

Marton Parish Council

Further written statement

Appeal against the decision of Cheshire East Council to refuse an application for outline planning permission for the erection of up to 27 dwellings with details of access (all other matters reserved) in land at School Lane, Marton

Planning Inspectorate Ref: APP/R0660/W/15/3138078 LPA Ref: 15/2274M

This further statement is made by the Parish Council in response to the further statement by Hollins Strategic Land (HSL) in respect of two matters: Written Ministerial Statement (WMS) made by Gavin Barwell M.P. (dated 12/12/2016) and the Planning Inspector's Views on Further Modifications needing to be made to the Cheshire East Local Plan Strategy (dated 13/12/2016). The Contents page to the HSL statement on the second page identifies the matters to be addressed as the Jodrell Bank Observatory and the Marton Neighbourhood Plan. The Parish Council can find no material referring to either of these matters in the further Hollins Strategic Land statement.

Ministerial Statement of 12 December 2016

The Parish Council has noted with interest the Ministerial Statement on Neighbourhood Planning made by Gavin Barwell, Minister of State for Housing and Planning on 12 December 2016. In that statement, the Minister sets out three circumstances in which the relevant policies for the supply of housing in a neighbourhood plan, that is part of the Development Plan should not be deemed to be out of date under the provisions of paragraph 49 of the National Planning Policy Framework where a number of circumstances arise. We would wish to comment on those circumstances in respect of the current appeal by Hollins Strategic Land.

The circumstances are given and the Parish Council comments on each are set out below.

- The written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less

Marton Neighbourhood Plan is substantially less than two years old since it was made by Cheshire East Council so this circumstance applies to this appeal.

- The neighbourhood plan allocates sites for housing

The Marton Neighbourhood Plan does not allocate specific sites for housing. Rather it sets out some criteria against which further applications for housing would need to be considered. HSL in their statement refer to the absence of housing land allocations in the Neighbourhood Plan. We would make a number of points in response to this view.

1 The wording of the Ministerial Statement.

Within the main body of the Minister's report he states "I am today making clear that where communities plan for housing in their area in a Neighbourhood Plan, those plans should not be deemed to be out of date unless there is a significant lack of land supply for housing in the wider local authority area". In our view the Neighbourhood Plan (including its evidence base) clearly indicates that we have planned for housing for our community. Please see Appendix 1 (Neighbourhood Plan: Objectives and Policies: Residential and Commercial Development).

Not only has housing been planned for, but since the conception of the Neighbourhood Plan, as detailed in our submission of 3 January 2017, planning applications have been approved for 5 new houses in the village.

2 Independent Plan Examiner's views

The Examiner reporting on the Neighbourhood Plan to the Borough Council confirmed that she could "see no reason for Marton Neighbourhood Plan to allocate specific sites for housing ". That view is a recent one taken following the plan's examination in 2016 and recognisant of the prevailing planning policies both locally and nationally for the Marton area and the NPPF.

3 Compliance with the Basic Conditions for Neighbourhood Plan

An allocation of this size within the Neighbourhood Plan would not have been acceptable to either the Plan Examiner or the Local Planning Authority Cheshire East Council. The potential reasons to justify an allocation would have been contrary to the wider strategic policies of both the prevailing Development Plan comprising the Saved Policies of the Macclesfield Borough Local Plan and the emerging Cheshire East Local Plan, As such the Neighbourhood Plan with such an allocation would have failed to meet the "basic conditions" which all Neighbourhood Plans have to meet. Of the "Basic Condition" requirements, it would not have had regard to national policy (as set out in the NPPF), would not have contributed to the achievement of sustainable development or been in general conformity with the strategic policies in the Development Plan for the local area. The decisions of the Local Planning Authority and the Independent Plan Examiner to approve the Neighbourhood Plan without any housing land allocations due to the prevailing rural nature and character of the local area confirm this status.

4 Scale of the development

Even if the Neighbourhood Plan had sought to propose site allocations, it is extremely unlikely it would have made an allocation of this size in order to meet housing needs in such a rural area. The Parish Council would wish this appeal decision to be considered as the equivalent to a Plan allocation of far more development on one large site than needed to meet local housing needs. Housing development schemes in the nearby towns of Congleton, Macclesfield and Wilmslow are more

policy compliant and have a far wider range of local services and infrastructure than Marton and this site provide.

The local planning authority can demonstrate a three-year supply of deliverable housing sites.

Cheshire East Council has put forward a number of scenarios to the Planning Inspector conducting its Local Plan examination. The preferred methodology (agreed by the Planning Inspector in December 2016) would see a land supply of 5.3 years using the so-called Sedgemoor method over a period of 8 years but the range of other options is between 4.6 years and 6.0 years. This does mean that they do have more than 3 years at present. The latest figures available to the Parish Council came out on 31st October 2016 around the time of the end of the Local Plan examination and may well have increased since then due to further applications and appeals. Please see Appendix 2 (Extract from Cheshire East Plan Strategy Appendix E Housing Trajectory).

It is the Parish Council conclusion that Marton fully satisfies two of the circumstances set out by the Minister, that of a recently made Neighbourhood Plan and that of a local planning authority (Cheshire East Council) with a land supply of more than 3 years. With respect to the circumstance of site allocations, it is the Parish Council's view that the allocation of this site within Neighbourhood Plan would not have occurred for the reasons indicated here.

