

## **Marton Parish Council**

### **Hearing statement for planning appeal at School Lane, Marton by Hollins Strategic Land LLP**

**Appeal reference: APP/R0660/W/15/3138078**

**LPA reference: Cheshire East Council 15/2274M**

#### Contents

1. Background and summary of representations pre the planning decision
2. The Development Plan: Macclesfield Borough Local Plan Saved Policies
3. Submitted Cheshire East Local Plan Strategy: emerging policy
4. National Planning Policy Framework and Planning Practice guidance
5. Marton Neighbourhood Plan
6. Sustainability
7. Traffic and highways matters
8. Post planning decision changes to policy context
9. Comments on appellant's Statement of Case and Statement of Common Ground
10. List of Parish Council pre-decision submissions
11. List of documents included
  - Marton Neighbourhood Plan – Reg. 14 submission
  - Traffic and highways Technical Note Addendum (Progress 10)
  - Risk Assessment (Marton Parish Council)
  - Photographs of site and surrounding area
  - Letters of objection from Mr & Mrs Percival
  - Letter from David Rutley MP

## **Introduction**

This statement has been prepared by Marton Parish Council in support of its planning appeal case for the proposed hearing to be held in respect of the refusal of outline planning permission for up to 27 dwellings (with details of access and all other matters reserved for subsequent approval) in respect of land at School Lane, Marton, Cheshire. The planning application reference is Cheshire East 15/2274M and the appeal reference is APP/R0660/W/15/3138078.

The Parish Council supports the reasons for the refusal of planning permission made by Cheshire East Council Borough Council on the application. The decision notice is dated 14 October 2015 and contains one reason for refusal setting out a number of aspects of planning policy as to why planning permission should be refused.

## **1 Background and summary of representations pre the planning decision**

The Parish Council submitted four different responses to the planning application, though some are duplicated on the Cheshire East Planning website. These are as follows:

### **1. Letter and supporting documentation dated 23 June 2015**

The Parish Council sets out their strong objection to this proposed development, which they felt was totally inappropriate in scale and sustainability. Residents feared that such a development would have a serious impact on the quality of life and enjoyment of the local environment.

Specific objections were made as follows:

- 1 The development is not sustainable.
- 2 Highway safety, inadequate parking and access
3. Loss of green field and preference for brown field development
4. Overlooking surrounding properties, loss of privacy
5. Loss of trees and hedgerows
6. The proposed development is inappropriate for the area
7. Previous Planning decisions on this site
- 8 The Marton Residents Views
9. Errors in the application

A list of supporting documents also accompanied the letter of objection.

## **2. Letter dated 6 August 2015 made in response to amendments made to the application.**

The Parish Council concluded that the applicant had failed to identify a safe and viable access route to the proposed development site. The Parish Council's view had not changed inasmuch as the proposal is inappropriate in scale and is not sustainable. Also the risk associated with the school traffic and parking had not been addressed. The type of development proposed is against the views and wishes of the Marton residents as expressed in the Village Plan, the emerging Neighbourhood Plan and the letters of opposition.

## **3. Letter of 15 September 2015**

This letter from the Parish Council expresses their further views in respect of the application including that this application should not be granted planning permission as there is sufficient doubt in the submitted details ability to provide a safe and viable access strategy to this site, both in the interest of the highway user.

Concern was also expressed that there will still be a severe adverse impact on a listed building, existing trees and hedges which will permanently damage and promote the loss of these local green landscape features.

## **4. Letter of 22 September 2015**

This letter from the Parish Council expresses surprise to find at this late stage that the Applicant has submitted a further revised Indicative Layout for the proposed development on School Lane. The Council further felt that to be changing the layout and an access point at this juncture suggests a lack of due diligence and clear planning objectives on the part of the developer.

The views of the Parish Council were summarised in the Planning Officer's report to the Borough Council's Northern Planning Committee when it met to consider the application on 7<sup>th</sup> October 2015. The Committee resolved to refuse the application for the reasons set out in the notice of refusal dated 14 October 2015.

## **2 Development Plan: Macclesfield Borough Local Plan**

The Development Plan for the parish of Marton within Cheshire East currently comprises the saved policies from the Macclesfield Local Plan (January 2004). The legislation provides that any planning application shall be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This status has been reaffirmed in the most recent national planning policy statement in the National Planning Policy Framework ( paragraph 2 refers).

There are two policies in the Macclesfield Borough Local Plan which the Borough Council refers to in its decision notice. One policy concerns the site and the whole Marton area's inclusion within the area designated as Open Countryside (policy GC5), the other policy concerns development control matters (Policy DC16). The Marton Parish Council agrees that these two are the most important policies concerning the principle as to whether planning permission for residential use should be granted on the appeal site.

The overall Local Strategy sets out the main aims of each group of policies within the Plan (section 2 of the Plan refers). Of the six aims listed, four are directly relevant to this application (the other two are concerned with land within the Green Belt and conversions of existing buildings).

