

MINUTES OF THE PLANNING & ENVIRONMENT COMMITTEE MEETING HELD AT 8.00PM ON MONDAY 11<sup>TH</sup> MARCH 2024 AT THE CIVIC HALL

PRESENT

Chairman: Cllr L A Clarke,

Cllrs: M Beanland, K Booth, S Lees, Mrs J Saunders, T Swatridge, L Podmore,

Officers in attendance: Haf Barlow (Town Clerk)

227. 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.

228. Questions from members of the public

A member of the public was present regarding agenda item 9, the closure of the Waste & Recycling Centre.

A member of the public was present regarding agenda items 7 and 8, Poynton Pool.

229. Amendment to the order of the agenda

**RESOLVED: That agenda items 7, 8 and 9 are discussed after the Declarations of Pecuniary Interests (NC)**

230. Apologies for absence

There were no apologies for absence.

231. Declarations of disclosable pecuniary or other interests

Cllr Beanland made the following declaration as a member of Cheshire East Council:  
“My views are expressed on the information put before me. I reserve judgement and the independence to make up my own mind on each separate proposals, based on my overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee, and I hear all of the relevant information. I will not in any way commit myself as to how I or others may vote when the proposal comes before the Committee.

I do not intend to speak and vote as a member of the Committee because I may be perceived as having pre-judged the matter or alternatively, I reserve the right to judge the matter elsewhere, so that this may be recorded in the minutes”.

232. To note the Town Council’s prepared response to the Technical Memorandum Note issued by Jacobs in response to the Town Council’s original submission to the Poynton Pool planning application

A member of the public asked Members if Poynton Town Council had made a formal approach to Cheshire East to reopen the planning application and whether the Town Council had received a reply.

The Clerk confirmed that the Town Council had written to Cheshire East requesting an extension to the consultation for the planning application. No response had been received to date.

Members reviewed the draft response prepared by the Clerk.

**RESOLVED: That the draft response is approved and submitted to the planning officer and also sent to the member of the public who requested a copy (NC)**

233. To receive and consider a letter from the Minister for Local Communities about the Poynton Pool planning application.

The Chair confirmed that the Secretary of State has rejected the request to “call in” the Poynton Pool planning application. The Secretary of State is satisfied that the decision should be made at a local level.

**RESOLVED: That The letter from the Minister for Local Communities about the Poynton Pool planning application is received. (NC)**

234. To receive an update from the Chair on the closure of the Poynton Household Waste and Recycling Centre

The Chair confirmed he had attended a Cheshire East Full Council meeting as a representative of Poynton Town Council, two weeks ago. The budget was approved at the meeting, which will result in the Household Waste and Recycling Centre in Poynton, and two other locations, being “mothballed”.

A member of the public explained that he was holding a public meeting at Prestbury Plant and Garden Centre to discuss the issue.

The Chair advised that Cheshire East Cllr Mick Warren had suggested at the meeting the introduction of a mobile service. No details had been provided at the Cheshire East meeting. The Clerk confirmed she had written to the Environment Services Correspondence Team as requested regarding the mobile provision that was mentioned at

the meeting. The Clerk confirmed that she received a response but had been advised that no information on the mobile provision was available.

The Chair suggested the Town Council write to Cheshire East requesting they postpone mothballing the waste site until the mobile tip is up and running. That the Town Council suggest that the Poynton site is open for 3 or 4 days and Bollington site on another 3 days and share the staff between them.

**RESOLVED: That the Clerk writes to Cheshire East as set out above. That the Clerk publicises the public meeting to be held at Prestbury Garden Centre (NC)**

235. To approve the minutes of the Planning & Environment Committee meeting held on 19<sup>th</sup> February 2024

It was noted that the page numbers were missing. These would be added before the minutes are taken to the Town Council.

**RESOLVED: That the minutes are a true and accurate summary of the Planning & Environment Committee meeting on 19<sup>th</sup> February 2024 and are approved (NC)**

236. To receive and consider the action log for 2023-2024

The Clerk provided additional information on the road signs which had been received after the report had been circulated.

The Chair noted that in the amended response from the Flood Investigations Team to planning application 24/0090M 64 Tulworth Road, the flood team made an inaccurate response. The Clerk confirmed the flood team have amended their comments, it was a condition rather than a refusal. The Chair stated that the area was High Risk, but this is not reflected in the Officer's comments. The Clerk will investigate this issue further.