Submitted Cheshire East Local Plan Strategy as emerging policy

The Parish Council has also noted that further interim views of the Planning Inspector conducting the Cheshire East Local Plan examination were published on 15th December 2016. The Inspector indicates in those views at item 5(v) that, with a few exceptions which are not relevant to this appeal, the overall development strategy, proposed amount of housing land and the site specific policies for all areas including Other Settlements and Rural Areas (within which Marton lies) do not require further modification. He also confirms at paragraph 3 that his earlier views concerning housing land supply are re-affirmed.

In paragraph 4 he also confirmed that the Borough Council had undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations. He also confirmed that the overall development strategy for the Principal Towns, Key & Local Service Centres, Other Settlements & Rural Areas (including Marton) and Other Sites, including the amounts of development and the strategic sites/locations, seemed to be appropriate, justified, effective, deliverable and soundly based. He also confirmed that there was no need to consider in detail any "omission" sites at this stage in the examination, and issues relating to the other strategic policies in the Plan seemed to be capable of resolution by modifications.

The remaining stages of the Local Plan are now being progressed by the Borough Council with some urgency. In effect, the Planning Inspector accepts and supports the main changes made by the

Council and as set out in the July 2016 version of the Plan, including policies for development in the rural areas including Marton.

The proposal is contrary to the emerging Cheshire East Local Plan policies as now found acceptable to the Planning Inspector. Policies PG2, PG5 and PG6 of the emerging Local Plan are important policies with which the proposed development cannot comply. As such the proposal constitutes a premature development which would compromise the Spatial Vision for the future development of the rural areas within the Borough, contrary to Policies PG2, PG5 and PG6 of the Cheshire East Local Plan Strategy – Proposed Changes Final version (July 2016) and guidance within the NPPF.

Policy PG2 sets out the Settlement Hierarchy for Cheshire East and places Marton within the category of Other settlements and rural areas.

Policy PG5 identifies the policy to be applied within Open Countryside. The proposed development is located in the Open Countryside as defined in the emerging Cheshire East Local Plan. There is no evidence that the proposals comply with any of the purposes or exceptions specified in policy PG5 of the Cheshire East Local Plan Strategy (latest published version Local Plan Strategy – Proposed Changes Final Version dated July 2016) which would lead to permission being granted for this scale of housing development in the Open Countryside.

Within Policy PG 5 the Open Countryside is defined as the area outside of any settlement with a defined settlement boundary. The application site is beyond the limits of any existing settlement boundary as defined in the Macclesfield Borough Local Plan. The policy also states that within Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Clearly, a major housing development of this size does not comply with any of those types of development.

Policy PG5 also allows that a number of exceptions may be made:

- i. where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere ; limited affordable housing, in accordance with the criteria contained in Policy SC6 ' Rural Exceptions Housing for Local Needs' or where the dwelling is exceptional in design and sustainable development terms;
- ii. for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension;
- iii. for the replacement of an existing building (including dwellings) by a new building not materially larger than the building it replaces;
- iv. for extensions to existing dwellings where the extension is not disproportionate to the original dwelling;
- v. for development that is essential for the expansion or redevelopment of an existing business;
- vi. for development that is essential for the conservation and enhancement of a heritage asset.

This planning appeal for 27 houses does not meet any of these exception criteria.

Policy PG6 sets out the proposed spatial distribution of development. Marton is located within the category of Other settlements and rural areas. Within these areas, there is an expectation in this policy that these areas would contribute around 2950 units to meeting the overall housing need. The Borough Council has been able to demonstrate in its Housing Supply reports to the Local Plan examination where these homes may be located. The application site is not included and there is no specific allowance made for any further development to meet the Local Plan requirement within the parish of Marton.

Other Matters

Jodrell Bank Observatory

HSL's Contents page featured the Jodrell Bank Observatory (JBO) but no further reference to the telescope could be found.

The JBO has been the subject of earlier communications with the SoS office (October 2016). The Parish Council considers the Observatory's views regarding the appeal site are important and the following records the main points.

Marton is in the telescope's consultation zone and JBO's original response to the development off School Lane Marton (15/2274M) was that the additional potential contribution to the existing level of interference would be relatively minor, but the Observatory asked the Planning Authority to take this into account stressing that the additional contribution should be viewed as cumulative.

The Observatory has changed its policy and now opposes development on the School Lane site. This was made clear in a response to Planning Application 15/5637M, which is also from HSL and is exactly the same as 15/2274M now under appeal.

This change arises from the scale of housing development being granted planning permission within the consultation zone which JBO refers to explicitly in its response to the consultation on the second application. Recent planning permissions granted in the adjoining settlements of Goostrey, Holmes Chapel and Congleton have added substantially to the number of houses likely to be built and JBO rightly has identified what is described as "significant developments".

The Parish Council shares the concern of the Observatory and requests that substantial weight be given to JBO's views in determining this appeal due to the potential adverse impact on this national and international facility.

Impact of the Development on the Village of Marton

HSL's comments under Written Ministerial Statement 2.3 claim "the appeal should be allowed as it has been demonstrated that adverse impacts would not significantly and demonstrably outweigh the benefits". The Parish Council strongly disagrees with this statement.