These aims are as follows:

- to protect unallocated land from development in the Green Belt and countryside
- to limit development to that which is broadly specified in national planning policy
- to meet the needs of rural communities
- to provide for the needs of agriculture and other activities appropriate to a rural area

The background explanation to policies for the countryside set out in the Local Plan make clear that the presumption is against new building subject to certain limited exceptions or as may be specially approved (paragraph 4.2 of the Plan refers).

Attention is also drawn to the importance of agricultural land within the Local Plan area which deserves to be protected for the longer term and some of which is of high quality (paragraph 4.5 refers). Map 6 of the Local Plan confirms that the Marton area lies within the countryside area beyond the Green Belt for the purposes of development planning and management. It is also important to note that the village of Marton is not identified separately from the parish and there are no policies in the Local Plan which treat the village differently than the rural areas which lie within and around it. Indeed, the close integration between the village and the rural area in which it lies is one of the principal characteristics of Marton. So planning policy for the countryside set out in the Local Plan applies to the whole parish including the appeal site.

Policy GC5 of the Local Plan provides as follows:

Development in the open countryside beyond the Green Belt will not normally be permitted unless it is essential for agriculture, forestry, outdoor recreation or for other uses appropriate to a rural area.

The supporting reason for the policy makes it clear that it is in the interests of preserving the countryside for its landscape, ecological and recreational value as well as for agricultural reasons. It is to be noted that residential development, particularly of the size and scale proposed here, is not one of the exceptions which may be considered acceptable. The policy also states that development (other than the exceptions listed) would not **“normally”** be permitted. To comply with this requirement, it is suggested that for a proposed development to be acceptable there should be some special circumstances justifying the development on this site. The Parish Council has concluded that no such circumstances exist in respect of a large intrusive residential development on this site. The site has an existing use both in land use as agricultural land and in visual amenity terms as reflecting the character of the open countryside in which the site lies.

It is concluded that the development cannot satisfy policy GC5 of the Macclesfield Borough Local Plan and therefore the appeal should be determined having strong regard to this policy.

Policy DC16 of the Local Plan provides as follows:

Developments which are not capable of being serviced by existing infrastructure (such as highways, sewers etc) will not normally be permitted.

The reason for this policy explains that this is to avoid existing infrastructure. The background to the Development Control policies (within which DC16 is) refers on a number of occasions to the principles of sustainability. Section 6 of this submission concerns a detailed assessment of sustainability in its own right as the National Planning Policy Framework emphasises the need for all development to be sustainable and it is therefore appropriate to give full and detailed consideration to this matter. Policy DC16 provides existing Development Plan support for the principles of sustainability.

The Borough Council's refusal of planning permission refers in particular to the lack of public transport links, facilities and infrastructure to serve the proposed development. The Parish Council supports all these concerns and these are dealt with later in this statement.

The overall strategy of the Local plan is to concentrate development in urban areas and to that extent the Local Plan predated national policy. In parallel with that, it also sought to protect the countryside from development and therefore policy DC16 as applied to the appeal site complements and supports the countryside policies as set out in DC5 and other policies not relevant to this appeal.

### **3 Submitted Cheshire East Local Plan Strategy: emerging policy**

The Cheshire East Local Plan has been in its examination stage since September 2014. Since that time, the Borough Council has proposed some changes to the submitted version of the Plan. The Planning Inspector has also now given two sets of interim views on key policy aspects of the Local Plan, one in November 2014 and one in December 2015 which were received after the decision to refuse this planning application. The decision notice refers to four policies in the submitted version which will be considered PG2, PG5, SD1 and SD2.

#### **Policy PG2 Settlement hierarchy**

Policy PG2 sets out the proposed settlement hierarchy for Cheshire East. This policy seeks to focus the supply of new housing to higher tier settlements where a greater degree of services and facilities are available. Policy PG2 includes the Marton area in the lowest tier where the intention of policy for rural areas and smaller villages like Marton is to confine development to small scale development, infill, conversion and affordable housing to meet a particular local need. The policy makes it clear that this policy is in support of sustainable development, and that any growth and investment in these types of lowest order settlements should be confined to small scale.

In the view of the Parish Council, the decision maker should have regard to Policy PG2. This is particularly so in the light of the Planning Inspector in his further interim views of 11<sup>th</sup> December 2015 which post-date the reasons for refusal. In the further interim views, the Inspector supports the hierarchy of four tiers of development (principal towns, key service centres, local service centres and other areas including countryside) which had been set out in his first set of interim views. The Inspector reached an initial conclusion that the proposed settlement hierarchy was justified, effective and soundly based. He has also now endorsed the principle that the majority of new development should be located in the 24 largest towns and settlements (which comprise the towns and centres). Marton is not one of the settlements identified.

It is concluded that the proposed development cannot comply with emerging Cheshire East Policy PG2.

#### **Policy PG5 Open countryside**

Policy PG5 defines the Open Countryside the area outside of any settlement with a defined settlement boundary. This includes the whole of Marton village as there is no defined settlement boundary. The policy provides that within the 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. A large housing estate of over 20 houses is clearly not one of the developments likely to be acceptable in principle.