**RESOLVED: That the action log for 2023-24 is received (NC)**

237. To consider and agree possible street names for the development at 41 London Road North

The Committee considered possible street names.

**RESOLVED: That the committee recommend that the street name for the development at 41 London Road North is Church House Close. (NC)**

238. To receive and consider the Cheshire East Sustainable Urban Drainage Supplementary Planning Document Adoption Statement.

The Chair advised this document has been formerly adopted.

**RESOLVED: That the Cheshire East Sustainable Urban Drainage Supplementary Planning Document Adoption Statement is received. (NC)**

239. To receive and consider the response to the Freedom of Information Act request in relation to the Green Bin Subscription Scheme

Members considered the response before them.

**RESOLVED: That the response to the Freedom of Information Act request in relation to the Green Bin Subscription Scheme is received. (NC)**

240. To receive and consider the Working Together for a Wilder Cheshire consultation and to agree a response

The Chair suggested promoting this consultation to the public encouraging them to complete it.

**RESOLVED: That the Town Council promote the Cheshire's Nature Recovery, Have Your Say on the Town Council website and Facebook page (NC)**

241. To receive a verbal report from the Clerk on works undertaken by a householder on trees on the Inclines and to consider what action, if any, to take

The Clerk advised that the Operation Managers had become aware of work being undertaken on the Inclines. The Trees are covered by a Tree Protection Order, but no planning permission was obtained. The Operations Manager stopped the work being completed. However, three trees have been removed. Members agreed this incident should be reported to the Tree Officer and Planning Enforcement.

**RESOLVED: That the Clerk report this to the appropriate authorities at Cheshire East. (NC)**

242. To receive a report from the Clerk on a potential planning breach in the Coppice area of Poynton and consider what action, if any, to take.

The Clerk advised that the Town Council had received complaints from residents regarding flooding at the Public Right of Way near the allotments. This has been caused by water discharged from a property. The Flood Investigation Team were also concerned about the discharge of water in this area. Planning Enforcement had been contacted but no action had been taken.

A member advised that she had also been contacted by residents regarding this matter and reported it to the Public Rights of Way Team.

The Clerk read from an update email advising that Public Rights of Way enforcement was now investigating the matter and has contacted the landowner.

**RESOLVED: That the Town Council pursue this matter again with Cheshire East (NC)**

244. To consider the following planning application

Planning applications received for consideration.

Application No: 24/0404M

Location: Land off The Coppice, Poynton

Proposal: Reserved matters application for access, appearance, landscaping, layout and scale following outline application 22/5036M appeal reference APP/R0660/W/23/3317932 – Erection of a single detached dwelling (dormer bungalow).

**Recommendations: Poynton Town Council regrets that outline permission was granted by a Planning Inspector for this site, which is in a vulnerable area of the Green Belt. However, since the outline plans were approved, we have the following comments on the current detailed application.**

- 1. The Planning Officer should ensure that the “footprint” and location of the proposed bungalow accords with that approved under application 22/5036M.**
- 2. The plans as posted to date give no information on drainage and how both rainfall run-off and foul sewage will be disposed of. Such information is required to protect the nearby ponds and Poynton Brook – the advice of the LLFA should be obtained.**
- 3. The Coal Authority, in their comments on application 22/5036M, noted that, where a SUDS drainage system is proposed in a former mining area, consideration should be given to the implications in relation to stability and public safety posed by coal mining legacy.**
- 4. Access to the site is off a narrow one-track private road, known as The Coppice, also Public Footpath 45, whose junction with Coppice Road has poor visibility. This applies especially for traffic heading west along Coppice Road. There is no sight line to the right for traffic exiting The Coppice.**
- 5. Footpath 45 is heavily used by members of the public visiting the Poynton Coppice Local Nature Reserve. Conditions should be imposed requiring that building materials, plant and equipment are not stored on the public footpath.**
- 6. Utilities: Public utilities are under strain in the semi-rural area of Higher Poynton. Local residents experience frequent electricity cuts, while residents of Coppice Road have complained of sewage backing up into their houses. Both the electricity and sewer infrastructure are old and struggle to cope with increased development. Conditions should be imposed to ensure compliance with Cheshire East Local Plan Policy SD1, section 4: “Development should wherever possible ... provide appropriate infrastructure to meet the needs of the local community including: ... water; wastewater; and energy”.**
- 7. The Planning Inspector added various conditions to his approval of 22/5036M, which should be applied to future applications for detailed planning consent.**