Items relating to housing shortfall and provision of housing in Rural Areas have been covered in **Submitted Cheshire East Local Plan Strategy as emerging policy** (see above). Regarding the provision of affordable housing, we reaffirm our comments made in earlier correspondence whereby Marton already has a high percentage of affordable housing and the applicants assertions are based upon flawed data.

Comments on other perceived benefits are as follows.

Marton will lose a green field at the centre of the village that has been used for grazing for generations. How it can be claimed that covering a green field with concrete and houses will enhance the biodiversity is beyond belief. Five trees will be removed along with 50m of hedgerow designated as a hedge of "Importance" (native bluebells).

Marton is fortunate to have a high number of listed buildings most of which are in close proximity to the appeal site. The listed building Green Acre is only 10m away from the proposed access road to the site. How a housing estate can enhance the village's heritage assets is difficult to understand.

School parking problems have been well documented and during the consultation process for the Marton Neighbourhood Plan it was the number one concern of the residents. Also the residents' responses to the planning applications 15/2274M and 15/5637M nearly all featured concern over the impact the proposed housing estate would have on the school parking problem. The attached document School Parking and Safety (Appendix 3) provides detailed information on school parking and how it will be affected by the appeal site.

The school at present does have some limited spare capacity, but approximately 200 houses are planned to be built north of Congleton which are within the schools catchment area so this problem will be short lived.

The proposed development is not sustainable and Marton performs poorly when compared against the Cheshire East Planning for Sustainable Development Policy SD2. Out of the twenty designated requirements Marton only complies with six (see attached 24 October 2016 for details – Appendix 4)

The provision of employment opportunities for the construction industry will be short term. With over 36,000 homes planned in Cheshire East there are more opportunities than tradesmen available to undertake the work.

This advantage will be more than offset by the noise, dust and contractors traffic the residents will have to endure during the construction phase.

The local shops and businesses rely on passing trade and visitors to the village who are attracted to the rural setting of the Cheshire countryside. Putting a housing estate in the centre of Marton could impact on the number of visitors. Not one single business supported the planning application.

The 'high quality open space' to which HSL refer is an undulating area under a tree, which could not be developed for housing. The area is of little use and is not suitable for children to play ball games.

The proposed footway along School Lane is within the boundaries of the proposed development. As a result, it is unlikely to be used by residents or by parents dropping children off at school because the entrance and exit to this path are inconveniently and dangerously located.

There is no evidence to support the statement that an increase in residents would enhance local services. The opposite would probably be the case as demonstrated in our previous submissions.

Conclusion

In this context, the Parish Council would suggest that further weight be given to the Submitted Cheshire East Local Plan Strategy as the emerging policy for housing land supply as required by paragraph 216 of the NPPF. This was set out in our original Statement for this appeal to which we would refer.

Marton Parish Council requests that further weight be given to the Planning Authority decision to refuse this application in the light of the two further developments referred to in this supplementary statement. Further weight should be given to both the Ministerial statement of 12th December 2016 and the Cheshire East Local Plan Planning Inspector's further interim views of 15th December 2016 in the determination of this appeal.

The Parish Council shares the concern of Jodrell Bank Observatory, and requests that substantial weight be given to the views of Jodrell Bank Observatory in determining this appeal due to the potential adverse impact on this national and international facility.

The applicant has again failed to demonstrate that the advantages of the proposed development outweigh the adverse impact.

A list of supporting documents is attached.

Marton Parish Council

February 2017

Appendix 1: Marton Neighbourhood Plan: Objectives and Policies: Residential and Commercial Development.

Appendix 2: Extract from Cheshire East Plan Strategy Appendix E Housing Trajectory

Appendix 3: School Parking and Safety

Appendix 4: Cheshire East Planning for Sustainable Development Policy SD2 – Designated requirements

Appendix 1

7. OBJECTIVES AND POLICIES

In order to achieve this vision, we have identified 6 objectives and a variety of associated policies.

The policies are to be read in conjunction with the Marton Neighbourhood Plan Design Guidance (appendix 1), the Marton Landscape and Settlement Character Assessment (appendix 3) and the Key Views in the Spatial Policy Map (section 4E).

1. RESIDENTIAL AND COMMERCIAL DEVELOPMENT

OBJECTIVE

Marton will have a slightly larger population due to carefully planned and proportionate increases in housing preferably created through brownfield development, conversions of existing buildings or through infill development of an appropriate density, scale and size.

The size and design of any such development should be in keeping with Neighbourhood Plan Design Guidance, the local vernacular and with the surrounding rural hinterland. Note: infill development is the filling of a small gap in an otherwise built-up frontage. A small gap is one which could be filled by one or two houses.

POLICIES

Marton is a rural settlement. No strategic need has been identified to deliver housing beyond local needs in either the existing Macclesfield Borough Local Plan or the emerging Cheshire East Local Plan. This neighbourhood plan will contribute to meeting local housing needs arising in Marton and the Macclesfield Rural Area.

Policies to meet the objective are:

RCD0 Local housing needs will be met through:

- The redevelopment of brownfield sites
- Infill (see definition above)
- Conversions
- And at the edge of the existing settlement in locations that will not cause harm to the wider landscape and setting of Marton.

