

MINUTES OF THE PLANNING & ENVIRONMENT COMMITTEE MEETING HELD AT 8.00PM ON MONDAY 4<sup>TH</sup> JANUARY 2021 VIA TEAMS MEETING.

PRESENT

Chairman: Cllr L A Clarke

Cllrs: M Beanland, K Booth, L Podmore, Mrs J Saunders and Ms H Whittaker

Officers in attendance: H Barlow (Town Clerk) and T Juss (Minute Taker)

Cllr J Waterhouse from 8.06pm

113. Recording of meeting

The Chair confirmed that the meeting is recorded for the purpose of minute taking and the recording is deleted when draft minutes are approved. There were no other declarations of a recording.

114. Questions from members of the public

The Chair invited a member of the public to address the meeting. The resident explained that he is looking to redevelop a farm property and was seeking advice regarding planning matters.

*Cllr Waterhouse arrived at 8.06pm.*

The Chair directed the resident to the Cheshire East Council planning department for pre-application advice. In general, it was noted that planning applicants should be concerned with a flood impact assessment and the Green Belt policy. The resident was reminded that the Planning and Environment Committee can only comment on a planning application and the committee must not predetermine any application submitted.

115. Apologies for absence

Cllrs S Lees and T Swatridge

116. Declarations of disclosable pecuniary or other interests

The following declarations of disclosable pecuniary or other interests were received:  
Cllr Clarke in Application No: 20/5789M.  
Cllr Beanland in agenda item 124; planning appeal for Application No: 20/1860M.  
Both councillors will withdraw for the items stated.

117. Approve the minutes of the previous meeting held on 14<sup>th</sup> December 2020.

**RESOLVED: That the minutes of the Planning and Environment committee meeting held on 14<sup>th</sup> December 2020 are approved (NC)**

118. Receive and consider the action log for 2020-2021.

The Clerk provided an update on the action log for 2020-2021 as follows:

Tyres at Middlewood Road

The Clerk has received a response from the Planning Officer explaining that the matter has now been referred to the Cheshire East Council Legal Department for their advice about serving a s215 untidy notice on the land. The Planning Officer has visited the site and obtained up to date photos and a meeting with the Cheshire East Council Legal Department will be arranged early this year.

Household Waste and Recycling Centre Consultation

The consultation to support retention of Poynton's Household Waste and Recycling Centre has been submitted.

Tree Protection on Anson and Middlewood Roads

The request for the tree protection orders has been prepared by the Clerk and supporting photos will be included for submission in due course.

Transport for Greater Manchester (TFGM) delivery plan

The Clerk has responded as agreed.

Sprink Farm

The Clerk has completed and sent the agreed correspondence regarding the request to cease work at the Sprink Farm site until condition 15 is fully satisfied.

**RESOLVED: That the action log for 2020-2021 was received. That the updates to the action log were noted. That the Clerk publicise the matter of the household waste and recycling centre in the PUN when the matter proceeds to the Cheshire East Cabinet was agreed (NC)**

119. Note the action taken under SO51 in relation to the household waste and recycling centre.

**RESOLVED: That the action taken under SO51 in relation to the household waste and recycling centre was noted (NC)**

120. Consider and agree for submission 7 street names for the Sprink Farm Development Site.

**RESOLVED: That the submission for 7 street names for the Sprink Farm Development Site is circulated inviting ideas from all councillors, with the agreed names to be approved under SO51 was agreed (NC)**

121. Receive an update on the non-compliance of the developers at Sprink Farm regarding condition 15 of planning consent 17/4256M.

The Clerk informed members that the Town Council have received no update from Cheshire East Council on the non-compliance of the developers at Sprink Farm regarding condition 15 of planning consent 17/4256M. A resident who has also contacted Cheshire East Council on the same matter has also received no response.

Members agreed that the Town Council should contact Cheshire East Council to state that work at the site has commenced, residents are dissatisfied and there has been a lot of rain in recent days and the Town Council would not want a repeat of the previous flooding in Poynton.

**RESOLVED: That an update on the non-compliance of the developers at Sprink Farm regarding condition 15 of planning consent 17/4256M was received. That the Town Council write another email to Cheshire East Council, including cc to Town Council members and Cllr Toni Fox to state that work has resumed on the site despite this being in direct contravention to the planning consent and suitable action be taken was agreed (NC)**

122. Land at 199 Chester Road – Report on compliance with conditions regarding surface water drainage on application 17/3896M.

The Chair spoke on the report on compliance with conditions regarding surface water drainage on application 17/3896M regarding land at 199 Chester Road.