Several of these conditions required further information and reports that have to date not been supplied by the applicants. The Town Council urges that all these conditions are imposed in full. They include:

**Condition 5: An updated badger survey by a suitably experienced person.**

**Condition 6: A strategy for the incorporation of features to enhance the biodiversity value of the development to be submitted and agreed with the local planning authority.**

**Condition 8: No development shall commence until details of:**

**A scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity and;**

**Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development.**

**The Town Council notes that the Coal Authority stated that the site falls within the “defined development high risk area.”**

**Condition 9: No development (other than site clearance works) shall commence until a proportionate risk assessment and (if appropriate) a site sampling exercise is undertaken to address the risks posed by land contamination and ground gas.**

**Condition 10: If during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the local planning authority as soon as reasonably practicable.**

**Condition 11: No part of the development shall be occupied prior to the submission and approval in writing of a Verification Report prepared in accordance with the approved Remediation Strategy that covers that part of the development to be occupied or used.**

**Condition 12: Any soil or soil forming materials to be brought on to site for use in garden areas or soft landscaping shall be tested for contamination and suitability.**

**Condition 13: No removal of any vegetation shall take place between 1st March and 31st August, unless a detailed survey has been carried out to check for nesting birds.**

**Condition 14: The application shall provide a scheme for the retention and safeguarding of existing trees, supported by a detailed Arboricultural Impact Assessment, Tree Protection Plan and where appropriate an Arboricultural Method Statement.**

**Condition 15: The development shall be carried out in accordance with the Great Crested Newt Reasonable Avoidance Measures.**

Application No: 24/0624M

Location: 21 Buckingham Road, Poynton, SK12 1JH

Proposal: Proposed single storey side/rear extension, closure of first floor side opening, bin store and changes to the front driveway.

**Recommendation: Poynton Town Council note that the side of the proposed extension is close to the site boundary with 19 Buckingham Road. We urge the Planning Officer to ensure that the plans comply with the following planning policies:**

- **Poynton Neighbourhood Plan: Policies HOU11 (Design) and HOU13 (Extensions)**
- **Cheshire East Local Plan: SD1, SD2 (Sustainable Development) and SE1 (Design)**
- **Cheshire East SADPD policies HOU 11 (Extensions and alterations), HOU12 (Amenity) and HOU13 (Residential Standards)**

**The amenity standards in Poynton Neighbourhood Plan and the SADPD both state that extensions should normally be at least 1 metre from the site boundary.**

**The plans posted online to date appear to show no details of drainage; this should be resolved before planning consent is granted.**

Application No: 24/0610M

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

Proposal: Demolition of existing dwelling and construction of two new dwellings with associated garaging and landscaping.

**Recommendations: Poynton Town Council notes that this is the ninth 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.**

**Poynton Town Council urges that this application be rejected. There is little or no material difference to the previous applications for this site, including refs 23/1727M, 21/4460M, 21/1846M, 20/5504M and 19/4443M.**

**The applicants have failed to address the Inspector's concerns in the appeal into the first 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.**

**Similarly, the applicants have failed to address the second Inspector's concerns into the subsequent application (ref. 20/5504M and appeal ref. APP/R0660/W/21/3272140). The Inspector concluded that the proposed plans: "... would lead to an excessively scaled development with disproportionate massing that would contrast with the character of development on this part of the road. It would conflict with Policies SD2 and SE1 of the LPS, Policies HOU8 and HOU11 of the Poynton-with-Worth**

**Neighbourhood Plan ... as they seek development to reflect the height, scale, massing and character of surrounding development.”**

**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).**

**Planning permission should be refused as the development fails to comply with the following Cheshire East Local Plan policies: MP1 (Presumption for sustainable development), SD1, SD2 (Sustainable development), SE1 (Design) and SE13 (Flood and Water management).**

**The proposed development is contrary to relevant policies of the Poynton Neighbourhood Plan 2019: As a cramped and intrusive form of development on the edge of the Green Belt, 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).**

**Development is 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.**

**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 roof of the house at Plot 1 is significantly higher than the adjacent property of “Ismorus 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 128(d) of the NPPF.**