The policy also provides for a number of exceptions to be made to the policy which may include:

- where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage or where the dwelling is exceptional in design and sustainable development terms;
- for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension;
- for the replacement of an existing dwelling by a new dwelling not materially larger than the dwelling it replaces;
- for extensions to existing dwellings where the extension is not disproportionate to the original dwelling;
- for development that is essential for the expansion or redevelopment of an existing business.

None of these exceptions are applicable to the development proposed.

The policy also refers to the retention of gaps between settlements being important, in order to maintain the definition and separation of existing communities and the individual characters of such settlements. Such areas would be protected from inappropriate development. In the case of Marton, the gap in the middle of the village is part of the character of the village and the parish as it gives the area a distinctive rural feel although there are some local facilities normally found at the heart of a Cheshire village.

The policy also provides that the acceptability of such development will be subject to compliance with all other relevant policies in the Local Plan. In this regard, particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced. In the case of the appeal site, it is the openness, appearance and distinctiveness of the agricultural area at the heart of the village which is a strong matter of concern.

It is concluded the proposed development fails to comply with all the criteria of policy PG5 and satisfies none of the proposed exceptions to the policy.

### **Policy SD1 Sustainable development in Cheshire East**

This policy sets out a series of planning considerations which development should wherever possible comply with. A total of sixteen considerations are listed which are based on the Borough Council's interpretation of the principles of sustainable development as applied to the mixed urban and rural area which is Cheshire East. It is the Borough Council's case at this appeal, supported and fully endorsed by the Parish Council that this proposed development does not meet the majority of these

considerations due to the site's location within a rural area and with a very limited range of local services and facilities. A more detailed account of the sustainability of the site is provided in section 6 of this statement. It is concluded that the development cannot comply with the majority of planning considerations set out in policy SD1 of the submitted version of the Local Plan.

### **Policy SD2 Sustainable development principles**

This policy sets out four criteria which developments are required to comply with in respect of sustainable development principles. Criterion 1 applies to all types of development and criterion 2 only to residential developments. Criteria 3 and 4 do not apply to a residential development. In respect of residential development, sites will be expected to:

- Provide open space, of an extent, quality, design and location appropriate to the development and the local community;
- Provide access to a range of forms of public transport, open space and key services and amenities; and
- Incorporate measures to encourage travel by sustainable modes of transport such as walking, cycling and public transport.

Section 6 of this statement is concerned with an assessment as to how the proposed development satisfies these requirements.

Allied to policy SD2, Table 9.1 of the submitted version of the Local Plan sets out a proposed guide to the appropriate distances for access to services and amenities. The methodology for the assessment of walking distances was informed by that of the North West Sustainability Checklist which has been supported by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). These distances are actual distances using public highways and footpaths. The distances are considered appropriate for the North West region and have been used for the purposes of informing the Sustainability Appraisal and the accessibility of proposed developments. Again, section 6 of this statement is concerned with an assessment as to how the proposed development satisfies the requirements of Table 9.1.

## **4 National Planning Policy Framework and Planning Practice guidance**

The National Planning Policy Framework (NPPF) replaced earlier national guidance in March 2012 and this was followed in March 2014 by some National Planning Practice Guidance. Both of these are applicable to this appeal.



Para 6 of the NPPF states that *“The purpose of the planning system is to contribute to the achievement of sustainable development”* Marton Parish Council support and fully endorse this principle. Furthermore, Cheshire East Council has sought to fully integrate this principle in its emerging Local Plan as is evidenced by policies SD1 and SD2 which lie with that section of the Local Plan entitled Planning for the Sustainable Development. As we have shown and will demonstrate in section 6, the proposed development significantly fails to satisfy any reasonable test of sustainable development.

Para 14 states that at the heart of the NPPF *“...is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*

For decision-taking this means

*...approving development proposals that accord with the development plan without delay...and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted”.*

As we have shown, the Development Plan (in the case of the particular Countryside and Development Control policies of the Macclesfield Borough Local Plan) is aligned with the emerging submitted version of the Cheshire East Local Plan on many matters. These would include the preferred location for new development being within towns and large villages in Cheshire East, the protection of the countryside for its own sake and the need for sites to be in sustainable locations.

The adverse impacts of this scheme are firstly, the unsustainable location in a rural and countryside area with a limited range of services and facilities. Secondly, there is the adverse visual harm to the open landscape character of the site. The longstanding and positive use of the site for agricultural purposes must also be considered as an adverse impact, particularly given the site's location within the heart of Cheshire as a major contributor to UK food production. The vast majority of land in Marton is farmed, and Marton has a far higher proportion of agricultural workers (20%) than the national rural average ((3%) as revealed by the census information (ref: Marton Neighbourhood Plan appendix on Census data). Finally, there are adverse impact on local residents arising from the additional traffic, intensification of residential activities in a rural area and loss of visual amenities.

