



Congleton Town Council

Historic Market Town

Chief Officer: **David McGifford** CiLCA

Date 12th October 2023

Dear Councillor

Planning Committee Meeting – Thursday 19th October 2023

You are summoned to attend a meeting of the Planning Committee on **Thursday 19th October 2023** commencing at **7.00 pm**.

The meeting will be held in the Town Hall, High Street, Congleton, Cheshire, CW12 1BN

- **The Public and Press are welcome to attend the meeting, please note** - There will be 15 minutes at each meeting to receive any questions from Members of the Public, either verbally or at the meeting, including those which have been received in writing 7 days prior to 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 in accordance with Section 100 (B) (2) of the Local Government Act 1972.

Yours sincerely

David McGifford
Chief Officer



Congleton
beartown
where friends are made

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

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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 Previous Meetings

To approve the minutes of the meeting 14th September 2023

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

To review any outstanding actions from previous meetings and to provide an update on any work in progress.

7.9.23 Astbury Place /Congleton park bridge Section 106 – Briefing note from David Malcolm CEC Planning
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No further updates since 7.9.23

5. Questions from Members of the Public

There will be 15 minutes at each meeting to receive any questions from Members of the Public, either verbally at the meeting including those which have been received in writing 7 days prior to the meeting.

6. Urgent Items

Members may raise urgent items related to this committee, but no discussion or decisions may be taken at the meeting.

7. Planning Applications Section 1

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

For members of the public who are wishing to comment about specific applications at the meeting.

8. Neighbourhood Plan (verbal update)

To receive updates from the Chief Officer

9. Planning Appeals

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

10. Tree Policy Proposal (Enclosed)

To receive a proposal for a Congleton Tree Policy

11. Licensing Applications

To note or comment as appropriate on licensing applications lodged with Cheshire East Council.

Burns Garages Limited, Canal Street, Congleton, CW12 2JG

APPLICATION FOR A PREMISES LICENCE LICENSING ACT 2003

Burns Garages Limited have applied on 2nd October 2023 to Cheshire East Council in respect of the premises known as Burns Garages Limited, Canal Street, Congleton, CW12 2JG for a premises licence to provide the following licensable activity:

Supply of Alcohol – Monday – Friday – 09:00 AM – 17:30 PM, Saturday – 10:00 AM – 16:00 PM

Representations shall be made in writing to the below address on or before the following date: 30 October 2023.

Councillors can make representations on licensing activities based on the following four areas (1) The prevention of crime and disorder (2) Public safety (3) The prevention of public nuisance (4) The protection of children from harm.

12. Planning Applications Section 2 (Enclosed)

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

To: Planning Committee Members

Clrs: **Amanda Martin (Chair), Robert Brittain (Vice Chair)**

Suzie Akers Smith, Dawn Allen, David Brown, Charles Booth
Robert Douglas, Suzy Firkin.

Ex Officio: Rob Moreton (Town Mayor) and Kay Wesley (Deputy Mayor)

Ccs: Other members of the Council for Information, Police, Honorary Burgess (5), Press (3), Congleton Library, Congleton Information Centre.

CONGLETON TOWN COUNCIL

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

Please Note – These are draft minutes and will not be ratified until the next meeting of this Committee

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."

CONGLETON TOWN COUNCIL

COMMITTEE REPORTS AND UPDATES

COMMITTEE:	Planning		
MEETING DATE AND TIME	19 th October 2023 7.00pm	LOCATION	Town Hall
REPORT FROM	Cllr Robert Douglas / Chief Officer David McGifford		
Agenda item	Planning Committees Tree Policy		
Background	<p>The positive impact of trees and shrubs on our environment and communities cannot be overstated and include :</p> <ul style="list-style-type: none">• Countering climate change by absorbing carbon dioxide.• Trapping through their leaves toxic pollutants and microscopic particles.• Tempering severe weather with their capacity to attenuate heavy rains and floodwater.• Moderating temperatures with their ability to evaporate water, reflect sunlight and provide shade.• Helping prevent soil erosion through their intricate root systems which act as filters.• Reducing noise as they act as sound barriers.• Providing increased biodiversity by supporting many species of fungi, lichens, mosses and plants as well as birds, invertebrates and other animals. The nuts, seeds and fruits of our trees and shrubs are essential food sources for British wildlife. Many species of wildlife are threatened and becoming rarer.• Delivering a range of health benefits including improving the air for asthma sufferers, lowering the risk of skin cancer and creating positive impact on mental health and wellbeing. <p>In December 2022, a groundbreaking study by Forest Research and Defra as part of National Tree Week estimated the economic value of individual trees planted outside of our forests and woodlands at about £3.8 billion. By quantifying their significant value, this report helps incentivise councils, land managers and local communities to plant more trees outside of woodlands for the varied and numerous benefits which they provide.</p> <p>Congleton Town Council fully supports the project, Trees for Congleton, a group of volunteers. which aims to plant 30,000 trees in the Congleton area by the end of 2025. This small group was set up under the umbrella of the Congleton Sustainability Group with the support of Cheshire Wildlife Trust and the advice of an experienced landscape architect to plan and manage the project. Trees for Congleton are working with our Council's Streetscape team and with Congleton Rotary.</p>		