**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.**

**The development appears cramped and its relationship with neighbouring properties may breach planning policies:**

- **Poynton Neighbourhood Plan: Policies HOU11 (Design) and HOU13 (Extensions)**
- **Cheshire East Local Plan: SD1, SD2 (Sustainable Development) and SE1 (Design)**
- **Cheshire East SADPD policies HOU10 (Backland development), HOU 11 (Extensions and alterations), HOU12 (Amenity) and HOU13 (Residential Standards)**



**Flood Risk:** There appears to be an error on the application form, as in the section headed “Assessment of Flood Risk,” 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 nearby, 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, directly 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. This would ensure compliance with Local Plan Policy SE13 (Flood and Water management) and SADPD Policy ENV16 (Surface water management and flood risk).

We note that the LLAFA has already replied to the consultation, but their comments are limited to the proposed drainage system. They appear to have overlooked the presence of a watercourse running in a culvert beneath the site. This is a matter of concern, as it is clearly marked on Cheshire East’s maps and highlighted by comments on previous applications – see email by Vicky Venn dated 17 June 2021 on application 21/1846M.

**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 185, 186 and 188) of the NPPF and policy SE3 of the Cheshire East Local Plan.

Application No: 24/0684M

Location: Waterloo House, Waterloo Road, Poynton SK12 1ST

Proposal: Listed building consent for the installation of heritage double glazing, the replacement of a modern back door, the replacement of a rear garden shed, new flooring and fireplace, insulation, the relocation of the kitchen and a minor alteration to modern first floor partition.

**Recommendation: No Objection**

Application No: 24/0709M

Location: 47 Oakfield Road, Poynton SK12 1AS

Proposal: Proposed demolition of existing garage and replaced with new single storey side extension, loft conversion and new roof.

**Recommendation:** Poynton Town Council has some concerns regarding this application. The proposed new first floor dormers, facing both 45 and 49 Oakfield Road raise concerns over possible overlooking and loss of privacy.

The new side extension will also have a higher roof than the existing garage, which may reduce sunlight to the garden of 45 Oakfield Road. The raising of the ridge height of the main roof of the property will have a similar effect.

While the plans state that there is an intention to raise the ridge height but add this will not exceed the height of 49 Oakfield Road, we note that this does not mention 45 Oakfield Road. As the ground level of Oakfield Road rises between numbers 45 and 49, this implies that the new roof height will exceed that of 45 Oakfield Road.

The proposals will significantly change the appearance of the existing house, one of a line of bungalows.

We urge the Planning Officer to review the plans to ensure that the proposed dormers and side extension are not unneighbourly in their relationship with adjoining properties and gardens. In particular, the following points should be addressed:

1. The proposed dormer window and loft extension may breach various national and local planning policies:
  - Poynton Neighbourhood Plan: Policies HOU11 (Design) and HOU13 (Extensions)
  - Cheshire East Local Plan: SD1, SD2 (Sustainable Development) and SE1 (Design)
  - Cheshire East SADPD policies HOU 11 (Extensions and alterations), HOU12 (Amenity) and HOU13 (Residential Amenity)
2. Development unneighbourly - The proposed development by virtue of its size, design and position relative to adjoining properties, may be unduly dominant and lead to loss of light, to the detriment of the residential amenities of the occupiers of those properties.
3. Loss of privacy - The position of the proposed development, in relation to adjoining residential properties, may result in an unacceptable reduction in the level of privacy presently enjoyed by the occupiers of those adjoining properties by reason of overlooking.
4. Additional Information: The Town Council suggests that the applicant be asked to provide a street scene showing the proposed extensions and alterations. This will allow the impact on the neighbouring houses to be assessed more fully.

Application No: 24/0739M

Location: 50 Dickens Lane, Poynton SK12 1NN

Proposal: Certificate of lawful development for proposed single storey rear extension.

**Recommendation: No Objection**

Application No: 24/0745M

Location: New House Farm, Middlewood Road, Poynton SK12 1TU

Proposal: Prior approval of change of use of an agricultural building to four dwellings (Use Class C3) and associated operational development.