**RESOLVED: That the land at 199 Chester Road: Report on compliance with conditions regarding surface water drainage on application 17/3896M was received. That the Town Council raise the following queries with Cheshire East as stated in the report was agreed:**

- 1. Given that planning consent 17/3896M states clearly that Conditions 10 and 12 regarding foul and surface water drainage should be discharged “*Prior to the commencement of development*”, why have these important conditions not been resolved when much of the estate has been built and some houses occupied?**
- 2. Why has the information apparently submitted by Bloor Homes on 14/01/2020 not been posted on the website for application 19/4871D?**
- 3. Have the Lead Local Flood Authority approved the discharge of Conditions 10 and 12? Bloor Homes submitted additional information in January 2020. If so, please could their report be posted on the website for application 19/4871D.**
- 4. Do calculations prove that increased surface water outflow from the new estate will not overwhelm the existing pipe system designed for the Bird estate alone?**
- 5. Is the Council satisfied that sending surface water drainage from the new estate into Poynton Brook will not increase the risk of flooding downstream, for example around Wigwam Close and Hazelbadge Road?**

6. If the LLFA conclude that the proposed arrangements are not satisfactory, what action will the Council take to ensure compliance?

7. Who will be responsible for future maintenance and repairs of the pumping station and storage tank shown as part of the drainage system of the new estate?

(NC)

123. Consider a report from the Chair on what actions Cheshire East undertake to ensure compliance with planning conditions

It was noted that this item followed on from item 122 but was more general in its scope.

**RESOLVED:** That the report from the Chair on what actions Cheshire East undertake to ensure compliance with planning conditions was received and the following recommendations as state in the report were agreed:

That the Town Council raise the following queries with the Portfolio Holder at Cheshire East, Cllr Toni Fox:

1. The Town Council is very concerned that development has begun on two housing estates in Poynton without important planning conditions regarding surface water drainage being discharged. Failure to do so may lead to severe flooding along the course of Poynton Brook. The recent history of flooding in Poynton in 2016 and 2019 shows that this is a high flood risk area.

2. Why did Cheshire East not prevent work starting until all the planning conditions had been fully complied with and discharged?

3. Has Cheshire East Council considered that failure to enforce planning conditions regarding surface water drainage may make it legally liable for damages caused by future flooding?

4. Is the Council satisfied that it responds to information supplied by developers in a timely manner?

5. This report covers only surface water drainage on two sites in Poynton – it is possible that planning conditions covering a wide range of issues are not being complied with across Cheshire East. Is this a fair comment?

6. Does Cheshire East's Planning Department undertake any proactive enforcement of planning conditions, or wait for complaints from town councils or residents?

7. Will enforcement action, including stopping of construction work, be taken against developers of sites if they have not complied fully with planning conditions?

8. Do the Cheshire East staff who complete Planning Search enquiries sent by the solicitors acting for the prospective purchasers of property reply where appropriate that the vendors have yet to comply with important planning conditions? Banks and building societies may refuse to lend mortgages against houses lacking full planning consent.

(NC)

*Cllr Beanland withdrew from the meeting for the next item of business.*

124. Consider a response to the planning appeal for Application No: 20/1860M Location: 1A Brent Close Applicants Name: Miss Abigail Palmer Proposal: Erection of a new fence at the property boundary to replace existing hedgerow and low wall.

**RESOLVED:** That the response to the planning appeal for Application No: 20/1860M Location: 1A Brent Close Applicants Name: Miss Abigail Palmer Proposal: Erection of a new fence at the property boundary to replace existing hedgerow and low wall was considered was received. That the Town Council respond in writing to the Planning Inspector and reiterate the Town Council's previous comments regarding this application was agreed (NC)

*Cllr Beanland re-joined the meeting.*

125. Planning applications received for consideration:

**Application No: 20/5332M**

Location: Parkgate Farm, Middlewood Road, Poynton SK7 6NE

Applicants Name: Mr Roy Bennett

Proposal: Retrospective application for a log shelter

**Recommendation: No Objection (4 for, 1 against, 2 abstentions)**

**Application No: 20/5404M**

Location: 50 Oak Grove, Poynton, Sk12 1AE

Applicants Name: Ian Binder

Proposal: Erection of two houses following demolition of the existing bungalow

**Recommendation: The development is recommended for refusal for the following reasons:**

**In terms of Planning policy, the proposed development is contrary to the prevailing Planning policies for the area which are at national, Borough and local level.**

