

Marton Village Neighbourhood Plan 2015 - 2030

Consultation Response

Hollins Strategic Land
February 2016

1 Introduction

1.1 This consultation response demonstrates that:

- The draft Neighbourhood Plan (dNP) does not meet all of the required basic conditions;
- Certain dNP policies should be amended;
- Land off School Lane should be allocated for residential development.

2 The draft Neighbourhood Plan does not meet all basic conditions

- 2.1 It is demonstrable that the dNP does not meet the following basic conditions:
- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan; or,
 - d) The making of the neighbourhood plan contributes to the achievement of sustainable development; or,
 - e) The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- 2.2 The emerging Cheshire East Local Plan (eCELP) states that the Rural Area will provide at least 2950 dwellings over the plan period. Due to completions and commitments, there is an outstanding requirement for at least 1452 dwellings in the Rural Area¹. Whilst the dNP acknowledges this, it does not then identify any sites for development within Marton, or set a minimum target for new dwellings. Rather, its policies are restrictive and would curtail sustainable growth.
- 2.3 Policy 1 of the dNP states that there is no strategic need for housing in Marton and that the dNP only proposes to meet local needs arising from the existing population. The dNP relies upon the 'Housing Needs Survey' to identify housing needs, but this is a very limited document which identified only four households with a need for housing.
- 2.4 It is demonstrable that Marton should accommodate a portion of the 1452 dwellings required in the Rural Area, for the following reasons:
- Need/demand for affordable housing;
 - Retention of existing facilities;
 - Achieving a sustainable community;
 - Locational sustainability; and,
 - Impact of Jodrell Bank Observatory.

Need/demand for affordable housing

- 2.5 The CEC Strategic Housing Market Assessment (SHMA) confirms the following key points:
- Table 4.14 of the document also states that there is an annual affordable housing requirement of 59 for Macclesfield Rural.
 - The Macclesfield Rural area has a backlog need of 218 affordable homes.

¹ According to the dNP

- The SHMA confirms that an average of 1 affordable dwelling per annum has been delivered.

2.6 Cheshire East Council (CEC) Housing Officer's response to application no. 15/5637M is important to note, as it states:

In addition to the information from the SHMA Update 2013 there are currently 19 active applicants on the waiting list with Cheshire Homechoice (which is the Choice based lettings system for allocating social & affordable rented accommodation across Cheshire East) who have selected Gawsworth and Marton as their first choice, showing further demand for affordable housing. These applicants have stated that they require 6 x 1 bed, 10 x 2 bed and 2 x 3 bed.

2.7 Furthermore, Peaks and Plains (social landlord) has provided a Statement² to support appeal 3138078; the key points can be summarised as:

- Peaks and Plains are a prominent social landlord that own and manage approximately 5,000 properties across Cheshire East and High Peak.
- The Trust has been providing much needed affordable homes since 2006 and in Marton they own and manage seven properties and experience a very low rental turnover.
- There is a very high demand for a mixture of accommodation and within that a specific demand for affordable housing.
- The Trust has had a limited number of properties become available since the launch of Choice Based Lettings in 2010. The majority have been for over 55's accommodation with only ten being available for general needs. The bid average on these properties was 48.5 bids per property, demonstrating high levels of demand for the area.
- The proposed development is for a mixture of family homes and these are favourable sizes for Peaks and Plains to let, who are of the opinion that the proposed unit types will help meet the housing needs of the area as identified by the SHMA.
- Reviewing the current housing market within Marton there are currently no two and three bedroom properties for sale or to rent.
- Previous sale properties have high sale prices and first time rents/ buyers may find it hard to stay in the local area.

² Appendix 1: Peaks and Plains Statement

- The proposed affordable units could allow people to stay in the local area rather than having no choice but to move to a more affordable location.
- Based on the information Peaks and Plains have been provided and their years of experience in letting rural properties, Peaks and Plains would like to take the affordable element of this proposed build.

2.8 Finally, Marton Parish Council submitted supporting evidence to the Local Plan Strategy in May 2014, with paragraph 2.3 stating:

The rise in house prices generally has impacted Marton along with many other rural communities. There is a small requirement to find opportunities for affordable housing so that [Marton] does not lose its young population.

2.9 There is evidently a need/demand for affordable housing in Marton. In order to achieve compliance with the basic conditions and achieve sustainable development, the NP must respond positively to this need/demand.

