

Marton Parish Council

Objection to planning application 15/5637M Land at School Lane, Marton Further amendments made May 2017

Marton Parish Council wish to object strongly to the latest amended plans submitted for this site at School Lane, Marton. The Parish Council has considered the revisions in the light of the Secretary of State's (SoS) decision on 3rd April 2017 in respect of appeal reference APP/R0660/W/15/3138078 for up to 27 dwellings, in accordance with application ref: 15/2274M, dated 15 May 2015. This proposal is now for 23 dwellings which is a reduction of less than 15%.

The Parish Council has accordingly assessed the main issues set out in the Secretary of State's decision against the revised development proposed of 23 dwellings. The Parish Council is aware that each planning application has to be treated on its own merits at the time of its consideration. As the decision notice was issued less than 2 months ago, we have also considered whether there have been any substantial changes in planning or local circumstances such as to warrant a different decision being reached. We would strongly urge the Borough Council to refuse this planning application and we set out our reasoning below.

Accordance with the Development Plan

The Secretary of State considered that the appeal proposal for 27 units conflicted with Macclesfield Borough Local Plan Policy GC5 and Marton Neighbourhood Plan Policy PE3. It was concluded that the development was in conflict with the Development Plan as a whole. Those two components of the Development Plan remain in place and remain relevant and together form the legal basis for decision making within the area of the former Macclesfield Borough Council. There have been no changes in the circumstances concerning the status of the Development Plan following the dismissal of the appeal in April 2017.

Other material considerations

In his decision letter of 3 April 2017, the SoS then went on to consider whether there were other material considerations which indicated that the appeal should be determined other than in accordance with the Development Plan. It is appropriate to consider all these matters again as that appeal decision was so recently made.

The SoS found that the Borough Council could not demonstrate a 5-year housing land supply and the tilted balance in paragraph 14 of the NPPF applied at the appeal. The SoS found that

planning permission should be granted unless any adverse impacts of doing so significantly and demonstrably outweighed the benefits. Further planning permissions have been granted and a number of appeals allowed in the last two months to help meet the five year supply.

The Parish Council is aware that the status of the Emerging Cheshire East Local Plan has not changed since the SoS decision letter in April 2017. The position is that the Borough Council has reflected on the issues raised in the representations that related to the Proposed Main Modifications. The Borough Council also considered these did not necessitate any further changes to the Local Plan Strategy to make it legally compliant and sound. The Inspector is now considering the representations and the Borough Council's responses and will decide whether he needs any further information from representors and the Borough Council in order to reach his conclusions on the main issues raised in the representations. In the meantime, no further representations or correspondence can be submitted about the Local Plan Strategy unless requested by the Inspector. The status is therefore exactly as it was two months ago when the SoS published his decision notice.

The Secretary of State considered that the provision of housing carried substantial weight in favour of the proposal and that the economic benefits carried moderate weight. No changes arise in respect of the latest proposals other than a reduction in the number of units and therefore less overall benefit arises from the delivery of fewer houses.

The Parish Council would refer to the report of the Neighbourhood Plan Examiner at paragraph 4.16 of their examination report about the rural context of Marton. The following sentence summarises their detailed view through examination of the need for further housing in Marton: *"The social and environmental roles of sustainable development mean that planning for major housing development would not be appropriate in Marton"*. Source: Marton Neighbourhood Plan Examiner's Report paragraph 4.16. (Full extract is attached to this statement).

As the Design Guidance in Marton's Neighbourhood Plan states: *"Any need for additional housing would best be met by small-scale developments with individual character. A large new estate, especially one uniform in its house designs and building materials, could severely damage the character—and upset the balance—of the village."*

The SoS considered the provision of a footway and pedestrian link carried only limited favourable weight in the dismissed appeal scheme. The indicative Concept Plan now submitted by the applicants for consideration in respect of this application appears to show a potential pedestrian link across Oak Lane and a new footpath through the proposed open space area running along School Lane. It also appears to retain the dangerous path from the proposed development straight out onto the A34, where there is no pavement. The issues

surrounding the three proposed footpaths have all been extensively discussed in our previous submissions, and are of neither use nor benefit to anyone in the village.

The Secretary of State considered that moderate negative weight should be attached to the loss of open countryside and landscape impacts. He also felt that the loss of BMV land carried little weight. The potential impact on JBO carried moderate weight against the proposal. There have been no changes in either policy or circumstances insofar as these matters are concerned. The Parish Council has now established that the development site is in fact located within the inner consultation zone for JBO. The Parish Council remains of the view that given the character of the whole of the Marton parish such matters should be given greater weight in the decision making process than they were by either the Planning Inspector or the Secretary of State. Indeed, contrary to the remark made by SoS, the appeal site is currently in use as grazing land, and has been for many years. Recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it is one of the core planning principles set out in the NPPF (paragraph 17) The prime objective of planning policy is to protect countryside for its landscape, ecological, recreational and agricultural uses, all of which are demonstrated in Marton.