RCD1 Following Cheshire East policy guidelines, development will be supported on brownfield sites, but all applications will be considered on their individual merit.

- RCD2 Development on any given plot should be of a scale appropriate to the location, of appropriate density, and fit in with the existing rural character and surroundings of the village as detailed in the Landscape and Settlement Character Assessment (LSCA) and Neighbourhood Plan Design Guidance
 - RCD3 Development should meet local needs in terms of tenure, type and size of dwellings, to suit the needs of different groups of the population as detailed in the Housing Needs Assessment and the Cheshire East SHMA Update 2013, or future updates to these documents.
 - RCD4 Development should be in keeping with the existing buildings in the village as detailed in the LSCA and reflect the traditional vernacular of the village in terms of layout, density and appearance
 - RCD5 Development must not have a negative impact on the natural and historic environment of Marton and to this end should conform with the spatial policy maps of this plan
 - RCD6 New homes, extensions and other buildings should be of a quality and form appropriate to their local context and meet the quality and design standards outlined in the Neighbourhood Plan Design Guidance at Appendix 1
 - RCD7 The height and mass of new or altered buildings should not dominate their surroundings
 - RCD8 Building materials and architectural detailing should be compatible with other buildings in the vicinity
 - RCD9 Extensions should relate well to the existing building reflecting its form and materials, ensuring the original integrity is retained, and should not be overly dominant
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Appendix 2

Cheshire East Council

Extract from Cheshire East Local Plan Strategy – Proposed Main Modifications

Appendix E Housing Trajectory

Public Consultation following Inspectors further comments of December 2016 commences 6 February 2017

Five Year Housing Land Supply

E.10 The NPPF requires that Councils identify a five-year supply of 'deliverable' housing land in their development plans, plus a 5% 'buffer' to allow for choice and competition. Where there has been a record of persistent under delivery, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a reasonable prospect of achieving the planned supply and to ensure choice and competition in the market for land. In the context of Cheshire East, set against an annual target of 1,800 new dwellings per annum and applying a 20% buffer to the requirement only would lead to a requirement of 10,800 new homes over the next 5 year period (2016/17 until 2020/21). However, there is also a shortfall which the Council is seeking to address through the 'Cheshire East' methodology (Sedgepool 8), which apportions the previous under delivery over the first 8 years of the remainder of the plan period. This results in a delivery requirement of 2,466 dwellings per annum as shown on the 'Cheshire East' methodology (Sedgepool 8) delivery requirement line of figure E.1.

E.11 The sites identified in the Local Plan Strategy have been selected on the basis that they will make a significant contribution to meeting the housing needs of the area over the whole plan period and are economically viable in terms of deliverability. Moreover, they will significantly improve the supply of affordable, intermediate and market housing once the Local Plan Strategy is formally adopted. There will also be a greater range of sites identified in the Site Allocations and Development Policies DPD in due course

E.12 The Local Plan Strategy and its associated trajectory sets out a comprehensive range of sites (committed or to be allocated) which all have a role in ensuring the Council can demonstrate and maintain a 5 year supply. Each of the sites have been appraised in terms of their delivery potential over the first five years and remainder of the plan period and in the case of each of the Strategic Sites, there has been detailed discussions with the relevant landowners / site promoters to ensure that the timing and yield of development utilised is both robust and justifiable.

Amend paragraph E.13:

E.13 The range of sites outlined in the Housing Trajectory is considered capable of delivering 15,588 dwellings (including a Small Site Allowance for years 4 and 5) over the next 5 years. Hence, using the 'Cheshire East' method (Sedgepool 8) and applying a 20% buffer a 5.3 year supply of 'deliverable' housing land is currently available in Cheshire East.

Appendix 3

SCHOOL PARKING AND SAFETY

Date: March 2016

Marton Parish Council's response to HSL Technical Note dated 22nd February 2016 School Parking Survey.

1. BACKGROUND

The Technical Note was presented at the Appeal Hearing for planning application 15/2274M on the 25th February 2016. An e-mail from Paul McDowell CE Highways Strategic Infrastructure to John Thompson HSL Project Director was also circulated, confirming agreement with the conclusions set out in the Survey. (See Appendix 1)

The Technical Note – Introduction 1.3 states “the survey was undertaken at the request of CEC.” This resulted from a meeting asked for by the Parish Council to discuss the safety issues that exist with Marton school parking and to consider the impact the traffic from the proposed housing estate would have on the situation. The meeting was on 28th January 2016, in attendance Louise Whinnett Planning, Paul McDowell Highways, David McGowan, Dick Schwendener Marton Parish Council.

Paul McDowell reported he had visited the site on two occasions and had not witnessed cars parked in the area of the proposed access road and did not see there would be a problem. Marton representatives informed that parking patterns varied according to what school activities take place on any given day, but on numerous occasions cars are parked in and beyond the entrance of the proposed access road.

The Parish Council provided photographic evidence clearly showing cars parked at the location of the proposed access road and the dangers parents and children are subjected to as they make their way down the centre of the narrow lane to school. (see Appendix 2) The Parish Council's highways consultant Progress 10 in the Technical Note June 2015 states in section 4. Highway Safety:

“that due to clear impediment at this junction in terms of visibility and the on-street parking congestion, the applicant should demonstrate that this junction location would be able to operate safely through the provision of a Road Safety Audit”.

