

Application No: 14/0308C

Location: LAND OFF BROOK STREET, CONGLETON, LAND OFF, BROOK STREET, CONGLETON, CHESHIRE

Proposal: Variation of conditions 2 (Arboricultural implications) and 24 (Vehicular access) as to plan 882/P/PL01 rev K on approved application 12/0410C (residential development for 54 dwellings)

Applicant: N BURNS, MORRIS HOMES NORTH LTD

Expiry Date: 16-Apr-2014

#### **SUMMARY RECOMMENDATION**

**Approve with conditions**

#### **MAIN ISSUES**

**Principle of Development  
Trees and Landscaping  
Highway Safety**

### **1. REASON FOR REFERRAL**

This application seeks to amend a condition which was attached to a major application previously determined by Committee.

### **1. PREVIOUS MEETING**

At the meeting of 9<sup>th</sup> April 2013, Members resolved to defer this application pending the receipt of an amended plan to show details of replacement tree planting within the site. The applicant has now provided an amended plan to address such concerns.

The revised landscape proposals have been updated to include additional tree planting adjacent to the rear of plots 45-52. This replacement tree planting would amount to 10 no. 'Pyrus Calleryana' species. This is the location where most of the tree losses were incurred. This additional planting has been included to mitigate the loss of the existing trees and to provide additional screening for the existing properties on Bridge Row. It is considered that such planting would help to mitigate previous tree loss and therefore addresses Members concerns.

As such, Members are recommended to approve the application in line with the original resolution included in the report below subject to reference being made in condition no. 1 to the amended landscape proposals.

## **2. DESCRIPTION OF SITE AND CONTEXT**

This application relates to a 2.34 ha previously developed site positioned off Brook Street in Congleton. The Dane-in-Shaw Brook runs along the northern boundary of the site before merging with the River Dane, which travels along the western boundary of the site. The site hosts a large number of trees, the majority of which line the banks of the River Dane and Dane-in-Shaw Brook.

The surrounding area is characterised by long established industrial uses to the north and east, by residential to the south and Congleton Park to the west although this is separated from the site by the River Dane. Small pockets of existing residential development do however exist on the site's immediate eastern boundary along Bridge Row and Mill Street.

Development has already commenced on the redevelopment of the site for the erection of 54 dwellings with public open space, and a new footbridge crossing over the River Dane to Congleton Park.

Due to the sites proximity to both the River Dane and the Dane-in-Shaw Brook the site is identified, to varying degrees, within flood risk zones 1, 2 and 3.

## **3. DETAILS OF PROPOSAL**

This application seeks permission to vary conditions 2 (Arboricultural implications) and 24 (Vehicular access) attached to planning ref; 12/0410C (residential development for 54 dwellings). The changes are required to reflect the removal of some tree specimens that were shown as being retained in the Arboricultural report and so that minor alterations to the internal road layout can be regularised following the Highways s278 agreement.

## **4. RELEVANT HISTORY**

08/1236/OUT - Outline application for residential development, close care/retirement units and care home with access sought for approval at the outline stage – Resolved to Approve subject to conditions and S106 agreement (2<sup>nd</sup> February 2011)

12/0410C - Residential Development Off Brook Street, Congleton for 54 no. Residential Dwellings With Public Open Space And A New Footbridge Crossing Over River Dane To Congleton Park – Approved 27<sup>th</sup> August 2013

## **5. POLICIES**

### **Relevant Local Plan Policy**

GR1	New Development
GR2	Design
GR4	Landscaping
GR9	Accessibility, servicing and parking provision
NR1	Trees & Woodland

## **Cheshire East Local Plan Strategy – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

*Cheshire East Local Plan Strategy – Submission Version Policies:*

SD 2	Sustainable Development
SE 1	Design
SE 4	Landscape
SE5	Trees

### **Other Relevant Considerations**

National Planning Policy Framework

### **6. CONSULTATIONS (External to Planning)**

#### **Strategic Highways Manager**

No objection

### **7. VIEWS OF THE TOWN COUNCIL**

No comment

### **8. OTHER REPRESENTATIONS**

A petition with 10 signatures has been received objecting to this proposal on the following grounds:

- The trees have already been felled
- The trees were felled before neighbours were notified
- There should be no vehicular access to Bridge Row
- The footpath access that leads onto Bridge Row could be used by cyclists, motorcyclists and possibly a small car
- The access to the site is an accident blackspot

## **9. APPLICANT'S SUPPORTING INFORMATION**

Arboricultural Assessment  
Revised Layout

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The principle of the development has already been accepted and it is not the purpose of this report to revisit the merits of the proposal. The main considerations to consider are the loss of some of trees and the impacts of realigning the internal road in terms of design and highway safety.

