

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

Appeal reference APP/R0660/W/18/3196050 - LPA reference Cheshire East Council 15/5637M

### **Contents**

- 1 Introduction
  - 2 Background and summary of representations pre the planning decision
  - 3 The Development Plan: Cheshire East Local Plan Strategy 2017
  - 4 The Development Plan: Macclesfield Borough Local Plan Saved Policies
  - 5 Made Neighbourhood Plan: Marton Neighbourhood Plan
  - 6 National Planning Policy Framework and Planning Practice guidance
  - 7 Sustainability of the site
  - 8 Loss of open green space
  - 9 Impact on efficiency of Jodrell Bank Observatory
  - 10 Impact on local amenities
  - 11 Other material planning considerations
- Conclusion
- Appendices 1-7

Statement dated 24 July 2018

## **1 Introduction**

This Planning statement has been prepared by Marton Parish Council in support of its planning appeal case for the planning appeal to be held in respect of the refusal of outline planning permission for up to 23 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 15/5637M and the appeal reference is APP/R0660/W/18/3196050. The Parish Council supports the reasons for the refusal of planning permission made by Cheshire East Council Borough Council on the application in accordance with the Planning Officer report. The decision notice is dated 17 August 2017 and contains three reasons for refusal setting out a number of aspects of planning policy and other matters as to why planning permission had been refused.

The original application for the appeal site was 15/2274M for outline planning permission for 27 houses off School Lane Marton. This application was recommended for approval by the Borough Council Planning Officer, but refused by the Planning Committee on the 7/10/2015 on a split vote. At the time of the Planning Committee meeting, the Marton Neighbourhood Plan (MNP) had only reached Regulation 14 pre-submission consultation and the Cheshire East Local Plan Strategy (CELPS) was the subject of its public examination.

On the 6/11/15 the developer submitted an appeal against the refusal of 15/2274M, which was heard on 25/02/2016 by way of a hearing. By that time, the Marton Neighbourhood Plan (MNP) had progressed to Regulation 15 but was given no weight in the planning balance. The Inspector's view was that the emerging Cheshire East Local Plan Strategy (CELPS) should only receive limited weight due to the ongoing examination.

On 31/03/2016 the appeal was called in by the Secretary of State (SoS). During the time the SoS was reviewing the appeal, MNP was made on 29/11/2016 and he concluded that there was a serious conflict between the proposed development and the MNP Policy PE 3. As a result he gave this conflict significant weight. The SoS was concerned about the impact on JBO and felt this carried moderate weight against the proposal. The SoS noted that the Inspector only gave limited weight to the emerging CELPS but in light of progress since the hearing he concluded that the CELPS now carried moderate weight. The SoS accepted the appellant's evidence that the Council could only demonstrate 4.2 years of land supply of housing at that time.

The developer submitted application 15/5637M on 11/12/2015 and it was identical to application 15/2274M. Shortly before the Planning Committee meeting, the number of dwellings was reduced from 27 to 23. The re-submission application (the subject of the current appeal) was heard by the Planning Committee on 6/08/2017. The Planning Officer recommended refusal which was agreed by the Planning Committee.

Cheshire East informed the Parish Council on 22/06/2018 that an appeal had been made to the SoS. Since the SoS decision on 15/2274M, there have been significant developments. The CELPS has been adopted and the Authority can now demonstrate it has 5 years' supply of housing land. This was supported by the recent planning appeal hearing in which Gladman Developments claim the Council

could only show 4.6 years supply of housing land. However, in this case for the development of 41 houses on a green field site on the outskirts of Wrenbury, the inspector concluded that there is a supply which exceeded the 5 year requirement amounting to 5 years 3 months date 12 April 2018.

In essence, application 15/5637M is a further attempt for housing development on this key site within the middle of Marton village submitted for appeal following two refusals by the Borough Council and a dismissed appeal by the Secretary of State in 2017. Both the CELP and the MNP are current and up-to date plans forming the main Development Plan policies to be applied to the appeal.