**Therefore, the application should be refused for the following reasons:**

**1. The proposed development is an inappropriate form of development on this site and in this location as it is not sympathetic to the site, immediately adjoining properties or the character or the surrounding housing area. The development fails to meet national Planning Guidance as set out in the relevant sections of the National Planning Policy Framework 2019 (sections 11 and 17 concerned with the efficient use of land and design) and as set out in the National Design Guide October 2019.**

**2. The proposed development is contrary to the Development Plan for the Poynton area as set out in Cheshire East Local Plan 2017 and the Macclesfield Borough Local Plan 2004 (Saved policies) and should be refused. There are no material circumstances justifying otherwise. Any benefits arising do not outweigh the many adverse impacts which would cause substantial harm to the amenities of the local community and cannot be mitigated against.**

**3. Planning permission should be refused as the development fails to comply with the following up-to date Development Plan policies: MP1, SD2, SE1, SE5, SC3 and SC4 of the Cheshire East Local Plan 2017 and the following Saved policies of the Macclesfield Borough Council Local Plan 2004: H11, DC3, DC6, DC8, DC37, DC38, DC41, RT1 and RT2.**

**4. The proposed development is contrary to relevant policies of the Poynton Neighbourhood Plan 2019 as the local and up to date part of the Development Plan. As a cramped and intrusive form of development on the northern entrance into the town, the development would fail to meet the following policies of the Neighbourhood Plan: HOU 6 (housing mix), HOU 7 (environmental considerations), HOU 8 (density and site coverage), HOU 11 (design), HOU 15 (backland and tandem development) and EGB 2 (open spaces)**

**5. The proposed development fails to address the Supplementary Planning Guidance set out in the Cheshire East Borough Design Guide SPD 2017 both in terms of content of the application and the approach to be taken to preparing the application. The SPD is a material Planning consideration in its own right and is also a supporting document to the Cheshire East Local Plan Strategy 2017**

**The Town Council notes that land previously used as a garden does not qualify as a “brownfield” site for planning purposes.**

**6. Loss of Trees contributing to Amenity – The proposed development by virtue of its size and siting may result in the direct loss of existing trees which are of amenity value to the area.**

**7. Development Unneighbourly - The proposed development, by virtue of its size, design and position relative to adjoining property, would be unduly dominant when viewed from adjoining property, causing an unacceptable loss of light to the detriment of the residential amenities of the occupiers of that property.**

**8. Cramped development. The proposal by reason of scale, form and design would result in a cramped and intrusive form of development out of keeping with the character of the existing properties in the area. All other houses on this section of Oak Grove and Burton Drive are bungalows. Although some have had first floor extensions and loft space conversions, their external character is mostly unchanged. In contrast, the proposed new houses will be significantly taller than the neighbouring properties.**

**This section of Oak Grove and London Road North has some houses with large rear gardens and the proposed development would change this character very much to the detriment of the appearance of this area and would set a dangerous precedent.**

**9. Loss of privacy. The position of the proposed development, in relation to adjoining residential properties, would result in an unacceptable reduction in the level of privacy presently enjoyed by the occupiers of those adjoining properties by reason of overlooking.**

**10. Flood Risk - the applicants have not provided a flood report, despite recent serious flooding across Poynton. In June 2016 and July 2019, there was significant flooding along London Road North and at the Poynton Sports Club, adjacent to the site. Loss of garden areas to development will reduce absorption of rainwater and increase run-off.**

The s19 Flood Investigation Report into the June 2016 floods, issued by Cheshire East, identifies three areas close to this site where houses suffered both external and internal flooding (areas F, G and H). There is a culverted stream running under London Road North not far to the north of the site. The Sports Club suffered serious flooding.

The Town Council urges Cheshire East to seek the advice of their Flood Risk Team. (NC)

**Application No: 20/5494M**

Location: 66 Tulworth Road, Poynton SK12 1BL

Applicants Name: Emily Cooper

Proposal: Demolition of existing garage on the side erection of two storey side extension

**Recommendation: No objection (NC)**

**Application No: 20/5504M**

Location: Domek, 48, Towers Road, Poynton SK12 1DE

Applicants Name: Messrs Thomas Ratcliffe & Michael Sochaczewski

Proposal: Erection of two detached homes

**Recommendation: The development is recommended for refusal for the following reasons:**

1. The proposed development is an inappropriate form of development on this site and in this location as it is not sympathetic to the site, immediately adjoining properties or the character or the surrounding low-density housing area. The development fails to meet national Planning Guidance as set out in the relevant sections of the National Planning Policy Framework 2019 (sections 11 and 17 concerned with the efficient use of land and design) and as set out in the National Design Guide October 2019.