Attention was drawn in the recent SoS decision letter to paragraph 198 of the NPPF, which states that where a planning application conflicts with a Neighbourhood Plan that has been brought into force, planning permission should not normally be granted. Accordingly, the Secretary of State considered that the conflict with NP Policy PE3 carried significant weight. The Parish Council completely endorses this assessment and has concluded that the latest scheme of 23 dwellings is still fundamentally in conflict with policy PE3 of the made Marton Neighbourhood Plan.

The Secretary of State also noted that the appeal site was not within the desired proximity to some services and facilities as set out in emerging Cheshire East Local Plan Strategy Policy SD2. He considered that this carried limited weight against the proposal. The Parish Council has consistently expressed concerns about the sustainability of the site and the additional pressure on those existing services should a large development of this nature be given planning permission. There have been no changes in policy or circumstances locally warranting a change of view from that conclusion reached by the SoS with regard to local services and facilities. The Borough Council as the decision maker on this planning application should give considerable weight to PSP SD1, and reject this revised application, as 23 homes is only a slight reduction and the lack of services remains a significant concern.

The new Concept Plan for this application proposes to have 25% of the site area provided for "Open Green Space" alongside a reduction from 27 to 23 dwellings. This is a new consideration. The Parish Council are mindful that these changes appear to be a device in seeking to overcome the SoS's view that the development is in conflict with made Marton

Neighbourhood Plan Policy PE3 which states "The site should be retained as open green space". The proposed open green space area is 0.32 ha which equates to 25% of the application site. The previous proposal was for a village green space area to comprise 0.14ha (now to be built on) equating to 11% of the site area. This would provide an increase of only 14% over the original dismissed appeal proposal. However, the site plan for the dismissed appeal indicated a green and planted area along School Lane adjacent to the proposed footpath. In taking these matters into consideration, the additional green space appears to be in the order of only 10% additional greenery. In our view, this is a very modest change compared to the substantial disbenefits of the appeal scheme. The reduction of only 4 dwellings and around 10% additional open space are not so substantially different on this central part of the village of Marton as to warrant a different decision from that made by the SoS two months ago.

The Parish Council would also draw attention to the views of the Neighbourhood Plan Examiner in respect of the area of open space on this site which lies at the heart of the village. At paragraph 4.26 of the Examination Report, it states as follows: *"The last sentence of Marton's Visual Amenity, Page 24 of the neighbourhood plan, highlights "shorter range views over the paddock in the heart of the village ...enjoyed by the residents who live in the surrounding houses." I consider that the green space is a visually attractive feature for pedestrians and road users on School Lane and Oak Lane as well as for residents, whether or not the mature sycamore tree remains there"*. Source: Marton Neighbourhood Plan Examiner's Report paragraph 4.26. (Full extract is attached to this statement) In other words the examiner was satisfied as to the importance of the retention of the whole of this area of open space to Marton.

Overall the Secretary of State considered that the benefits of the appeal scheme were significantly and demonstrably outweighed by the adverse impacts. There were no other material considerations which indicated that the appeal should be determined other than in accordance with the Development Plan. We support that conclusion and consider that the application should be refused as being contrary to the provisions of both aspects of the Development Plan for Marton, namely the Macclesfield Borough Local Plan policy GC5 and the Marton Neighbourhood Plan namely policy PE3.

Other matters

The Parish Council would wish to raise two further matters in respect of this application. For the appeal hearing the appellants Hollins Strategic Land submitted a report on school parking in respect of the close proximity of Marton School to the appeal site. The Parish Council responded and produced a detailed rebuttal of this report which was submitted to the Planning team, but is not on the Cheshire East website as part of the documents for the appeal. The Parish Council have now received a brief report from Cheshire police

concerning school parking at Marton. Its conclusion is that the traffic congestion at school time is hazardous and extremely dangerous for all children and adults. Attached to this statement the Parish Council re-submits their report on traffic at the school and also now provides a copy of the Cheshire Police report. We would request that both reports are taken into consideration as new evidence in determining this planning application.

The second matter concerns the large sycamore tree at the centre of the application site, which has been a material consideration throughout the application and appeal process to date. This significant feature and asset to the village is proposed to be removed in this new revised layout known as the Concept Plan. This tree was the subject of a TPO, which was removed by CEC following an objection by the developer. Appletons (landscape architects) acting for HSL concluded a base cavity would affect the long term contribution to the amenity and landscape setting. However, there is a very experienced and highly qualified local tree warden who disagrees with this conclusion and considers the tree will continue to provide a visual amenity for many years and should have remained protected. (Report attached).

