

MINUTES OF THE PLANNING & ENVIRONMENT COMMITTEE MEETING  
HELD AT 8.00PM ON MONDAY 22<sup>nd</sup> May 2023 AT THE CIVIC HALL

PRESENT

Chairman: Cllr L A Clarke

Cllrs: K Booth, S Lees, M Beanland,

Officers in attendance: Deputy Clerk, Kate McDowell

1. Recording of meeting

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

2. Questions from members of the public

There were members of the public present with concerns regarding a tree on Coppice Road.

**RESOLVED: That this item is added to the agenda under SO19. This item has arisen since the agenda was prepared last week. (NC)**

3. Apologies for absence

Cllrs, L Podmore, Mrs J Saunders, T Swatridge,

4. Declarations of disclosable pecuniary or other interests

The Deputy Clerk declared a potential interest in planning application. 23/1744, 38, Woolley Avenue, Poynton, due to living nearby. As she does not know the owners and is not personally affected, there will be no reason to leave for the discussion.

5. To discuss the tree on Coppice Road, Poynton under S019

Members resolved under SO19(d) to admit this item as an urgent matter that had arisen after circulation of the agenda.

Two residents confirmed that a neighbour has informed them that he was considering having a beech tree removed in his front garden to stop bird droppings on his drive. The resident believed that there was a Tree Preservation Order on the tree. Last year, before pruning the trees overhanging his garden, he contacted Cheshire East Council to obtain permission and Cheshire East acknowledged that there was a TPO on the tree. The neighbour has contacted Cheshire East and has been told that there is no TPO on that tree as the TPO refers to an elm tree and the tree in

question is a beech tree. Apparently the original elm tree was removed in the 1960s due to Dutch Elm disease and under consultation with the Council at the time was replaced by a Beech Tree. The resident stated that under the Town and Country Planning Act 1990, section 206 Replacement of trees, that 1) if any tree in respect of which a tree preservation order is for the time being in force – a) removed, uprooted or destroyed it shall be the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as they reasonably can. So, he believes the TPO automatically transferred to the beech tree and Cheshire East have given out incorrect information which may result in the felling of a protected healthy tree. The resident has submitted a formal complaint to Cheshire East to try and stop the felling but has not heard back. He asks if the Town Council can also contact Cheshire East to help preserve the tree.

The Chairman explained that although the Town Council has no power over TPO's, they can write to Cheshire East trees department, which is a subsection of the Planning Department, and express concern about the situation and ask that they resolve the situation and clarify the status of the tree to eliminate confusion.

**RESOLVED: That the Clerk contacts Cheshire East tree department as a matter of urgency to clarify the TPO status of the tree on Coppice Road and to explain the background of the tree being replaced due to disease in the 1960s and that we believe the TPO automatically transferred under the Town and Country Planning Act 1990, section 206. (NC)**

5. To approve the minutes of the Planning and Environment Committee meeting on 24<sup>th</sup> April 2023

Cllr Beanland pointed out a grammatical error on page 244.

**RESOLVED: That, with the amendment on page 244, the Minutes of the Planning and Environment Committee meeting held on 24<sup>th</sup> April 2023 were approved (NC)**

6. To receive and consider the action log 2022-2023

Members considered the action log. The Chair suggested that updating the Neighbourhood Plan was put on the next agenda and that the Clerk should contact John Knight and the relevant person at Cheshire East to ask if the review should be delayed until after the pending changes to the planning laws has been passed in parliament.

**RESOLVED: That the action log be received, and the Clerk should write to John Knight and Cheshire East to ask their opinion on whether the review of the Neighbourhood plan should be delayed until after the pending changes to the planning laws has been passed in Parliament. (NC)**

7. To receive a report from the Clerk on the Community Infrastructure Levy

The Chair advised that this is a payment that developers building new houses make to the Council on completion. The Clerk has added two new developments to the list. The Chair recommended that these continue to be monitored.

**RESOLVED: That the report is received. That the Clerk continues to follow up with Cheshire East where payments may be required (NC)**

8. To note the following decision made under SO51:

To instruct John Knight to review and comment on the Infrastructure Levy reform document at an estimated cost of between £200 - £250.

**RESOLVED: That the decision made under S051 to instruct John Knight to prepare a report on the Infrastructure Levy reform document at an estimated cost of between £200-£250 is noted (NC)**

9. To note the response from Head of Planning at Cheshire East to the formal complaint regarding the ignored planning comments for 22/2616M

Members discussed the correspondence and noted the apology and explanation that an error had been made as the comments by the Town Council had indeed been missed by Cheshire East Planning, despite being posted on their website. It was also claimed that had the comments been considered the overall decision would not have been changed.