It was the Parish Council's understanding that after seeing the photographic evidence

Highways would ask the developer to carry-out a Road Safety Audit. This has not happened and what we have is a parking survey, with no mention of the traffic conditions and little reference to the safety problem. (See Appendix 3 RSA)

2. COMMENTS ON SURVEY

The Parish Council takes issue with a number of points in the survey, but what it does clearly show, that on the 2 days of recording, cars am and pm parked in the vicinity of the proposed access road . (Zone 1 and 2)

2.9/2.10 When considering the impact the traffic from the proposed housing estate will have on safety, consideration should not be given to just the number of cars parked . The traffic is not static at school drop-off and pick-up times, vehicles are moving up and down the lane. The cars leaving, after dropping of their children, will be on the wrong side of the road and will meet cars trying to get down the lane. This results in cars having to reverse creating danger to parents and children who are on foot making their way down the centre of the road. Any vehicles leaving the proposed housing estate at school drop-off or pick-up times are only going to make a dangerous situation worse.

3.4 As already stated, car parking and traffic flows cannot be established with just two visits to the site. When parents enter School Lane close to 9.00 am or 3.30 pm they have to make a decision to park in Zone 1 or 2 or chance they may find a parking space closer to the school entrance. This creates the risk that they may have to reverse back down the lane, which occurs frequently. In reality there is not much scope to make more efficient use of the parking space on School Lane.

3.6 It is agreed there will not be any increase in car parking associated with children attending Marton School from the proposed housing estate. What is of concern is the additional traffic leaving the site taking children to secondary schools and other primary schools, together with residents going to work, shopping, etc.

3.7 Parking on the section of School Lane adjacent to the proposed junction is not acceptable. The section from the Manual for Streets quoted:

“Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice”

This quote relates to an urban environment with properly constructed footpaths, not for a narrow country lane with no footpaths: a lane where parents and children have to walk down the centre of the carriageway in live traffic.

Rule 243 of the Highway Code states:

“DO NOT stop or park :

* opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space.”

(See Appendix 4)

Section 2.1 of the Development Control Advice Note 15 issued by The Planning Service relates to visibility splays and states “Good visibility is essential to enable drivers emerging from the minor road to see and be seen by drivers proceeding along the priority road”. This is clearly not achievable when vehicles are parked within the proposed visibility splay zones 1&2.

3.8 Traffic on School Lane at drop-off and pick-up times are not at a very low level. Progress 10 had many concerns relating to HSL Transport Statement and in particular the data presented for the estimated trip rate for the proposed development site. The data had been taken from suburban housing sites and not rural countryside. Also no allowance appears to have been made for the lack of public transport serving Marton.

3.9 Given the quote from the Manual for Streets is not applicable to a rural location like Marton and Rule 243 of the Highway Code, the access road would potentially displace seven or eight parking spaces for cars. This is a serious loss of parking spaces given that parents are already parking on unsafe verges north of the school's entrance.

3.10/3.11/3.12 The suggestion to use the proposed housing estate as an overflow carpark for the school traffic would not be welcomed by the potential residents of the site, leading to conflict and an increase danger at the junction of School Lane and should not be encouraged.

3. RECORDED EVIDENCE OF SCHOOL PARKING SAFETY ISSUES

During the consultation process for the Marton Neighbourhood Plan the residents were asked to list the things that do not like about living in Marton. The top concern and dislike was parking issues associated with school parking at pick-up and drop-of times.

The responses to the planning applications 15/2274M and 15/5637M nearly all featured concern over the impact the proposed housing estate would have on the school parking problem. (See Appendix 5)

At a meeting between the Parish Council and Marton & District C of E Primary School on February 2014 item 2. it was stated “Both the School and the Parish Council recognise that there is a safety issue for parents ,children and residents” (see Appendix 6).

Councillor Lesley Smethham in an e-mail to Councillor Rachel Bailey (15th May 2013) recognised the problem an stated “I have been at the school at home time and seen carers with children in pushchairs and toddlers walking alongside weaving in and out of parked cars with huge coaches and passing traffic and no footpaths along a narrow country lane. It is most worrying”

Stuart Bateman from CEC Traffic and Road Safety Team following a visit to the school at bell time stated in an e-mail 2nd July 2013 “As the school is placed in a rural setting with narrow lanes, from a highway perspective there is not a great deal we can do. I would suggest the most appropriate course of action would be to create additional parking facilities within the school grounds”

When the leader of CEC, Michael Jones, attended a Marton Parish Council meeting on the 9th February 2015, on the subject of school parking he said “the answer was not to carry out a risk assessment because there is a danger to school children and therefore action must be taken”.

4. SUMMARY

It has been well documented that there is concern over the safety of children, parents and residents arising from school parking in Marton. The Parish Council recognises this is a problem affecting many schools in Cheshire, but we are not aware of any other school where after parking the parents and the children have to walk down the centre of the road, in live traffic to get to school.