The NPPF also sets out some core planning principles in paragraph 17. One of these (bullet point 5 refers) requires that planning should take account of the

different roles of different areas including a recognition of the intrinsic character and beauty of the countryside and the need to support thriving rural communities. The characteristics of local landscapes are recognised as important features and the Cheshire Plain is a distinctive character area in its own right being an area of low level gently rolling countryside. The unique character of Marton parish is described in detail in the report of the Landscape Character and Settlement Assessment conducted on behalf of the Parish Council and appended here.

Paragraph 47 of the NPPF states that Local Planning Authorities should “...boost significantly the supply of housing...” Furthermore, Paragraph 49 states that “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

The appeal site does not lie within a sustainable location as evidenced by the priority being given to locations within 24 other more sustainable settlements in Cheshire East than Marton and by the failure of the site to meet basic sustainability criteria in terms of services and facilities.

Additional sections of the NPPF are referred to in the Planning Officer’s report to the Planning Committee but do not seem to have been critical to decision making by the Committee.

### **Best and most versatile agricultural land**

The Parish Council are concerned about the lack of consideration given in this application by both the appellant and the Borough Council to the existing use and benefits of the site in agricultural terms. The proposal would result in the loss of an area of grade 2 agricultural land.

The NPPF at paragraph 112 requires local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land (which includes grade 2 land). The Planning Officer’s report to the Northern Planning Committee in October 2015 sets out some relevant paragraphs of the NPPF pertinent to this application. However, there is no reference to paragraph 112 in the list of relevant paragraphs. Neither does the officer report undertake the assessment required on the economic and other benefits of the land in agricultural use. Rather the report makes the general point that Planning Inspectors have “attached very limited weight to this issue in the overall planning balance”. The report goes on to say that due to its relatively small area, shape and enclosed nature the site does not offer significant opportunities for agricultural production. This site is part of a large rural estate which is managed locally. The Parish Council confirm it has been in continued agricultural use for many decades. If the land is no longer

required for agricultural use by the estate, it is the Parish Council's view that there are other agricultural uses which could be accommodated, could be viable (perhaps in association with other holdings) and still retain the character of the village.

## **5 Marton Neighbourhood Plan**

At the time of the consideration and determination of this planning application, Marton Parish Council was continuing to prepare a Neighbourhood Plan started over recent years. The Parish Council has now published a draft Plan for the parish of Marton.

A consultation period for this Plan under Regulation 14 of Neighbourhood Planning relevant regulations will run until 1 February 2016. The purpose of this consultation is to seek representations from statutory consultees and other parties whose interests may be affected by the draft proposals made.

The Parish Council will then consider comments when writing the final draft plan before a further Statutory consultation which will be conducted by Cheshire East Council in their role of the Local Planning Authority. It will subsequently be subject to an independent examination.

Accordingly, the draft plan must be considered as part of the decision making process in accordance with paragraph 216 of the NPPF which provides as follows:

- that decisions makers may give weight to relevant policies in emerging plans
- that the stage of preparation is relevant (the more advanced the plan, the greater the weight to be given)
- that unresolved objections should be accorded greater weight
- that consistency between the emerging plan policies and the NPPF would be accorded more weight.

In respect of policies in the draft Marton Neighbourhood Plan, the Parish Council would comment that the proposed development is contrary to most policies of the plan. In particular, given the potential impact of this scale of development on a small rural village community, it is likely that all the policies in one form or another should be considered by the Planning Inspector before any decision is made on this appeal.

It is important to note that the Neighbourhood Plan has been prepared with full consultation with officers of Cheshire East Council and of Cheshire Community Action who have both actively supported the Parish Council in its plan preparation including policy development.

Set out below is a detailed assessment as to how the planning appeal proposal would comply with the relevant policies of the draft Neighbourhood Plan.

### Residential and commercial development

The objective for this part of the Plan is for Marton to 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.

Supporting this objective, the draft Plan sets out a series of proposed policies aimed at meeting this overarching objective. One policy confirms Marton as a rural settlement and that 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 proposes to meet local needs arising from the existing population.

It is clear that the appeal proposal is designed to meet some wider strategic housing need identified at a Borough wide level. In particular, an estate type development in the manner likely to be proposed (at the reserved matters stage) would be contrary to many of the provisions within this part of draft Neighbourhood Plan.

### Transport, school and parking

The objective for this section of the draft Plan is to reduce the problems of congestion outside school and improve safety. The accompanying 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.

The housing development proposed can only make the current parking situation around the village at school times less safe for children and parents. More traffic will be generated from the new houses including at school times. Furthermore, the significant increase in new houses proposed on the north side of Congleton (many already with the benefit of planning permission) will create further risks to highway and personal safety.

It can be concluded that in terms of this objective and policy, the appeal proposal cannot comply and runs completely counter to the provisions of the draft Plan.

### Protecting our environment: landscape character, green spaces and local wildlife

This section of the draft Plan seeks to maintain and enhance the rural environment of Marton and to protect it from inappropriate development encroaching on the village from the north of Congleton and the south of Macclesfield. There are more than ten accompanying policies designed to provide policy guidance to achieve this objective. The policy provisions are derived in part from a Landscape Character Assessment undertaken for the Neighbourhood Plan as supporting evidence.