	<p>Congleton Town Council actively encourages our residents to protect our trees by obtaining a Tree Preservation Order (TPO), which protect all types of trees. Anyone can apply for a TPO and importantly, the applicant does not have to own the land upon which the tree is situated. There is no charge to apply for a TPO. Applications for a TPO in Cheshire East should be sent to PlanningTrees@cheshireeast.gov.uk with details of the tree(s), their location and why they should be considered for a TPO.</p> <p>There are special rules regarding the protection of trees in designated Conservation areas of which there are three in Congleton – Lawton Street/Moody Street, Park Lane and West Street.</p> <p>In view of their significant environmental and economic benefits, this Council urges those submitting planning applications for new developments to include as many additional trees and shrubs as is feasible.</p> <p>Felling any tree will have implications for people and wildlife and any decision to fell a tree should be a decision of last resort. Where tree(s) are causing a real problem, this Council urges residents to talk to a tree adviser or consultant about how to best manage a problem tree. This Council urges residents to find a quality assured tree surgeon if major work is to be carried out, such as pollarding and pruning which can remove dangerous hanging branches or reduce the weight or impact of a tree without killing it.</p> <p>However, sometimes it is necessary to fell a tree where a tree poses a risk to safety owing to its location or condition, or is shown to be damaging a property. In line with the recommendations of the Woodland Trust, this Council’s policy is for planting replacement trees at a ratio of at least three to one, but even at this replacement rate, it will take years for the replacement trees to match the benefits of a felled tree.</p> <p>Replacement trees should be native trees and the size of the replacement trees should reflect both the trees removed and the local ecosystem. This Council urges residents to talk to a tree adviser or consultant about the native trees best suited for their locality. Once established, native trees should require little maintenance or special treatment and they should thrive naturally if planted in favourable conditions. Furthermore, as native trees have adapted to our weather conditions, they require far less water.</p> <p>In the event that circumstances, such as a lack of space, prevent an applicant from replacing a felled tree at the ratio of three to one, this Council requests that the applicant gives the replacement trees that cannot be planted to the Trees for Congleton project so that they can be planted in a suitable alternative location.</p>
Environmental	Very Significantly favourable as detailed above.
Equality	Vulnerable groups such as those with breathing difficulties may particularly benefit from this proposal
Financial	None expected in respect of Congleton Town Council itself.

PROPOSAL :

That this Committee adopts this Tree Policy when considering planning applications and as a guide to our residents highlighting the significant contribution trees and shrubs bring to our environment and thereby encourage best practice to maximise the number of suitable trees and shrubs in our community.

Planning Lists

1	23/3310M	Construction of new dwelling	Land Off, MOSS LANE, EATON
2*	23/3384C	Porch to front.	9, GALBRAITH CLOSE, CONGLETON, CW12 4WG
3*	23/3427C	Lawful Development Certificate for a proposed dormer over the existing kitchen	142, ST JOHNS ROAD, CONGLETON, CW12 2EH
4*	23/3441C	Variation of Condition 2 on approval 22/4635C for single storey rear extension	44, CHESTNUT DRIVE, CONGLETON, CW12 4UB
5	23/3450D	Discharge of Condition 12 on approval 16/2189C	Land West Of, PADGBURY LANE, CONGLETON
6*	23/3495C	Change of use from shop (Class E) to cocktail / wine bar serving food (Sui Generis use class) with associated alterations and extensions including external seating area and associated hard landscaping works (partially retrospective)	6-12, LITTLE STREET, CONGLETON, CHESHIRE, CW12 1AR
7*	23/3496C	Listed building consent for change of use from shop (Class E) to cocktail / wine bar serving food (Sui Generis use class) with associated alterations and extensions including external seating area and associated hard landscaping works (partially retrospective)	6-12, LITTLE STREET, CONGLETON, CHESHIRE, CW12 1AR
8	23/3506C	Proposed Dwelling.	Grange Cottage, 150, CANAL ROAD, CONGLETON, CW12 3AT
9	23/3518T	T1] Walnut: Located at the front of property. Proposal: Reduce new growth height by approx 1.5m and lateral spread by approx 1m. Crown raise low hanging secondary growth to 2m from ground level. Reason: To control height and spread and ensure good clearance of the roadway/garden/drive. [T2] Tulip: Located at the rear left corner of property. Proposal: Reduce all regrowth crown height and lateral spread down to a high pollard level at approx 9m (higher than historic pollard). Reason: To control weighting, density and dominance of the vigorous regrowth height & lateral spread.	25, ISIS CLOSE, CONGLETON, CHESHIRE, CW12 3RT
10	23/3534T	Oak tree sited in front garden - requires trimming - 25% reduction	27, WOBURN DRIVE, CONGLETON, CW12 3SS