**Recommendation: Poynton Town Council urges Cheshire East to reject this application. It is clear from the photograph of the application building as supplied by the applicant that extensive works will be required to make this into a habitable dwelling. The existing building has no windows and is clearly a modern agricultural building wholly unsuited for use as a dwelling. The necessary works would constitute rebuilding rather than conversion.**

**We note that in the court case *Hibbitt v Secretary of State for Communities and Local Government*, the Judge supported a Planning Inspector who had rejected an appeal where “the works went a long way beyond what could sensibly or reasonably be described as a conversion”. Therefore, the proposal must be a conversion and cannot amount to the construction of a new building.**

**The proposed development does not comply with the requirements of development permitted by Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the following reason(s):**

- 1. The proposed development cannot be reasonably considered as conversion to a new use due to the significant cumulative level of works required to facilitate the new use. Consequently, the proposal is not in accordance with paragraph Q.1(i).**
- 2. The proposed development would result in an unacceptable design and external appearance due to the impact it would have to the existing character of the building. The prior approval of the design and external appearance of the building, under paragraph Q.2(1)(f), should therefore be refused.**
- 3. The Coal Authority online map shows there are several old mine entries (shafts) near to New House Farm, plus areas of probable shallow coal mine workings. A report on possible hazards from old mine workings should be supplied.**
- 4. The proposed development may have an adverse impact upon protected species. As bats receive protection under the Habitats Regulations, Cheshire East must have due regard to the regulations during the determination of the application. Although the applicant’s Planning Statement says a “Bat scoping report” has been submitted, it has to date not been published on the Cheshire East planning website.**
- 5. No information has been supplied to show how services such as water, drainage and electricity will be supplied to the property.**

**The proposed development is close to Public Footpaths 11 and 12. No information has been supplied to address the possible impact on users of these footpaths.**

Application No: 24/0746M

Location: New House Farm, Middlewood Road, Poynton SK12 1TU

Proposal: Application under Schedule 2, Part 3 Class Q of the General Permitted Development Order 2015 (as amended) for prior approval of the change of use of an agricultural building to a dwellinghouse (Use Class C3) and associate operational development.

**Recommendation: Poynton Town Council urges Cheshire East to reject this application. It is clear from the photograph of the application building as supplied by the applicant that extensive works will be required to make this into a habitable dwelling. The existing building is open at the front and the side walls appear be of flimsy construction. The necessary works would constitute rebuilding rather than conversion.**

**We note that in the court case *Hibbitt v Secretary of State for Communities and Local Government*, the Judge supported a Planning Inspector who had rejected an appeal where “the works went a long way beyond what could sensibly or reasonably be described as a conversion”. Therefore, the proposal must be a conversion and cannot amount to the construction of a new building.**

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- 3. The Coal Authority online map shows there are several old mine entries (shafts) near to New House Farm, plus areas of probable shallow coal mine workings. A report on possible hazards from old mine workings should be supplied.**
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- 5. No information has been supplied to show how services such as water, drainage and electricity will be supplied to the property.**

**The proposed development is close to Public Footpaths 11 and 12. No information has been supplied to address the possible impact on users of these footpaths.**

Application No: 24/0824M

Location: Corner Cottage, Middlewood Road, Higher Poynton, SK12 1TU

Proposal: Single storey front and side extensions

**Recommendations:** Poynton Town Council notes that the proposed works are described on the Cheshire East website as “Single storey front and side extensions”. However, comparison of the existing and proposed elevations suggests that it is also intended to extend the roof. The description on the planning website should be amended to make this clear. Poynton Town Council urge the Planning Officer to ensure that the plans comply with the following planning policies:

- Poynton Neighbourhood Plan: Policies HOU11 (Design) and HOU13 (Extensions)
- Cheshire East Local Plan: SD1, SD2 (Sustainable Development) and SE1 (Design)
- Cheshire East SADPD policies HOU 11 (Extensions and alterations), HOU12 (Amenity) and HOU13 (Residential Amenity)

The proposed extensions should be assessed to ensure compliance with the limitations on extensions in the open countryside and Green Belt as set out in SADPD Policy RUR11 (Extensions and alterations to buildings outside of settlement boundaries).

#### 245. Communication Messages

Meeting to discuss closure of the Household Waste and Recycling Centre  
Response to Jacobs, regarding the Poynton Pool spillway planning application  
Wild Cheshire consultation

**RESOLVED:** That the communications messages set out above are agreed (NC)

Meeting end time: 8.55pm

Chair .....

Dated.....