Policy 122 (d) of the National Planning Policy Framework (NPPF) requires that: *“Planning policies and decisions should support development that makes efficient use of land, taking into account ... d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens)”*.

2. The applicants have failed to address the Inspector’s concerns in the appeal into the previous application (ref. 19/4443M and appeal ref. APP/R0660/W/20/3251771). As with the earlier application, the proposed development would have a negative impact on the character and appearance of the area, with the new houses forming a dominant and intrusive feature in the street scene.

3. The proposed development is contrary to the Development Plan for the Poynton area as set out in Cheshire East Local Plan 2017 and the Macclesfield Borough Local Plan 2004 (Saved policies) and should be refused. There are no material circumstances justifying otherwise. Any benefits arising do not outweigh the many adverse impacts which would cause substantial harm to the amenities of the local community and cannot be mitigated against.

**4. Planning permission should be refused as the development fails to comply with the following up-to date Development Plan policies: MP1, SD2, SE1, SE5, SC3 and SC4 of the Cheshire East Local Plan 2017 and the following Saved policies of the Macclesfield Borough Council Local Plan 2004: H11, H12 (low density housing), DC3, DC6, DC8, DC37, DC38, DC41, RT1 and RT2.**

**5. The proposed development is contrary to relevant policies of the Poynton Neighbourhood Plan 2019 as the local and up to date part of the Development Plan. As a cramped and intrusive form of development on the northern entrance into the town, the development would fail to meet the following policies of the Neighbourhood Plan: HOU 6 (housing mix), HOU 7 (environmental considerations), HOU 8 (density and site coverage), HOU 11 (design), HOU 15 (backland and tandem development) and EGB 2 (open spaces).**

**6. The proposed development fails to address the Supplementary Planning Guidance set out in the Cheshire East Borough Design Guide SPD 2017 both in terms of content of the application and the approach to be taken to preparing the application. The SPD is a material Planning consideration in its own right and is also a supporting document to the Cheshire East Local Plan Strategy 2017**

**The Town Council notes that land previously used as a garden does not qualify as a “brownfield” site for planning purposes.**

**7. Impact on Wildlife: Large gardens provide an essential habitat for endangered species such as bats, badgers, frogs, toads, newts, butterflies, moths and hedgehogs. Even if boundary trees are retained, the loss of garden space and increased proximity of new housing will drive away wildlife. Increased artificial illumination is a particular threat to bats and disrupts the breeding cycles of frogs and toads. Moths and glow-worms are especially impacted by bright artificial lights. Failure to protect the garden habitats in low density housing areas is also contrary to the Habitats and Biodiversity Chapter (Policies 174, 175, 176 and 177) of the NPPF.**

**8. Development Unneighbourly - The proposed development, by virtue of its size, design and position relative to adjoining property, would be unduly dominant when viewed from adjoining property, causing an unacceptable loss of light to the detriment of the residential amenities of the occupiers of that property.**

**9. Cramped development. The proposal by reason of scale, form and design would result in a cramped and intrusive form of development out of keeping with the character of the existing properties in the area. The proposed houses are significantly higher than the nearby properties of “Ismorus House” and the “Charter House”.**

**This section of Towers Road and Poynton Park has some houses with large rear gardens and the proposed development would change this character very much to the detriment of the appearance of this area and would set a dangerous precedent – also contrary to policy 122 of the NPPF.**

**10. Loss of privacy. The position of the proposed development, in relation to adjoining residential properties, would result in an unacceptable reduction in the**



level of privacy presently enjoyed by the occupiers of those adjoining properties by reason of overlooking.

**11. Flood Risk - the applicants have not provided a flood report, despite recent serious flooding across Poynton in June 2016 and July 2019. There was significant flooding in the fields of the east of Towers Road, adjacent to the site. Loss of garden areas to development will reduce absorption of rainwater and increase run-off.**

**12. Culvert: There is a culverted stream running under the site. The plans appear to show that one of the proposed new houses will be built over the route of the culvert. This is contrary to the Cheshire East Land Drainage Byelaw 10, which requires that no development should take place within 8 metres of a watercourse or culvert.**

The Town Council urges Cheshire East to seek the advice of their Flood Risk Team.