11	23/3535T	T1 Cherry - fell. The Cherry is growing very close to the South West corner of the property and has excessive surface roots which may become a future issue to the property. The tree is also causing excessive shading the the front room window. It adds no Amenity value as it cannot be seen from anywhere outside of the property boundary.	23, PARK LANE, CONGLETON, CW12 3DG
12*	23/3543D	Discharge of Conditions 6, 8 & 10 on 18/6255C	Land Off, THE MOORINGS, CONGLETON
13*	23/3544D	Discharge of conditions 13, 14 & 27 on application 13/3517C:	LAND WEST OF GOLDFINCH CLOSE, CONGLETON, CHESHIRE
14*	23/3558C	Proposed single storey rear and side extension.	39, THAMES CLOSE, CONGLETON, CW12 3RL
15*	23/3562C	Single storey rear extension, first floor alterations to rear and new front porch.	43, THE PARKLANDS, CONGLETON, CHESHIRE, CW12 3DS
16	23/3572T	Removal of two conifers, which have grown extremely tall and are in very close proximity to the house and outbuildings. The base of the conifers are 4.3m from the property, and the canopy is within 1.8m of the property. The conifers are poor specimens, and we plan to replace them with a single Mountain Ash tree. We have consulted with and the work will be carried out by MCC Tree Care Congleton (Tel. 01260 290 984).	75, PARK LANE, CONGLETON, CHESHIRE, CW12 3DD
17	23/3597D	Discharge of conditions 5 & 6 on approved application 22/2417C: Refurbishment of existing building, including new windows, cladding and external lighting to High Street and Market Street, to facilitate change of use of the building to office accommodation.	35-37, HIGH STREET, CONGLETON, CONGLETON, CHESHIRE, CW12 1AX
18*	23/3608C	Non-Material amendment to approval 20/5760C for Permission in principle/technical details consent.	Land Off Back Lane, BACK LANE, CONGLETON
19*	23/3614D	Discharge of condition 6 on approval 22/2469C: Replacement Dwelling	Threeways, PEDLEY LANE, CONGLETON, CW12 3QD
20	23/3697C	The works will cover: a new intake structure on the south bank of the River Dane roughly 12m upstream of the weir crest, 3.7m wide and protected by a coarse screen of 150mm aperture and penstock gate. 11m of 1500mm dia. buried low pressure pipeline conducting the flow from the intake to the turbine. An underground measurement chamber containing acoustic flow measurement equipment	Eastern bank of the River Dane adjacent to Congleton Park Weir

		<p>which will accurately record the flow passing through the pipeline. An Archimedes Screw turbine set onto concrete foundations within a 3.3m-wide concrete channel. A control building above the turbine 4m x 5.5m in plan enclosing the gearbox, generator and control equipment. A short tailrace channel delivering the flow back into the downstream weirpool. Removal of accumulated silt and gravel close to the turbine outfall to allow the discharge to merge smoothly back into the weir pool. A buried electrical cable running 1100m to the Siemens factory to the East, running initially along the south bank, then the north bank around the edge of Congleton Park, to reach the factory switch room. A minor re-alignment of approx. 30m of the adjacent footpath running along the riverbank.</p>	
21	23/3700C	<p>Prior approval of larger home extension extending 6m from the rear elevation, max height of 3.92m and 3.14 to the eaves.</p>	<p>34, BACK LANE, CONGLETON, CW12 4PY</p>
22*	23/3374C	<p>Change of use of building into an independent low carbon dwelling.</p>	<p>Oak Cottage, MOSS LANE, EATON, CW12 2NA</p>
23*	23/3818C	<p>Single storey rear extension</p>	<p>12, MEADOW AVENUE, CONGLETON, CW12 4BX</p>