Recommendation

The Parish Council recommends the refusal of planning application 15/5637M Land at School Lane, Marton for the following reasons:

1 The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy GC5 (Countryside beyond the Green Belt) of the Macclesfield Borough Local Plan and Policy PG5 of the emerging Cheshire East Local Plan Strategy and the principles of the National Planning Policy Framework. These policies seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations' enjoyment and use. As such the proposed development fails to comply with one of the core planning principles in the NPPF of taking account of the different roles of countryside and rural areas.

2 The development is locationally unsustainable due to the lack of public transport links, facilities and infrastructure contrary to policy DC16 of the Macclesfield Borough Local Plan and policies SD1, SD2 and PG2 of the emerging Cheshire East Local Plan Strategy and guidance in the National Planning Policy Framework.

3 The development is contrary to policies in the made Marton Neighbourhood Plan, in particular, policy PE3 which seeks to protect this area of open space. This policy has been endorsed by both the Neighbourhood Plan Examiner and the Secretary of State in his decision letter of 3 April 2017 in dismissing an appeal for housing development on the same site. The Secretary of State considered that the conflict with NP Policy PE3 carried significant

weight. The development would also be contrary to other policies for Housing and the Natural and Historic Environment, as endorsed by the Neighbourhood Plan Examiner, which recognise the rural character of this area.

Marton Parish Council

Attachments:

Extract from Marton Neighbourhood Plan Examiner's Report para 4.16

4.16 Whilst a plan to boost housing supply and identify potential housing sites is sought by some parties in the interests of sustainable development, I consider that the small size of the existing community and the character of the rural settlement within the countryside justify the more moderate approach in the Vision and the Objective for residential and commercial development put forward in the neighbourhood plan. The NPPF, paragraph 10, states that plans and decisions must take account of local circumstances to respond to the different opportunities for achieving sustainable development. The social and environmental roles of sustainable development mean that planning for major housing development would not be appropriate in Marton. Having regard for the saved Local Plan policies and emerging Local Plan, I see no reason for the Marton neighbourhood plan to allocate specific sites for housing and/or commercial development.

Extract from Marton Neighbourhood Plan Examiner's Report para 4.26

4.26 The last sentence of Marton's Visual Amenity, Page 24 of the neighbourhood plan, highlights "*shorter range views over the paddock in the heart of the village ... enjoyed by the residents who live in the surrounding houses.*" I consider that the green space is a visually attractive feature for pedestrians and road users on School Lane and Oak Lane as well as for residents, whether or not the mature sycamore tree remains there.

Cheshire Police report into School Parking and Safety

School Report Form 43

Reports of near misses in the area of Marton and District, C of E Aided Primary School, School Lane, Marton during peak school times]

School Lane is a narrow two way country lane with a 30mph limit there are no footpaths the other entrance to the school is off Oak Lane which is a single track two way lane with very few passing places. During peak school times most school vehicles normally come down Oak Lane turn left onto School Lane and park with the near sides to the hedges. Children, Adults and pushchairs then vacate the vehicles to the offside with traffic trying to squeeze through. The Children Adults and pushchairs then have to walk down the middle of the road to enter the school. Some vehicles will park before the school on the side of the Vicarage on the grass verges which on leaving this area if it has been raining they run the risk of bring mud onto the road which would affect braking distance also at the triangle for the entrance for Mere Farm. During peak times coaches with School children onboard also have to gain access coming in from the A34. All this congestion is a hazardous and extremely dangerous for all children and adults.

School Parking and Safety (PDF attached)

Report re: Sycamore Tree

To whom it may concern.

It is my opinion that the sycamore tree on the above named site has significant visual and environmental value within the Marton village core. Furthermore I feel that it is regrettable that a TPO was recently removed from this tree. I accept that sycamores have comparatively minor environmental value compared to other native species and that the tree has a developing rotten cavity at the base, nevertheless a recent visual inspection suggests that the tree is still healthy and that there are few gaps and little dead wood in the canopy. It's position within the village core means that the tree has major structural and visual benefit within the village and it has some benefit has a habitat for owls, buzzards and smaller birds. It is not unusual for mature trees to develop rot and this does not necessarily mean that the tree is in immediate danger of falling. Given the broader regional and global environmental challenges facing us shouldn't every effort be made to maintain mature trees such as this one?

PJ Percival MSc. BSc. (Village tree warden)