### **Trees and Landscaping**

The submission is supported by a revised Arboricultural Implications Assessment. Two of the trees concerned had failed; one Cherry and one Willow. Following setting out of plots, ground modelling and reassessment of the layout, the developer considered that it would be necessary to remove 4 further trees and this has since been carried out. The submitted reasons for the works can be summarised as follows:

- 2 Grade B Pine trees identified for removal in the original tree survey but shown retained on approved plans. Trees were deemed to be too close to dwellings (5m)
- 1 Grade A Atlantic Cedar considered was to dominate an adjacent plot and to be unsuitable for long term retention in the new situation.
- 1 Grade B Lime removed to benefit an adjacent Oak

The potential for conflict with the retained trees was accepted by the Council's Tree Officer and have already been removed. The amended plan represents an improved relationship to an Oak tree on plot 1. Taking into account the accepted use of the site for residential development and the layout approved previously, it is not considered that the loss of the trees would be harmful.

### **Highway Safety**

The revisions to the layout have arisen following advice from the Council's Highway Adoptions Team as part of the highways s278 Agreement. The proposed amendments relate to the depth of the service margins, road widths and junction arrangements internally within the site. The alterations are very minor in nature and do not require any amendments to the position or siting of the dwellings. As such, the impact on the design of the scheme will be minimal and the change in

depths of the service strips will not be noticed. The Strategic Highways Manager supports the proposal and as such, there are no highway safety concerns.

### **Other Issues Raised by Representation**

Residents on Bridge Row are concerned that the proposed layout will enable vehicular access into the proposed development. However, the proposed boundary treatments would prevent this.

## **11. CONCLUSIONS**

The principle of the development has already been accepted. The proposed revisions are minor and do not give rise to issues relating to design, character and appearance, residential amenity or highway safety. As such, the proposal is found to be acceptable and therefore it is recommended that condition numbers 2 and 24 of approval 12/0410C be varied to include the revised information and all other conditions be repeated as before where necessary.

## **12. RECOMMENDATION**

### **APPROVE with conditions**

- 1) Development in accordance with submitted / amended plans (inc. access) and updated Arboricultural Assessment and updated landscape plan
- 2) Hours restriction – construction including delivery vehicles.
- 3) Hours restriction - piling activity.
- 4) Contaminated land Phase 2
- 5) Accordance with Landscape scheme and Management Plan
- 6) Landscaping to include native species for ecological value
- 7) Implementation of approved landscaping
- 8) Survey for breeding birds and protection during breeding season
- 9) Incorporation of features into the scheme suitable for use by breeding birds
- 10) Incorporation of features into the scheme suitable for use by bats
- 11) Submission/approval and implementation of a programme of remedial works to retained trees.
- 12) Levels in accordance with submitted details
- 13) Materials in accordance with submitted details
- 14) Noise mitigation for Plots 1 and 54 to be implemented in accordance with 'Hepworth Acoustics, Report No. 21367.01v1, January 2012' prior to first occupation of these units
- 15) Detailed scheme for dust mitigation during demolition and construction
- 16) Details of external lighting strategy to be submitted and agreed
- 17) Accordance with Detailed Tree Protection Scheme to be fully implemented
- 18) Accordance with Landscape management Plan
- 19) Accordance with scheme for compensatory flood storage
- 20) Accordance with surface water regulation
- 21) Accordance with scheme for management of overland flows from surcharging of surface water drains to be submitted and agreed prior to commencement of development
- 22) Site levels to be in strict accordance with Cut and Fill Drawings unless otherwise agreed in writing
- 23) New vehicular access to Brook Street to be constructed to base course before other construction works commence and fully implemented before first occupation of any dwellings

- 24) Accordance with Site Waste Management Plan
- 25) Scheme to generate 10% of its energy requirement from low carbon sources
- 26) Accordance with boundary treatments
- 27) Precise details of internal footbridge connecting the two areas of POS to be submitted, agreed and fully implemented within an agreed timescale
- 28) Accordance with Method statement detailing proposals for the eradication of Japanese Knotweed and Himalayan Balsam
- 29) Accordance with details of bin storage
- 30) Removal of PD classes A-E plots and gates ,walls and fences for Plots 48 - 52

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