## **2 Background and summary of representations on the planning application**

The Parish Council submitted detailed responses of objection to the planning application, and these objections were endorsed by many local households and the two adjoining parish councils of Eaton and Siddington, both lying within the former Macclesfield Borough Council area. It is to be noted that application 15/5637M was submitted in December 2015 and the decision to refuse it was made in August 2017, more than 20 months later. During this period, Marton Parish Council and other parties concerned about the application submitted a number of representations. Furthermore, during this period a number of fundamental changes to the Planning status of the appeal site with the adoption of the Cheshire East Local Plan Strategy in July 2017 and the making of the Marton Neighbourhood Plan in November 2016. The objections from the Parish Council are summarised in the Planning Officer's report to the Northern Planning Committee meeting on 16 August 2017 at which the application was recommended for refusal and was refused in accordance with that officer recommendation.

The Parish Council objections were in 4 broad areas:

- 1 The site is located in the Open Countryside where housing development of this size and scale would be contrary to the NPPF, to the adopted Local Plan for Cheshire East, to the relevant Saved Policies of the Macclesfield Borough Local Plan and the made Marton Neighbourhood Plan
- 2 The development is locationally unsustainable due to a lack of public transport links, facilities and infrastructure which would therefore be contrary to the relevant policies in the same Plans and also the guidance of the NPPF
- 3 The development would be contrary to policy PE3 of the Marton Neighbourhood Plan which seeks to protect this area of open space, being itself endorsed by the Neighbourhood Plan examiner and the Secretary of State in dismissing the earlier appeal.
- 4 Potential impact on the Jodrell Bank Observatory due to the size of development and its proximity.

The Parish Council also raises a number of other concerns in its representations which include the loss of amenity and safety risks both during construction and afterwards arising from the proximity to the primary school and constraints on school parking, the threat to protected and other trees on

the site arising from the lack of information provided in the planning application, the landscape character of the area which would be permanently and adversely changed as a result of this development and the lack of detail attention to site planning on this constrained site including planning for safe pedestrian access to and from the site and impact on adjoining properties

### **3 Adopted Cheshire East Local Plan Strategy 2017**

The Cheshire East Local Plan Strategy (CELPS) was adopted by Cheshire East Borough Council in July 2017 and therefore its policies were part of an up-to-date Local Plan both at the time of the refusal of planning permission and currently. There are two Planning Reasons for refusal which refer to CELPS, reason one relating to sustainability and site location with limited access to services and facilities, contrary to Policies PG6 (Open Countryside), SD1, SD2 (both concerned with sustainable development) and SE4 (Landscape) of the CELPS. The second reason refers to the impact of the development on the efficiency of the Jodrell Bank Observatory, namely GC14 of the Macclesfield Borough Local Plan and Policy SE14 (Jodrell Bank) of the CELPS. We address the CELPS in two parts, part 1 being the specific policies set out in the reasons for refusal and part 2 being other CELPS policies which the Parish Council considers are of relevance to this appeal.

#### **3.1 CELPS reasons for refusal**

##### *Policy PG6 Open countryside*

There are five matters to be addressed within policy PG 6 of the Local Plan.

##### **Assessment**

Point 1 defines the Open Countryside as outside any settlement with a boundary. The appeal proposal is outside the settlement boundary of Marton as no boundary has been defined in any Planning document and therefore policies within PG 1 clearly apply to the site.

Point 2 provides that within the Open Countryside only development which is essential for the purposes listed as being appropriate for a rural area will be permitted. 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 use for general housing proposed clearly falls outside the permitted uses of PG 6 which only relate to uses essentially located within Open Countryside. The appeal does not comply with point 2.

Point 3 sets out a list of some exceptions which may be made 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. It is clear the development cannot meet any of the exception tests set in point 3 of PG 6.

Point 4 draws attention to the need to retain gaps between settlements as 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.