With these severe conditions, to suggest it is acceptable to park on the road in the 10m zones adjacent to the proposed junction in direct contravention of the Highway Code Rule 243 is irresponsible. For Cheshire East Highways to support the conclusion of the HSL School Parking Survey, that cars could park in the 10m zone without having a significant effect on highway safety is beyond comprehension. Line of sight would be affected, not just by the parked cars, but by vehicles exiting the lane on the wrong side of the road and by the parents and the children walking down the centre of the road. If you ask any of the residents of School Lane what it is like trying to leave their driveways at school times, you will be informed that it is difficult, dangerous and on many occasions impossible.

The Parish Council's highways consultant, Progress 10, recommended that a Road Safety Audit should be carried out. We understood following our meeting on the 25 Jan 16 that Cheshire East Highways would request the developer to carry out such an Audit, this has not taken place.

We know due to the lack of suitable parking spaces, parents are forced to park on unsafe verges north of the vicarage. If as a result of the police enforcing Rule 243 of the Highway Code, parents would be stopped from parking in the 10m zone and a further 7/8 vital parking spaces would be lost making a desperate situation worse.

For many reasons, documented elsewhere, the Parish Council and the residents of Marton oppose this planning application. However, for Cheshire East Highways to reach the conclusion that the proposed access junction will not affect safety at school time and is sustainable is seriously misjudging the situation.

The Parish Council urge Cheshire East Council to reconsider this ill-judged decision.

Marton Parish Council

APPENDIX 1

Matthew Symons

From: John Thompson <john.thompson@sktransport.co.uk>
Sent: Wednesday, February 24, 2016 3:38 PM
To: Matthew Symons
Subject: FW: Appeal 3138078 Land off School Lane in Marton

Hi Matthew,
please see confirmation from Paul McDowell below.
Kind regards,
John

John Thompson
Project Director

We're going to MIPIM 2016. If you would like to see us there please contact us at mipim@sktransport.co.uk



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From: MCDOWELL, Paul [<mailto:Paul.McDowell@cheshireeast.gov.uk>]
Sent: 24 February 2016 12:30
To: John Thompson
Subject: Appeal 3138078 Land off School Lane in Marton

John

Further to our telephone conversation this morning, I can confirm that I agree with the conclusions set out in your Technical Note dated 22nd February 2016.

Regards,

Paul McDowell
Strategic Infrastructure
Cheshire East Highways

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APPENDIX 2

Please see images on the following pages.









APPENDIX 3

“What is a Road Safety Audit?”

Road Safety Audit is a systematic process for checking the road safety implications of highway improvements and new road schemes. The sole objective of the process is to minimise future road accident occurrence and severity once the scheme has been built and the road comes into use.

The auditor needs to take into account all road users, particularly vulnerable users such as pedestrians and pedal cyclists.

With these safety objectives in mind, the auditors need to ask the question "who can be hurt here and in what way?"

Having identified potential road safety problems, the auditor then makes recommendations for improvement. The client proceeds by studying the report, and deciding which recommendations to accept, and therefore to adopt within the scheme design and construction.

The importance of Road Safety Audit

Road Safety Auditing is a specialist process that must be carried out independently of design and construction work. Safety Audits are intended to ensure that operational road safety experience is applied during the design and construction process in order that the number and severity of accidents is kept to a minimum.

Road Safety Audits fulfil a vital role in checking that roads have been designed and built to the highest safety standards. A well carried out Road Safety Audit adds value to a highway scheme at every level. “

From: <http://www.tmsconsultancy.co.uk>

APPENDIX 4

02/04/2016

Waiting and parking (238 to 252) - The Highway Code - Guidance - GOV.UK



Beta This part of GOV.UK is being rebuilt – find out what this means (<https://www.gov.uk/help/beta>)

The Highway Code

From: **Department for Transport**
Updated: **29 March 2016, see all updates**

Rule 243

DO NOT stop or park:

- near a school entrance
- anywhere you would prevent access for Emergency Services
- at or near a bus or tram stop or taxi rank
- on the approach to a level crossing/tramway crossing
- opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space
- near the brow of a hill or hump bridge
- opposite a traffic island or (if this would cause an obstruction) another parked vehicle
- where you would force other traffic to enter a tram lane
- where the kerb has been lowered to help wheelchair users and powered mobility vehicles
- in front of an entrance to a property
- on a bend
- where you would obstruct cyclists' use of cycle facilities **except** when forced to do so by stationary traffic.

From: <https://www.gov.uk/guidance/the-highway-code/waiting-and-parking-238-to-252>

Visibility From the Minor Road

2.1 Good visibility is essential to enable drivers emerging from the minor road to see and be seen by drivers proceeding along the priority road.

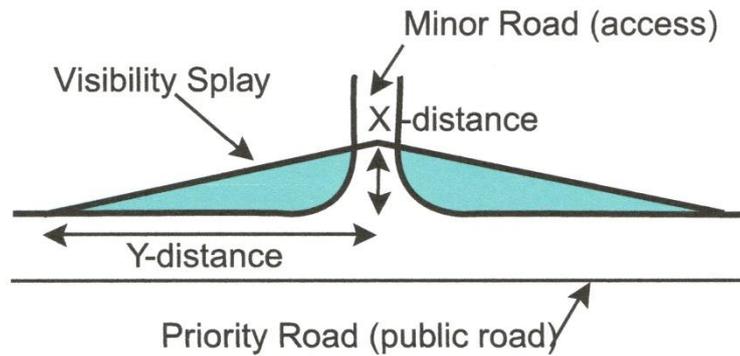


Fig 1: Visibility Splays

Visibility is required over the shaded area shown in Figure 1. The x-distance is measured along the centre-line of the minor road from the edge of the running carriageway of the priority road. The y-distance is measured along the near edge of the running carriageway of the priority road from the centre-line of the minor road. Where the access is on the outside of a bend, an additional area will be necessary to provide splays which are tangential to the road edge as shown in Figure 2.