**RESOLVED: That the response to the formal complaint and apology regarding the ignored planning comments for 22/2616M is received (NC)**

10. To receive and consider the response from Planning (Trees) regarding the request for TPO's on Towers Road trees and several other areas of woodland.

The members discussed the response that stated that the trees were not of arboricultural significance to warrant formal protection and proposed that the Town Council reply stating that, in the Town Council's view, these trees are no less significant than others protected in Poynton and in many other public areas of Cheshire East and could they give a definition of what was meant by "arboricultural significance".

**RESOLVED: That the Clerk replies to Planning (Trees) to ask what they mean by "such arboricultural significance" as other similar surrounding trees have TPO's and the ones we are enquiring about are of no less significance or value (NC)**

11. To receive and consider the letter from Network Rail for notification of proposed works to trees protected by a Tree Preservation Order at Poynton Railway Station.

The Chair advised the members that Network Rail have considerable powers to override TPO's when the work required is within the safety of the rail network and suggested that these planned works are publicised in advance and that they are taking place with the knowledge of Cheshire East.

**RESOLVED: That the correspondence is received. That the Clerk publishes the advance notice of the tree works by Network Rail which is required to maintain the safety of the network. (NC)**

12. To receive and consider the response from John Knight on the Infrastructure Levy reform consultation.

A member noted a few grammatical and spelling errors in the report and requested confirmation on two areas of text. Members agreed that once these were corrected the response should be submitted as the Town Council's official response.

**RESOLVED: That the report from John Knight with a proposed response to the Infrastructure Levy reform should be submitted once the spelling and grammar was corrected and the clarification of two areas of text are confirmed. (NC)**

13. To note and receive the planning decisions from Cheshire East Council

The decisions made by Cheshire East planning were reviewed by members.

**RESOLVED: That the decisions made by Cheshire East Planning department were noted. (NC)**

14. Planning applications received for consideration.

**Application No:** 22/3294M

**Location:** 10 London Road South, Poynton SK12 1NJ

**Proposal:** Variation of condition 12 (hours of operation) on approved application 15/4629M – Variation of Condition 2 on (14/1904M) – Application for the variation of condition 2 (approved plans) and 10 (Window tinting) on planning permission reference 14/5368M.

**RECOMMENDATION: Poynton Town Council objects to the proposed changes in opening hours in view of the loss of amenity of local residents from additional noise, traffic and general disturbance. The proposed change in opening hours would be contrary to:**

- Cheshire East Local Plan policies SD1, SD2 (Sustainable Development) and SE12 (Pollution, Land Contamination and Land Instability)
- Policy HOU12 (Amenity) of the Strategic Allocations Development Plan (SADPD).

**2 For, 2 Against – Chair's casting vote against**

Regarding the proposed change to Condition 2 of planning consent 14/1904M, which refers to the approved plans for the development, it appears that Aldi wish to remove some allegedly “dead and dying” trees on the northern side of their store. We note that residents of Abbey Court claim that they own the land concerned. The Town Council urges that the opinion of the Cheshire East Trees Officer is obtained on any tree works.

Regarding Condition 10 (Window tinting) of planning consent 14/5368M, the Town Council has no objection – as this would decrease light spillage onto neighbouring properties. (NC)

**Application No:** 23/1526M

**Location:** 21 Chester Road, Poynton SK12 1EU

**Proposal:** Single storey rear extension to approved two storey side extension.

**RECOMMENDATION:** Poynton Town Council reiterates our concerns regarding the previous application 22/2225M, specifically the short distance between the wall of the proposed side extension and the site boundary with 19 Chester Road. This appears to be less than the 1 metre normally required. Overall, the application appears to conflict with the following planning policies:

- Cheshire East Local Plan: SE1: Design and SD2: Sustainable Development.
- Poynton Neighbourhood Plan policies HOU11 (Design), HOU13 (Extensions) and HOU14. There is no gap of 1 metre to the site boundary as required by policy HOU14.
- Cheshire East Site Allocations and Development Policies Document policies HOU11 (Extensions and Amenities), HOU12 (Amenity) and HOU13 (Residential Standards). Policy HOU13 requires that “each building should normally be set back at least 1 metre from the side boundary”. (NC)

**Application No:**23/1680M

**Location:** 28 Nickleby Road, Poynton, SK12 1LE

**Proposal:** Single storey extension to existing side “lean-to” porch to provide a downstairs toilet accommodation.

**RECOMMENDATION:** No objection (NC)

**Application No:** 23/1692M

**Location:** 4 Brookside Avenue, Poynton SK12 1PN

**Proposal:** Ground floor rear and part side extension.

**RECOMMENDATION:** Poynton Town Council notes that the proposed rear extension bordering 2 Brookside Avenue appears to have a gap less than 1 metre from the site boundary. If this is correct, then then the Town Council objects to this application as this is a breach of Poynton Neighbourhood Plan, the Cheshire East Local Plan and the Strategic Allocations and Development Plan (SADPD). A proposal to extend right up to the site boundary conflicts with planning policies.