The proposed development would be contrary to many of the provisions of these policies due to the loss of the open landscape to enable houses to be built, the loss of the amenity afforded by the green spaces used for agricultural use and the loss of

local wildlife which will follow from the change of use of the land to built development.

### Traffic and safety

The objective for this Plan section is that Marton will have calmer, slower traffic through the village on the A34. This recognises the existing issues in the village arising from the presence in the heart of the village of this major arterial road running north-south through the heart of England from Manchester to Hampshire. In particular, the road serves as a north-south alternative to the M6 motorway so is used when the motorway is closed or congested or by those driving long distances wishing not to drive on the motorway. The addition of this housing development in the position proposed can only exacerbate existing traffic conditions. In respect of draft policies, it is the Parish Council's view that the development cannot as submitted comply with the four policies proposed in the draft Plan.

It can be concluded that this appeal proposal runs counter to the main objectives of the emerging Neighbourhood Plan. More than this, given its size, scale and impact on the village, the development of the site in the manner proposed would be contrary to the plan-led provisions of spatial planning set out in the NPPF. A decision to allow this development at this stage of the plan making process would also prejudice the community's ability to support locally generated needs in the manner envisaged by the strategic policies of both the existing Development Plan and emerging Local Plan.

## **6 Sustainability**

The NPPF sets out at paragraph 7 the three dimensions to sustainable development, each of which gives rise to the need for the planning system to perform a number of roles. These are the economic, social and environmental roles. In making its decision to refuse this planning application, the Borough Council has balanced these different roles and concluded that the determination should be in accordance with the Development Plan for the area.

Marton is a small rural village with very limited infrastructure or facilities. A development of this size would more than double the number of residents within the core of the village.

Marton lacks some basic facilities such as mains gas, any public transport services including no bus stop, post office or petrol station. The village shops do not serve many everyday needs. There are two shops, a gift shop and a farm shop which only have a very limited range of products and serve passing traffic on the main A34 road which passes through the middle of the village. Being located within a rural countryside area, there are few opportunities for full time employment. The nearest supermarket is 3.6 miles away in Congleton town to the south requiring private travel by taxi or private car for everyday needs. Congleton station is sited to the south of the town and therefore on the opposite side to Marton village. When residents

require essential medical treatment (such as doctor, dentists, chemist, or hospital treatment) they must travel to either Macclesfield or Congleton, again primarily by private car. Existing broadband service for the local area is extremely slow with no programmed date for any upgrade.

To secure employment, residents of the new homes would probably have to commute by car to the towns to the north (such as Macclesfield, Wilmslow and Knutsford) or south (such as Congleton, Sandbach, Middlewich or Crewe) or the larger conurbations such as Greater Manchester, Warrington, Merseyside or the Potteries, all of which are accessible via the A34 either north or south onto the regional motorway network. Each of these locations could be reached within an hour's commuting time from Marton. It is estimated that such a development could add 30 to 40 car journeys twice daily.

An assessment has been carried out by the Parish Council of the sustainability criteria set out in policies SD1 and SD2 of the submission version of the Cheshire East Local Plan. The criteria are set out in emerging CEC Local Plan Section 9 Planning for Sustainable Development.

The application fails to achieve the objectives set out in Policy SD1, specifically sections 1,2,3,4,5,6,7,8,9,10,11,13,14,15,&16. It also does not comply with many of the Sustainable Development Principles set out in Policy SD2, specifically sections 1i,1ii,1iii,1iv,1v,1vi,2i,2ii,&2iii.

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:

#### Public transport

Bus stop: distance 500m - appeal site does not comply

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 1 km: 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 km – appeal site does not comply

Post box: distance 500m - appeal complies

Post office: distance 1 km - appeal site does not comply

Bank or cash machine: distance 1km - appeal site does not comply

Pharmacy: distance of 1 km – appeal site does not comply

Primary school: distance 1 km – appeal site complies

Secondary school: distance 2 km – appeal site does not comply

Medical centre: distance 1 km: appeal site does not comply

Leisure facilities: distance 1 km – appeal site does not comply

Local meeting place/community centre: distance of 1 km – appeal site does not comply

Public house; distance of 1 km – appeal site complies

Child care (nursery or crèche) – distance of 1 km - 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.

## **7 Traffic and highways matters**

Concern about the traffic and highways impact of the proposed development has been a major concern for the Parish Council and continues to be so. The Parish Council has therefore commissioned its own independent reports on transport and highways matters from Progress 10 Design. A further report has been prepared following the refusal of planning permission identified as Technical Note addendum and dated October 2015. This report is appended to this statement.

The Technical Note identifies a number of concerns regarding the site access junction, sustainability from a highway and transport perspective, inaccuracies in the supporting transport material accompanying the planning application and a lack of information regarding the potential highway impacts and proposed solutions,

particularly given the site's proximity between the A34 principal road to the west of the appeal site and the primary school to the east. Local residents experience the traffic situation on a continuous basis and have expressed their concerns about the road and highways safety issues, particularly for children and parents attending the school, arising from this proposed development.