Retention of existing facilities

2.10 The dNP stresses the importance of existing facilities to Marton; the objective of policy 5 is to protect community assets. It states that the “*loss of, for example, the village pub, would adversely affect village life*” and “*our primary school is recognised as good, and is an important part of the web connections within the community*”, particularly as it serves Marton, six surrounding villages and north Congleton.

2.11 Prior to the submission of application 15/2274M, a community consultation exercise was undertaken and the Head Teacher provided a response, stating that the Governing Body “*would welcome the proposal to build extra houses at Marton as we look forward to welcoming more children to school*”. It continues to state that “*as a school we seek ways to maintain and further increase our pupil numbers and therefore see this proposal as a positive one*”. This response is unsurprising; the CEC Education Officer’s consultation response on application 15/2274M confirmed that there is a surplus of spaces for the Primary School which, in our experience, is not common in Cheshire East.

2.12 Section 4A of the dNP states “*sadly*” the Post Office no longer exists. Section 5A lists the things people don’t like about living in Marton and these include:

- No village hall, community centre or sports facilities; and,
- No traditional village shop or post office.

- 2.13 Section 5A also lists the things people do like about living in Marton, which include:
- The village pub, restaurant and café; and,
 - The primary school.
- 2.14 Promoting the retention and development of local services and community facilities in rural villages is an objective of NPPF. Paragraph 8.31 of the eCELP states that new development in rural areas “will help to sustain local services”. It is widely recognised that, in order to achieve this, it is common to seek to increase the local population and/or seek to ensure that the population is diverse so as to provide a sustainable community.
- 2.15 In order to achieve compliance with the basic conditions and achieve sustainable development, the NP must respond positively to the objective of retaining and developing local services by acknowledging that residential development is required.

Achieving a sustainable community

- 2.16 The Vision for the dNP includes the maintenance of the village’s “*varied, mixed-age population*” and connects this with the maintenance of a “*strong sense of village community*”. However, section 4B of the dNP also states that the population of Marton is “*older than the average in Cheshire East, which is, in turn, older than that of England as a whole*”. It also states that “*Marton has more people living with a limiting long-term illness than the average in Cheshire East or in the UK*” and that “*this may be because we have an older than average population*”.
- 2.17 The NPPF stresses the importance of achieving sustainable communities, and an important element of this is the delivery of mixed communities which respond to the needs of different groups in the community. In order for the dNP Vision to be achieved, it must find a way to reinvigorate the local population. The development of family-sized housing would potentially lower the average population and provide the varied, mixed age population which is sought.

Locational sustainability

- 2.18 Application 15/2274M was recommended for approval, but refused by Members who considered that the site was not locationally sustainable due to the lack of public transport links, facilities and infrastructure. However, it is demonstrable that Marton is locationally sustainable for residential development.

2.19 On the matter of infrastructure, it should firstly be noted that United Utilities (UU) did not object to the application; nor did the CEC Flood Risk Officer. The submitted 'Flood Risk Assessment and Drainage Strategy Management' confirms that the proposed development can be appropriately drained. For a site in the rural area, it is particularly well served in terms of drainage with existing sewers surrounding the site. Furthermore, Peaks and Plains has confirmed that the absence of mains gas does not dissuade them from managing the affordable housing units³. It is quite normal for rural area housing to be serviced by other means of heating.

2.20 On the matter of locational sustainability, it should firstly be noted that the CEC Highways Department confirmed that it would "have difficulty resisting the application on the grounds of sustainability". Additionally, the Committee Report states the following:

Although the site is not located within the desired proximity to a bus stop, a multi-functional open space and a convenience store, as desired in emerging policy SD2, it does provide access to other services/facilities/amenities desired within policy SD2, i.e., Public Rights Of Way, a Primary School, outdoor sports facilities and a Public House; in addition there is a place of worship, local shop, restaurant, some limited employment opportunities and access to the National Cycle Network (via Route 55). It is acknowledged that use of the car is likely to be the most likely dominant mode of transport for future residents. However, a Travel Plan which includes steps to reduce the use of the car can be submitted as part of a reserved matters application. Overall, the location, existing infrastructure, services, facilities and amenities are aspects that form only part of the overall assessment of whether or not the proposed development is a sustainable form of development or not.

2.21 Marton does not currently have a bus stop or railway station and it is acknowledged that use of the car is likely to be a dominant mode of transport for future residents. However, Marton does have a good range of existing services, all of which can be easily accessed on foot from the appeal site. The existence of these services/facilities, and in particular the school, will reduce the number of trips that need to be made by private motor vehicle. The Travel Plan would also include steps to reduce the use of the private motor vehicle, as will the site's proximity to the National Cycle Network (Route 55).