**13. Archaeology: The bungalow occupies much of the site of the former Poynton Towers, a partly Elizabethan building which the former Macclesfield Rural District Council disgracefully allowed to fall into ruin and be demolished in the 1950's. A full archaeological excavation should take place before any new building commences. (NC)**

**Application No: 20/5563M**

Location: 11 Brownlow Close, Poynton SK12 1YH

Applicants Name: Mr & Mrs Brackenbury

Proposal: Proposed side extension over existing garage

**Recommendation: No objection (NC)**

The Clerk shared with members the views of a member of the public regarding Application No: 20/5595M. The member of the public has made it clear that they are not objecting to this application. An earlier application was rejected by Cheshire East Council because of terracing but the resident wanted to clarify that as neighbours the first planning application was better for them rather than this application and they will not be objecting. Members considered the application as follows:

**Application No: 20/5595M**

Location: 10, Highfield Road, Poynton SK12 1DU

Applicants Name: Weeks

Proposal: Part single and part two storey rear extension. Rear dormer roof extension

**Recommendation: No objection, providing the Highways Officer confirms that there is sufficient parking space within the site so the loss of parking in the garage will not lead to on-street parking.**

The Town Council notes that the proposed conversion of the existing garage into a habitable room (as per the "Existing" and "Proposed" front elevations) is not referred to in the summary on the Cheshire East website and urges that this be amended accordingly (NC)

**Application No: 20/5598M**

Location: 235, Coppice Road, Poynton SK12 1SW

Applicants Name: Mr A Macdonald

Proposal: Demolition of existing detached single garage, single storey side and rear extension to provide additional living.

**Recommendation: No Objection providing that:**

- 1. The Planning Officer is satisfied that the proposed extensions are not out of place for a rural area in the Green Belt and will not cause excessive loss of light and shadowing or loss of privacy to the adjacent properties to the site.**
- 2. The Highways Officer is satisfied that there will be sufficient car parking space remaining after the garage is demolished and an extension built over the land used for parking at the side of the house (NC)**

**Application No: 20/5599M**

Location: 1, Pochard Drive

Applicants Name: Hulme

Proposal: Single storey front and side extension

**Recommendation: No objection (NC)**

**Application No: 20/5609M**

Location: Sprink Farm, Dickens Lane, Poynton, SK12 1NU

Applicants Name: Matt Shipman (for Bellway Homes)

Proposal: Release from legal obligation for Deed of Variation to S106 Agreement

**Recommendation: Objection – That Poynton Town Council strongly oppose any weakening of the safeguards enforcing the affordable housing and other conditions applied to planning consents 19/1972M and 17/4256M and the signed s106 agreement. We would urge rigorous scrutiny of this request to ensure that these conditions remain fully enforceable. There should be no mechanism to remove the affordable status of these properties – there is ample evidence of demand for affordable housing in this area.**

**The Town Council has already had to report to Cheshire East Planning Enforcement incidents of the developer allegedly failing to comply with other provisions of these planning consents and urges that all legal protections to these obligations remain in place.**

**That the Town Council contact the Cheshire East Council Portfolio Holder to raise concern that the developer appears to be trying to evade the condition in the original planning consent of 30 per cent of new houses to be affordable housing (NC)**

*Cllr Clarke withdrew from the meeting for Application No: 20/5789M.*

*Members agreed for the Vice Chair to chair the meeting.*

**Application No: 20/5789M**

Location: 25 Oak Grove, Poynton, SK12 1AD

Applicants Name: H and I Rist

Proposal: Demolition of a single storey side extension. Erect two storey side extension

**Recommendation: Objection on the basis that there needs to be clearer details on the proposed elevation and boundary plans (NC)**

*Cllr Clarke re-joined the meeting and continued to chair the meeting from this point.*

126. Consider and agree any communication messages arising from this meeting.

Members agreed that the Cheshire East Council consultation on car parking should be publicised to residents because harmonisation with other areas will probably lead to charges in Poynton.

**RESOLVED: That the communication message from this meeting is the Cheshire East Council consultation on car parking was (NC)**

127. The Clerk raised an urgent matter of attention regarding recent information received from a resident in relation to use of outbuildings at 61 London Road South

**RESOLVED: That the use of 61 London Road South is considered as an urgent item of business and was added to the agenda (NC)**

128. Use of land at 61 London Road South

The Chair informed members that this property is currently vacant. The previous use of the property was commercial. There is a shed being built at the back of the property and there is concern that this or other existing structures may be being used for housing.

**RESOLVED: That the issue of 61 London Road South is referred to the Cheshire East Council Planning Enforcement Department was agreed (NC)**

Meeting end time: 9.05pm

Chair .....

Dated.....