The Parish Council has also expressed concerns about the increased traffic flow on the A34 resulting from the number of additional houses for which planning permission has been granted in the Congleton area. Many future residents of those homes will travel through Marton along the A34 as the most direct and convenient means of access to the wider conurbations. Currently, during the morning rush hour, it can be difficult to get out of School Lane on to the A34, particularly if there are congestion problems along the M6 motorway between Stoke on Trent and Knutsford which commonly occurs. The additional traffic from the proposed development will only compound these problems particularly at the peak hours.

## **8 Post planning decision changes to policy**

The Parish Council would draw attention to some developments in the planning policy context for the appeal given the passage of time since the decision to refuse planning permission was made in early October. The Council considers that each of these is a material planning consideration and should be considered as part of the appeal hearing and decision-making.

### **8.1 Draft Marton Neighbourhood Plan**

The Parish Council would refer to the most recent guidance in respect of the weight to be given to the draft Marton Neighbourhood Plan published on 10 December 2015 and included with this statement.

### **8.2 Cheshire East Local Plan: Planning Inspector's further interim views**

The Planning Inspector appointed to examine the Cheshire East Local Plan published his further (second) interim views on 11 December 2015 following the holding of a further set of examination hearings in Macclesfield during October.

Insofar as this appeal is concerned, the Inspector is supportive in principle of the increase in the dwelling requirement to 36,000 units across the whole of Cheshire East Borough in the period 2010 to 2030. The accompanying report to the Borough Council's Cabinet recommending the dwelling increase set out the potential impact on the spatial distribution of this development. The report also took into account the



number of dwellings completed in the period 1 April 2010 to 31 March 2015. This was subsequently presented to the examination. The total requirement for the lowest tier within which Marton village sits (the rural areas) is estimated at a total of 570 dwellings. As there are more than 50 villages and small settlements within the defined rural areas, this would give a notional average requirement of around 10 dwellings per village over the 15 years of the plan period remaining. Development in accordance with existing Development Plan and emerging Local Plan and Neighbourhood Plan policies would achieve that figure for Marton through small scale organic growth by way of a plan-led approach (Borough and Neighbourhood scale) to the development needs of the Borough's rural needs, rather than an appeal-led approach.

### **8.3 Examiner's report into Brereton Neighbourhood Plan**

The first Neighbourhood Plan within Cheshire East Council to be subject to an examination and a subsequent report has occurred since the planning decision for this appeal was made. The report was published on 1 December 2015. The parish of Brereton lies to the south west of Brereton at a distance of less than 10 miles. Although its existing Development Plan is the Congleton Borough Local Plan, the policies for its rural areas are very similar to those for the rural area in the Macclesfield Borough Local Plan as both plans were originally prepared under the strategic policies as set out in the Cheshire County Structure Plan. The Examiner found the Brereton Plan met the basic conditions for a neighbourhood plan including that of general conformity with the strategic policies of the Development Plan for the area. Furthermore, the Cheshire East Council officers and those of Cheshire Community Action have supported both Brereton and Marton, and indeed many other parish and town councils within Cheshire East. Whilst it is accepted that every neighbourhood plan will have different issues, compliance with the strategic component of the Development Plan in the absence of an up to date Local Plan has a challenge for all neighbourhood plans in Cheshire (of which there are more thirty in preparation). A second Neighbourhood Plan in Cheshire East, for Bunbury parish lying within the former Crewe and Nantwich Borough, has more recently been successful through examination.

From these reports, it is evident that neighbourhood plans are being prepared, challenged at examination and supported by examiners as reflecting not only current national guidance as set out in the NPPF, but also aligning with both existing Development Plan policy and emerging Cheshire East policy guidance.

## **9 Comments on appellant's Statement of Case and Statement of Common Ground**

### **Statement of Case: Section 2. The Appeal site and its Setting**

This section is addressed in a separate folder titled Photographic Evidence, 1. Land Used For Agriculture. 2. Land Situated In Open Countryside.

### **Statement of Case: Section 3. The Case For The Appellant**

#### **Economic role**

Paragraph 3.10,11. It is evident that the proposed development would provide short term employment opportunities for the house construction industry, although it is noted that the application has not been submitted by a house building company. There is no evidence this would create employment for local people. Any housing development requires builders and other allied skills and should not be regarded in any way as justification for this particular scheme. It is also unlikely that the type of businesses in Marton would benefit from the custom of construction workers. House building companies work across a much wider region through contractors and sub-contractors.

Paragraph 3.12,13. In many areas an increase in population arising from the construction of new houses can result in benefits to the local shops and businesses but this is not the case in Marton. All of the businesses listed owe their success to visitors who are attracted to the rural setting in the Cheshire countryside which is accessible from adjoining conurbations and towns from the A34. It can be argued that should a new housing estate be built, Marton would become another urban suburb resulting in a reduction in visitor numbers and resulting downturn in business. It is worth noting that not one single business supported this planning application.