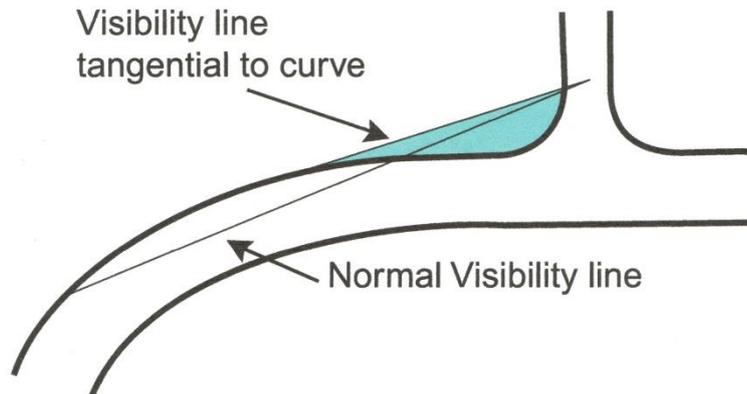


Fig 2: Visibility Splays for Access on Outside of Bend

APPENDIX 5

To: CE - PLANNING APP COMMENTS[Planappcomments@cheshireeast.gov.uk];
Subject: Comment on a Planning Application
Sent: Thur 2/4/2016 11:16:18 AM
From: CENTRE, Call

Timestamp 04/02/2016 11:16:18
Source 10.33.246.200

FORMID Comment On a Planning Application
EmailTo planappcomments@cheshireeast.gov.uk
EmailFrom noreply@cheshireeast.gov.uk
EmailSubject Comment on a Planning Application
Application_details -
Application_reference 15/5637M
Application_site_address Land Off
 SCHOOL LANE
 MARTON

Purpose No Selection
Interest Member of the Public

Comments I am Vicar of Marton and live adjacent to the school, and within easy sight of the field where development is proposed. Each day I see the chaos of school drop off and collection. It is dangerous. My own children have nearly been knocked down. I have seen other children in similar danger, and heard many others talk about this. The school cannot do anything about this. Cheshire East have declined to do so. But still, twice each day, 60 cars fight for space to park on village lanes. Without pavements children walk down the middle of the lane while cars, school buses and agricultural vehicles squeeze past. It is not safe - and I hope it can be made safe before a child is seriously hurt rather than after.

The proposed development would remove at least 6 parking spaces along the lane (road and housing access). And, of course, there would be additional traffic from the new housing.

As Vicar of the parish I do not express any views as to whether planning should or should not be approved. But, if it is I would urge that it comes with a requirement for a solution to the dangerous parking situation. From my calculations I think this would involve additional safe drop off parking for at least 40 cars and three buses - either on or off school grounds.

Proposal make a general observation

Interested_partys_details -

Title Rev

Forename Ian

Surname Arch

Address The Vicarage,
 School Lane,
 Marton,
 SK11 9HD

To: CE - PLANNING APP COMMENTS[Planappcomments@cheshireeast.gov.uk];
Subject: Comment on a Planning Application
Sent: Mon 1/25/2016 10:59:05 PM
From: CENTRE, Call

Timestamp 25/01/2016 22:59:05
Source 10.33.246.200

FORMID Comment On a Planning Application
EmailTo planappcomments@cheshireeast.gov.uk
EmailFrom noreply@cheshireeast.gov.uk
EmailSubject Comment on a Planning Application

Application_details -
Application_reference 15/5637M
Application_site_address Land Off
SCHOOL LANE
MARTON

Purpose No Selection
Interest Member of the Public

Comments My daughters both attend Marton CofE school. The provision for parking near the school is already limited, and parents have little option but to walk their children along the road in the path of traffic. This is already a dangerous situation; to consider adding to this by increasing the number of residences along this narrow stretch of road does not make any kind of logical sense; and, in fact, is verging on ludicrous. I do not believe that School Lane has the capacity to accommodate the proposed plan, and never will, without widening the road and providing a safe pavement for pedestrians. This solution would, of course, have a severe detrimental impact on existing residents, and cannot be considered acceptable.

Access__OptIn yes
Natural_OptIn yes
Proposal Object to the proposal
Interested_partys_details -

Title Mr
Forename John
Surname Goodwin
Address 6 Beechwood Drive
Eaton
Congleton
Cheshire
CW12 2NQ

Confidentiality: This email and its contents and any attachments are intended only for the above named. As the email may contain confidential or legally privileged information, if you are not the above named person or responsible for delivery to the

To: CE - PLANNING APP COMMENTS[Planappcomments@cheshireeast.gov.uk];
Subject: Comment on a Planning Application
Sent: Thur 2/4/2016 10:40:37 AM
From: CENTRE, Call

Timestamp 04/02/2016 10:40:37
Source 10.33.246.200

FORMID Comment On a Planning Application
EmailTo planappcomments@cheshireeast.gov.uk
EmailFrom noreply@cheshireeast.gov.uk
EmailSubject Comment on a Planning Application

Application_details -
Application_reference 15/5637M
Application_site_address Land Off
SCHOOL LANE
MARTON

Purpose No Selection
Interest MP or Councillor

Comments The proposal is also not sustainable as Marton lacks the infrastructure needed for such a development.

