution for s106 monies could be facilitated as mitigation – such as other local pedestrian/accessibility improvements. This would ultimately be a committee decision as a variation to the original planning permission. Officers are now waiting for a response as to whether this is something that Morris Homes would consider and/or the nature of the contribution.

You will appreciate the sensitivities/uncertainties, particularly around the potential impact on the park and the pitches, and therefore until there is further certainty on the direction of travel and discussions with Morris Homes, I would be grateful if you could just keep this information to yourselves for now. I will send an update to the Town Council and some local residents but without some of the specifics.

Next steps

Once I receive an update from Morris Homes I can arrange a further briefing to hopefully provide greater certainty on either moving forward with the bridge or prepare papers for an alternative option.

Tree Protection order at the Church House – CEC update 7.9.23

Further to your initial report on 13th August 2021 an Officer attended site on the same week and spoke to the Manager of The Church House who confirmed that they were redeveloping the area where the Ash was located to create more outside seating. Part of that revamp had included removal of the Weeping Ash. However, Robinsons brewery acknowledged they had miscalculated the reaction of the local people and were apparently shelving the idea while they considered alternatives, therefore the risk of the tree being removed was considered to have subsided.

Due to its location to the road frontage with Buxton Road the tree was found to offer high public amenity and be of good vitality at the time of the first assessment in 2021. There had been several large limbs removed which had resulted in large, partially occluded wounds. There was noted to be evidence of die-back to small diameter branches in the canopy which is very typical of this variety of Ash. Weeping Ash are not a particularly long-lived species and are prone to carrying dead wood and branch break out, and that is without the added prevalence of Ash Dieback (*Hymenoscyphus fraxineus*) which is pretty much considered endemic to Cheshire East now. The suitability of applying formal protection to a tree which is over mature for a grafted Ash, with the species characteristics described above, in an area which the public have access to, and given its anticipated limited future growth potential are all factors which have been instrumental in not making a Tree Preservation Order to date.

A final evaluation of the trees health and appearance will be carried out over the next few weeks, and if you are able to provide advice as to whether you have received any recent information that leads you to believe the tree is once again at imminent risk of removal, this will be taken into account within the final assessment.

5. Questions from Members of the Public

There were no questions from members of the public

6. Urgent Items

There were no urgent items

7. Neighbourhood Plan update

PLN/13/2324 resolved to receive the minutes from the Neighbourhood Plan Development Working Group

8. Planning Applications Section 1

There were no planning applications for section 1

9. Planning Appeals

No planning appeals noted

10. Licensing Applications

Wharf Inn, 121 Canal Road Congleton CW12 3AP

PLN/14/2324 Resolved the following comments be forwarded to Cheshire East Council

- That the behaviour of the patrons has to be managed in strict accordance with the Wharf Inn's licence
- Noise levels to be monitored by the Wharf Inn and reviewed by CEC Environmental Health
- Complaints about the Wharf Inn that are sent to Cheshire East Council need to be forwarded to the Wharf Inn and followed up by CEC

11. Planning Applications Section 2

PLN/15/2324 Resolved that stars 1 and 11 be removed and that applications with stars being noted as no objection

1	23/2901D	Discharge of conditions 10 and 11 of existing permission 21/4051C;	Land Off Manchester Road Phase 2,	Comment -The covering letter is not consistent with the application
2	23/3087C	Conversion of exiting retail unit into a two bedroom apartment.	13, MILL STREET, CONGLETON,	No objection but concerned about the lack of amenity space
3*	23/3107C	Proposed single storey rear extension.	78, ST JOHNS ROAD,	No Objection
4	23/3111C	Single and 2 storey rear extension.	21, LONGDOWN ROAD,	No Objection
5*	23/3122C	Proposed single storey rear extension, demolition of existing garage and new proposed detached garage.	18, DELAMERE ROAD,	No Objection
6	23/3223C	Proposed two storey side extension.	9, HAWTHORNE CLOSE,	No Objection
7*	23/3270D	Discharge of conditions 18,21 and 22 on application 21/0320C: Application for 9no. affordable apartments.	CAR PARK, TOMMYS LANE	No Objection
8	23/3317C	Proposed second storey rear extension over kitchen, and rear dormer windows with part raising of the existing ridge	14, BOUNDARY LANE, CONGLETON, CW12 3HZ	Objection as it is not in keeping with the character of the area and is also overbearing

9	23/3319T	We are seeking to fell the tree to prevent the risk of further branch or tree fall.	38, PARK LANE,	No Objection
10*	23/3349D	Discharge of conditions 2 & 4 on approval 18/6255C:	Land Off, THE MOORINGS, CONGLETON	No Objection
11	23/3354D	Discharge of conditions 19 & 20 on approved application 18/6255C	Land Off, THE MOORINGS,	Comment – the description is out of keeping with the documents provided
12	23/3414C	Steel Framed Agricultural Building	Field at, MIDDLE LANE, CONGLETON	Objection – The proposed building is in the greenbelt and is without special circumstance. There is no evidence of an agricultural business based at the application site or Belbro Farm that would justify the amount of equipment quoted in the D & A statement."