Paragraph 3.15,17. The appellant describes the loss of agricultural land as minimal. Whilst this may be correct when viewed in the context of Cheshire East (which itself covers a large mainly rural authority) as a whole, but it is significant within the Parish of Marton. The field has been continuously used for the grazing of farm animals for generations. Not only has it contributed to the local rural economy, the animals are providing an attractive feature within the core of the village adding to the overall rural character of the village. Once farmland has been built on for housing purposes, that is the end of the farming use and it cannot be reinstated. An increase in population combined with a loss of farming land would create pressure on the limited employment opportunities resulting in fewer jobs per person.

## Social Role

Paragraph 3.18 There is an acknowledged housing shortfall within Cheshire East Borough Council which is currently being addressed in the emerging Local Plan.

However this does not reflect the situation in Marton where it is not the case. Houses that have come on to the market have proved slow to sell with two recently withdrawn due to lack of interest, hardly a situation that would arise if there was a shortfall. In the Housing Needs Survey section of the Neighbourhood Plan only one person confirmed they may need and could afford the type of housing proposed.

Furthermore there is no acknowledged shortfall of affordable housing in Marton. The appellant base their case on one undated letter from Peaks and Plains Housing Trust who have seven properties but are not the only provider of social housing within the village. Regenda Homes is a housing trust with a wider range of properties throughout the North West region. They have a further eight 2/3 bedroom affordable houses plus seven other cottages are available for rent privately. The ratio of affordable housing in Marton is far higher than the national average. At the time of writing Peaks and Plains have one empty property and the owner of the appellant's site have had a two bedroom house empty for a year. The Parish Council's Housing Needs Survey identifies only two people whose preference is for affordable rented accommodation.

There is no evidence to support the statement that an increase in residents would enhance local services; the opposite would probably be the case. The local sewage works cannot cope at present and has to be supplemented by tankers emptying the pump chamber. An already poor broadband service would become worse creating further problems for home workers, both full and part time.

The high quality open space is an undulating area under a tree which could not be developed for housing. The area is of little use and not suitable for children to play ball games. There are no other play facilities in the village for the 11 resident children (HSL's calculation) to use.

The Parish Council would question the capacity of the school to cater for the needs of the new families. If it has spare capacity why was a planning application for additional classrooms submitted although subsequently refused? The school also has major problems with lack of parking for existing pupils. The appellant cites the Head Teachers letter of support but omits to mention this has been superseded by a letter from the Chairman of Governors dated 23/6/2015 (on the CEC planning application site) which supports the Parish Councils policy of brown field and infill, development.

Paragraph 3.23 The Jodrell Bank Observatory response is dealt with elsewhere. They do stress to the planning authority that this proposal should be viewed as cumulative.

Paragraph 3.24-28. As per 3.18

Paragraph 3.29. The problems with the proposed footways are fully addressed in the Technical Note Addendum prepared by Progress 10 Design. Suffice to say they are unlikely to be of any use to the residents and have the potential to be dangerous to all pedestrians.

### **Environmental Role**

Paragraph 3.31. The Parish Council fail to see how the removal of trees, ancient hedgerows and grassland, and the replacement of these features with houses, roads and private drives, could possibly enhance biodiversity. The additional light, noise and traffic are much more likely to damage the biodiversity than to enhance it.

Paragraph 3.32. Neither do the Parish Council agree that the proposal is acceptable in heritage terms. The Neighbourhood Plan Landscape & Settlement Character Assessment (LSCA) states that the village built form has evolved gradually over centuries, and that the heritage is of mixed age character. Adding a modern housing estate would neither conform nor be acceptable. For further information please refer to the recommendations contained in our LSCA.

Neither the removal of trees/hedgerows nor the impact on the character of Marton is acceptable.

Paragraph 3.33 Although the Borough Council Conservation Officer did not object to the proposals, the Parish Council cannot see how the new entrance, which is immediately opposite to a listed building, can be anything but detrimental. The National Planning Policy Framework at paragraph 128 sets out the requirement that in considering planning applications local councils should describe the significance of any heritage assets including any contributions made by their setting. The setting of this listed building will be completely compromised by the construction of an estate road in such close proximity.

Paragraph 3.35. There are inaccuracies in this paragraph. Marton has 105 dwellings of which 54 are within the core of the village and a population of 245. The proposed development would have a significant impact on the village, increasing the village core by 50%.

Paragraph 3.36-40. The Parish Council disagree with these paragraphs for reasons evidenced in the section on Open Countryside.

Paragraph 3.41-49. The lack of sustainable infrastructure and transport is addressed in the Technical Note Addendum prepared by Progress 10 Design and other areas of our objection documents. For the avoidance of doubt, we can confirm that Marton does not have the following facilities: mains gas, any public transport, post office,

petrol station, supermarket, few employment prospects, medical /dental care, hospital, adequate broadband, bank building society or cash point, library, pharmacy, and there are no play areas for children nor clubs for teenagers.