The Town Council also notes that the proposed extension may increase shadowing of neighbouring gardens and may be out of character with nearby properties. We urge the Planning Officer to visit the site. Overall, the application appears to conflict with the following planning policies:

- Cheshire East Local Plan: SE1: Design and SD2: Sustainable Development.
- Poynton Neighbourhood Plan policies HOU11 (Design), HOU13 (Extensions) and HOU14. There is no gap of 1 metre to the site boundary as required by policy HOU14.
- Cheshire East Site Allocations and Development Policies Document policies HOU11 (Extensions and Amenities), HOU12 (Amenity) and HOU13 (Residential Standards). Policy HOU13 requires that “each building should normally be set back at least 1 metre from the side boundary”. (NC)

**Application No:** 23/1727M

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

**Proposal:** Outline planning permission for demolition of the existing house and erection of two new homes.

**RECOMMENDATION:** Poynton Town Council notes that this is the fifth application to build on this site in the last five years. Issues of concern in previous applications have included the impact on neighbouring houses, increased massing as seen from the road and the presence of a culverted watercourse running beneath the site.

The low density of the site and immediate area, bordering the Green Belt, suggests that more intensive development of the site would be contrary to Policies SE1 (Design) and SD1 and SD2 (Sustainable Development) of the Cheshire East Local Plan and Poynton Neighbourhood Plan policy HOU7 (Environmental Considerations). The applicants should be required to produce at least a “footprint” of the proposed buildings and define their height and floor area.

There appears to be an error on the application form, as in answer to the question, “Is your proposal within 20 metres of a watercourse (e.g., river, stream or beck)?” the applicant has ticked “no”. However, there is a stream in the field on the east side of Towers Road which flows into a culvert that runs beneath the site.

The land on the east side of Towers Road, opposite the site, is noted by the Environment Agency as having a high risk of flooding. The Town Council urges that this application is reviewed by the Cheshire East flood team to ensure compliance with the National Planning Policy Framework (paragraph 167, footnote 55) and policy SE13 (Flood Risk and Water Management) of the Cheshire East Local Plan. The applicants should provide a plan showing how they intend to address the issue of the culvert within the site.

**Impact on Wildlife:** Large gardens and open land such as this provides 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 and policy SE3 of the Cheshire East Local Plan. (NC)

**Application No:**23/1743M

**Location:** 18 Shrigley Road North, Poynton, SK12 1TE

**Proposal:** Certificate of lawful proposed use for proposed single storey rear extension and loft conversion.

**RECOMMENDATION:** Poynton Town Council has no objection in principle to the proposed extensions, but notes that the applicant's evidence of compliance with the Certificate of Lawful Development rules states in part: *"2. The proposal is for a single storey rear extension to an existing detached dwelling"*, however the plans also include a first-floor loft conversion.

The Town Council also notes there is a current planning consent (ref. 19/5920M) for the land to the south of the site and urges that the Planning Officer confirm that the proposed works will not be un-neighbourly to the existing and proposed houses bordering the site. (NC)

**Application No:** 23/1744M

**Location:** 38 Woolley Avenue, Poynton SK12 1XU

**Proposal:** New single storey rear extension and roof terrace. New single storey porch/front extension. New rendered finish on existing brick walls.

**RECOMMENDATION:** Poynton Town Council have no objection to the proposed extensions, providing the Planning Officer is satisfied that the proposed roof terrace will not cause a loss of privacy for neighbouring residents. (NC)

**Application No:** 23/1682M

**Location:** 10 Heron Drive, Poynton SK12 1QR

**Proposal:** Proposed single storey front and rear extensions, garage conversion and internal alterations.

**RECOMMENDATION:** No Objection (NC)

**Application No:** 23/1747M

**Location:** 9 Lower Park Crescent, Poynton, SK12 1EF

**Proposal:** Certificate of lawful proposed development for a side extension and porch to the existing domestic dwelling.

**RECOMMENDATION:** Poynton Town Council have no objection in principle but note that the proposed side extension goes right up to the site boundary. We urge the Planning Officer to ensure this complies with the rules of the lawful development scheme. (NC)

**Application No:** 23/1758M  
**Location:** 271 Park Lane, Poynton, SK12 1RJ  
**Proposal:** Proposed single storey extension  
**RECOMMENDATION:** No Objection

15. Communication Messages

**RESOLVED: Network Rail's proposed tree works at and around Poynton Station to ensure safety of the network (NC)**

Meeting end time: 20:45PM

Chair .....

Dated.....