2.22 The Committee Report refers to eLPS policy SD2, which states that residential development will be expected to provide access to a range of forms of public transport, open space and key services and amenities. Footnote 45 of the eLPS confirms that "a

³ See Appendix 1

range is considered to be within the maximum recommended distance of a bus stop; a multi-functional open space; and a convenience store, in addition to four or more other services or amenities, dependent on location". The Committee Report rightly highlights "dependent on location".

- 2.23 The Framework confirms that the "Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas" (para. 29). Para. 34 is also relevant and states the following:

Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

- 2.24 Marton has good access to services/facilities, particularly as it is within the rural area. It must be reiterated here that the eLPS proposes 2950 houses in the rural area. Furthermore, it is demonstrable that Marton is one of the best served settlements in the rural area. The Council's document entitled 'Determining the Settlement Hierarchy' lists the settlements in the rural area and sets out the facilities in these settlements. Of the 103 settlements in the rural area, only 7 have more services/facilities than Marton.

- 2.25 It can therefore be concluded that Marton, as a settlement within the rural area (where a significant amount of housing is proposed in the eLPS), is locationally sustainable. In order to comply with the basic conditions, the dNP must recognise the locational sustainability of the village and promote residential development.

Jodrell Bank Observatory

- 2.26 The Jodrell Bank Observatory (JBO) consultation response for application 15/2274M is of relevance to the delivery of housing in the Rural Area. It states that the JBO has "carried out an analysis which takes into account the distribution of development and the effect of the intervening terrain between any location and the telescope itself".
- 2.27 HSL has requested a copy of this analysis, but at the time of writing this Consultation Response, it had not been provided. The analysis is likely to result in swathes of the rural area being undevelopable due to the impact on the JBO; the JBO has objected to development in other rural settlements. This has been confirmed by the LPA in the Appeal Statement for appeal 3138078, which states "JBO now opposes development across a significant part of the consultation zone as a matter of principle".

- 2.28 The provision of housing in Marton is therefore of added importance to the compliance with the basic conditions, as the locations to deliver the Rural Area housing requirement sustainably may become limited.

Summary

- 2.29 Section 1B of the dNP recognises that the NP should be in conformity with the LP and should not promote less development than the LP or undermine its strategic policies. However, the restrictive nature of the dNP as drafted, will not provide the level of residential development that Marton should accommodate. This would lead to unsustainable development.

3 Neighbourhood Plan policies that should be amended

3.1 It is considered that the following dNP policies must be amended:

- Policy 1: Residential and Commercial Development;
- Policy 2: Transport, school and parking
- Policy 3: Protecting our environment: Landscape character, green spaces and local wildlife;
- Policy 4: Traffic and Safety

Policy 1: Residential and Commercial Development

3.2 For the aforementioned reasons, Policy 1 should state the minimum amount of residential development which is to come forward during the NP period. This should reflect the LP requirement for Rural Area housing and Marton's suitability for providing an appropriate portion of this.

3.3 Policy 1 states that local housing needs will be met through:

- The redevelopment of brownfield sites;
- Infill;
- Conversions;
- And at the edge of the existing settlement in locations that will not cause harm to the wider landscape or setting of Marton.

3.4 The dNP does not identify any potential sites for any of the above options.

Redevelopment of brownfield sites

3.5 Firstly, the NPPF does not state that brownfield development is always to be preferred to greenfield development. The policy must reflect the objectives of NPPF.

3.6 The Progress10 Transport Statement (TS) sets out the Strategic Housing Land Availability Assessment (SHLAA) sites in Marton. It confirms that of the 7 sites, only 1 is brownfield land. Furthermore, the site (SHLAA Ref: 5059) is only capable of accommodating 1No. dwelling.

3.7 The dNP must not focus so heavily on brownfield sites, when there are none available in Marton.

Infill and conversions

- 3.8 The dNP does not identify any potential infill or conversion sites. The various maps within the dNP do not show any obvious infill sites, particularly when the viewpoints shown on page 24 and the heritage assets shown on page 15 are taken into account.
- 3.9 Furthermore, the dNP emphasises the importance of existing commercial uses to Marton. Part h) of Policy 1 states that the “*loss of commercial premises will not be supported*”. Policy 5 slightly contradicts this, but does confirm that marketing exercises will have to be undertaken if applications are made for the change of use of commercial premises. There are no obvious buildings with potential for conversion within Marton.