Policies_and_guidance Marton is developing its own Neighbourhood Plan and this type of development is entirely against this plan, where small scale infill & conversions have been identified as better fitting the needs and character of the village. It's approval would make a mockery of the entire neighbourhood plan

A development of this scale would be totally inappropriate for Marton where brown field development is seen as preferable to greenfield development. If this application was approved an attractive field in the middle of the village which has been in constant agricultural use for generations would be lost for ever.

Policies_And_guidance_OptIn yes

Character_Design Marton has identified in its own neighbourhood plan the type of infill development that it requires and this development is not of that type.

Character_Design_OptIn yes

Access A number of Eaton residents have children who attend Marton School and are concerned that the existing traffic problems caused by school parking on a narrow lane without footpaths would only be made worse by the additional traffic generated from such a development. There are serious concerns over child and pedestrian safety.

Access_OptIn yes

Natural This development represents a serious intrusion into the Greenbelt and should not be approved.

Natural_OptIn yes

Proposal Object to the proposal

Interested_partys_details -

Title_if_Other Eaton Parish Council
Forename NA
Surname NA
Address Eaton Parish Council

APPENDIX 6

Appendix 1: Meeting with Marton & District C of E Aided Primary School Feb 2014

Subject: School Parking Meeting 28th February 2014
From: DEREK SCHWENDENER (janandick.schwendener@btinternet.com)
To: head@marton.cheshire.sch.uk; sue.furness@hotmail.co.uk; gogsbailey@gmail.com;
Cc: marton.clerk@gmail.com; Lesley.Smetham@cheshireeast.gov.uk; jdmcgowan09@googlemail.com; john.rylands@northernventure.co.uk;
Date: Monday, 3 March 2014, 15:04

Hi Sue,

We thought it would be useful to record the main points of our meeting at Marton School on Friday 28 February 2014

Present: Sue Furness - Chair of Governors, Georgina Bailey - Governor,
Nevin Deakin - Headteacher, David McGowan - Marton P.C.
Dick Schwendener - Marton P.C.

1. The Parish Council is concerned at the increase in cars parked around the school and the problem this creates.
2. Both the school and Parish Council recognize that there is a safety issue for the parents, children and residents. Of particular concern is the parking on the verges north of the Vicarage. Also of concern is the parking from the top of School Lane to the school, resulting in parents and children having to walk down the centre of the road.
3. At the meetings with Chris Williams (Cheshire East Transport) at the school in Oct 2013 and with Marton Parish Council in Aug 2013, he expressed the view that the HSE had ruled that schools do have responsibility for problems outside the gates. Neither the school or the Parish Council have been able to verify this position. Following the Parish Council's informal discussion with the HSE, it would seem that if the school has concerns about safety with the parking, it should ask Cheshire East to carry out a risk assessment. The school agreed to contact Cheshire East with this request. Should Cheshire East refuse to undertake the risk assessment or claim it is not their responsibility then either the school or the Parish Council will inform the HSE who will take this up directly with Cheshire East.
4. The school felt a 'Park Stride' scheme was not feasible as all the possible parking sites would require the children to walk along the A34 and as the foot path is very narrow in some places it would be too dangerous.
5. The School and Parish Council confirmed again the only real solution is to create a car park within the school grounds and that we should continue to work together to achieve this objective.

Regards

Appendix 4

Marton Parish Council Statement 24 October 2016

Appendix B

9. Planning for Sustainable Development

Policy SD2

Table 9.1 of the submission version of the Local Plan sets out guideline distances for access to local services and amenities. These are as follows for Marton.

Public Transport

Bus stop: distance 500m – appeal site does not comply (no public transport)
Public right of way: distance 500m – appeal site complies
Railway station: distance 2km where possible – appeal site does not comply

Open space

Amenity open space: distance of 500m – appeal site does not comply
Children’s playground: distance of 500m – appeal site does not comply
Outdoor sports: distance of 1km - appeal site complies (golf)
Public park and village green: distance 1km – appeal site does not comply

Services and amenities

Convenience store: distance 500m – appeal site does not comply
Supermarket: distance 1km – appeal site does not comply
Post box: distance 500m – appeal site complies
Post office: distance 1km – appeal site does not comply
Bank or cash machine: distance 1km – appeal site does not comply
Pharmacy: distance of 1km – appeal site does not comply
Primary school: distance of 1km – appeal site complies
Secondary school: distance 2km – appeal site does not comply
Medical centre: distance 1km – appeal site does not comply
Leisure facilities: distance 1km – appeal site does not comply
Local meeting place/community centre: distance 1km – appeal site does not comply
Public house: distance of 1km – appeal site complies
Child care (nursery or crèche): distance of 1km – appeal site complies

It is concluded that the appeal site fails to meet the criteria set out in the submission version of the Local Plan to a significant degree. The appeal site is in an unsustainable location based on the criteria set by the Borough Council.