## Statement of Common Ground

Email sent to Cheshire East Council Planning Officer John Williamson on 17<sup>th</sup> December 2015.

Hello John,

Thank you for notifying us of the appeal on this application. The Parish Council will be sending our comments to the Planning Inspectorate. There are two areas of concern which we would like to address prior to our submission.

Your notification invites us to comment by letter in triplicate to the Planning Inspectorate whereas item 5.7 of the " Guide to taking part in planning,listed building and conservation area consent appeals proceeding by a hearing-England" states we can make our representations online. We would appreciate your clarification particularly as an on line submission would be much easier for many of our residents.

We are concerned about the Statement of Common Ground issued by the appellant which is riddled with inaccuracies and urge you not to sign this document. To do so would severely weaken any defence and could lead to the appeal being granted with subsequent costs to CEC. We detail below some of the inaccuracies contained in the statement.

### Description of Appeal Site and Surrounding Area

The description of the site is both misleading and untrue, it claims there are no clear views across the field of open countryside beyond, whereas open countryside can easily be viewed to the North. over the school playing fields to the East & over the A34 to the South. It also states that the site is enclosed on all sides by urban development which again is not true as large lengths of the perimeter are enclosed only by hedgerows. We do not understand the comment that wider views into the site are also very limited as the site can be easily viewed from its surroundings.The individual descriptions of the perimeters give an exaggerated view of the urban development whilst minimizing the open views.

The description of benefits available to the community does not reflect the overall situation, for example the local shop is of only very limited use & no mention is made of the lack of services such as public transport,shops, health care etc.

### Planning History

There is planning history, two previous applications refused & refused on appeal

## Areas of Agreement

We disagree with the statement The emerging Neighbourhood Plan should be given very little weight. This has now reached stage 14 & we understand, following the Localism Act, Planning Inspectors are increasingly recognising the importance of local views.

Although it is undeniable that it would provide short term employment opportunities for the construction industry there is no evidence that this would be for local people. Any housing development requires builders, it cannot be regarded in any way as justifying this particular development. An increase in population & loss of farming land would create pressure on the limited employment opportunities and result in less jobs per person.

There is no acknowledged shortfall of housing in Marton. This has been proved by our Neighbourhood Plan Housing Needs Survey plus houses in the village have been on the market & remain unsold.

There is no acknowledged significant shortfall of affordable houses in Marton. Again this is proved in our Housing Needs Survey, plus at the present time we have two low cost rental properties empty. In other parts of the submission the appellant refers to Peaks & Plains having seven properties in Marton, what they fail to say is there are a further eight properties managed by another provider plus a further seven cottages which are privately rented. Overall the percentage of affordable houses in Marton is well above the National average.

There is no evidence that an increase in local residents would enhance local services, in fact the opposite is more realistic. Our waste sewage will not cope with additional housing, an already poor broadband service would become worse & create problems with home workers.

The high quality open space is the undulating area under a tree which until the removal of the TPO was undevelopable, we would rather see the tree retained.

We query the confirmed capacity of the school, if it has spare places why did they submit an application for additional classrooms (refused). It also has major problems with the lack of parking for existing pupils.

How will removing trees and hedgerows, and replacing grassland with houses, roads, and drives enhance biodiversity. The additional light, noise and traffic is much more likely to damage the biodiversity.

We do not think the proposal is acceptable in heritage terms. Our Landscape & Settlement Character Assessment states that the village built form has evolved gradually over centuries, the heritage is of mixed age character. Adding a housing estate would neither conform nor be acceptable.

Loss of trees & important hedgerows is not acceptable & should not be agreed.

The impact on the character of Marton is not acceptable & should not be agreed.

The appeal site is classic open countryside with views to surrounding fields, & has been used for agriculture consistently for many decades. CEC,s definition of of open countryside is the area outside the settlement boundaries of those towns and villages in the Borough identified

as Principal Towns, Key Service Centres or Local Service Centres. Marton fits this criteria & is open countryside.

We agree that services in rural areas should be considered differently than urban areas but we should still not lose sight of the lack of facilities that contribute to sustainability which was a major part of the grounds for refusal.

Areas of disagreement

This is reduced to two apparently minor issues & does not reflect the full reasons for refusal.

If you wish to discuss the above or any other aspects of the appeal we would be happy to meet at your office.

Regards

David McGowan

Marton Parish Council

## **10 List of Parish Council pre-decision submissions**

For the avoidance of doubt, the four representations made by Marton Parish Council on the Cheshire East Council (CEC) website in respect of the planning application were as follows:

- 23 June (CEC pdf number 07707559.pdf)
- 6 August (CEC pdf number 07718363.pdf)
- 15 September (CEC pdf number 07726973.pdf)
- 22 September (CEC pdf number 07729096.pdf)

## **11 List of documents included**

- Marton Neighbourhood Plan – Reg. 14 submission
- Traffic and highways Technical Note Addendum (Progress 10)
- Risk Assessment (Marton Parish Council)
- Photographs of site and surrounding area
- Letters of objection from Mr & Mrs Percival
- Letter from David Rutley MP