Edge of existing settlement

- 3.10 Again, upon reading the dNP, there are no obvious sites on the edge of the existing settlement. The maps, including those at pages 15 and 24, rule out a large portion of the land surrounding Marton.
- 3.11 Additionally, the TS assesses the potential highways impact of the 5 SHLAA sites surrounding the settlement. Whilst its content is limited and its findings are questionable, it does rule out development on all but 1 of these sites for highways reasons.

Criterion h) of Policy 1

- 3.12 This states that the traditional density of the village is 5 – 15 dwellings per hectare (dph). However, it has been shown through application 15/2274M that a density of 21 dph would be appropriate within the village. The dNP must acknowledge the density of existing development off Oak Lane and Oak View in particular, which is some 26.4dph. The policy must reflect this.

Criterion m) of Policy 1

- 3.13 This states that any additional housing would best be met by small scale development with individual character. It is not necessary for development to be small scale to achieve good design.

Summary

- 3.14 It is evident that the dNP places undue reliance upon brownfield sites, but also infill, conversion and sites on the edge of the existing settlement. The dNP must be amended so as to ensure a realistic stance is taken on how development can come forward in Marton.

Policy 2: Transport, school and parking

- 3.15 This policy states that “proposals to improve the parking provision within the curtilage of the school will be supported as this would improve the safety of the children and of parents bringing their children to school”. It must be noted that application 15/2274M proposed a parking area adjacent to Oak Lane and this was not supported by the Parish Council or local residents. This was not because the parking area was not within the curtilage of the school. Rather, it was contended that it would serve no benefit.
- 3.16 It is also relevant that the provision of new family homes in Marton would potentially result in more of the school children coming from within Marton. This, in turn, would result in more children being able to be walked to school and so would potentially reduce the problems of congestion.

Policy 3: Protecting our Environment

- 3.17 The objective to this policy states that the “*central recommendation of the Landscape and Settlement Character Assessment was that the central paddock in the heart of the village should be retained as a green space*”. This “central paddock” is the land off School Lane, which is the subject of appeal 3138078, and applications 15/2274M and 15/5637M.
- 3.18 The Landscape and Settlement Character Assessment (LSCA) places emphasis on the retention of this land, but focuses on its importance due to the mature sycamore which stands in its southern half. The LSCA incorrectly states that this tree is protected by a Tree Preservation Order (TPO). A TPO was imposed on a number of trees within the land off School Lane, but following an inspection of the sycamore, CEC confirmed that it should not be protected because of the amount of decay which is present both above and below ground level, and the absence of adequate sound residual timber. The tree is dying and is not worthy of protection. The LSCAs emphasis on the importance of the views of the tree are therefore not justified.
- 3.19 CEC assessed the landscape and amenity value of the land off School Lane for application 15/2274M and concluded that its development would be acceptable. The CEC Landscape Officer stated that “*the proposed development would not have any significant landscape or visual impacts and I do not object to housing on this land*”. The CEC Appeal Statement states:
- It is noted that the site has no formal landscape designation or protection. Bearing this in mind and noting the development surrounding the site, it is considered that the proposal would not have any significant landscape or visual impacts.*

- 3.20 The policy must be amended to respond to the CEC assessment of the site and significantly reduce the weight afforded to its landscape credentials. It is suitable for development in landscape and amenity terms.

Policy 4: Traffic and safety

- 3.21 This policy states that “*new development should not exacerbate the existing traffic problems*”. This is the incorrect policy test. The NPPF states that “*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*” (para. 32). Policy 4 must apply this policy test.

4 Land off School Lane should be allocated for residential development

- 4.1 It has been established that the NP should specify a minimum amount of development to be provided in Marton over the plan period and that specific sites should be allocated. The Appellant's Appeal Statement⁴ for appeal 3138078 is appended to this Consultation Response and it sets out the reasons why residential development should be allowed on the site.
- 4.2 Land off School Lane should be allocated for residential development in the Neighbourhood Plan.

⁴ Appendix 2: Appeal Statement

5 Conclusions

- 5.1 It has been demonstrated that the dNP does not meet a number of the required basic conditions. It has also been demonstrated that a number of policies should be amended, particularly to ensure the provision of a minimum amount of housing that responds positively to the eCELP Rural Area requirements and is reflective of the potential for Marton to provide sustainable development.

- 5.2 Furthermore, it has been demonstrated that the development of the site is appropriate and that it should be allocated for housing in the NP.

Appendix 1

Peaks and Plains Statement

Appendix 2

Appeal Statement