The creation of the new entrance to enable access and the development of a housing estate are buildings and changes of use of land proposed which are all of an urban nature. It is further indicated that the individual character of settlements is important to maintain. Marton is a small settlement in its own right at present with no clearly defined boundary due to its small size and lack of need for any boundary. Also, this open site is situated in the middle of the village. There is a major concern that the development proposed will forever change the character of the local area which presently provides the open aspect in all directions – openness is the principal characteristic. The additional infrastructure as proposed combined with the far more intensive use and building forms would destroy the current spatial relationships and separation gaps currently between properties and the limited local facilities. The development would therefore be contrary to point 4 of PG 6.

Point 5 stresses the need to preserve and enhance the design and landscape character of the Open Countryside areas of Cheshire East so that its appearance and distinctiveness is preserved and enhanced. Marton village is an essential part of that character and appearance being unique as it is recognised locally for both its built heritage assets (the listed buildings) and natural environment (wider landscape). This development would seek to impose changes to both the centre of the village and the wider setting of the village within this rural area which would be detrimental to the character and appearance of both. The development would therefore be contrary to point 5 of PG 6.

In conclusion, the development fails to comply with all the points of policy PG 6 as the housing estate form of development is not essential to be located in the Open Countryside where the main uses are by their nature open and rural in character.

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

#### **Assessment**

There are 17 planning considerations set out which should be applied to sustainable development. A full assessment cannot be undertaken at this stage as insufficient information has been submitted with the outline application to enable a full assessment to be made. However, each consideration has been assessed based on whether the development complies, does not comply or insufficient

information has been provided to enable an assessment to be made. The assessment is in numerical order as listed in the policy:

- 1 **contribute to creating a strong, responsive and competitive economy for Cheshire East: insufficient information has been provided.** It cannot be assumed the proposals would meet this requirement as the application proposes a housing estate whose occupiers would be completely reliant on access by private transport.
- 2 **prioritise investment and growth in the larger towns of the Borough: fails to comply.** The Marton area is a rural one whereas nearby towns Congleton, Wilmslow and Knutsford, as adjoining towns, are listed as Key Services Centres in the Local Plan which should be the priority for investment and growth including housing development.
- 3 **contribute to the creation of sustainable communities: fails to comply.** Marton is an existing small community with active local groups and Parish Council along with a recently adopted Neighbourhood Plan for the Parish area. This development threatens to put this community cohesion at risk because each property adjoining the site would have a different relationship with the development proposals due to the rural nature of the area. Some properties will be more adversely affected by the various impacts than others. The list of potential impacts includes noise, vibration, traffic generation, light pollution, loss of privacy as well as visual harm to be caused by the new entrance, road and associated infrastructure.
- 4 **provides appropriate infrastructure to meet the needs of the local community: insufficient information has been provided.** It cannot be assumed that this development would meet this requirement as the application is in outline form only.
- 5 **provides access to local jobs, services and facilities recognising the community's needs: fails to comply.** Marton is a rural area where access is heavily reliant on the car and/or taxi. The site is in the middle of the countryside and would bring very limited benefits to the local community. One existing facility in the parish is the former public house (now chain restaurant) which lies at the entrance to Marton and near to the site. The uses proposed would require an increase in local services and facilities or would put existing facilities under pressure. The houses should be sited in one of the adjacent towns to accord with criteria 2 above.
- 6 **Ensure that development is accessible by public transport, walking and cycling: does not comply.** Public transport is non-existent so the development is not accessible other than by car or taxi at any period. Walking and cycling are also difficult in the evenings due to the rural nature of the area and the lack of street lighting.
- 7 **Provide safe access and sufficient car parking to accord with relevant standards: does not comply.** There is currently no vehicular access to the appeal site, and its proposed siting would be constrained by a number of factors. The proposal seeks to provide a new access, entrance and associated infrastructure which would have an unacceptable visual impact on the landscape character which is of significance. The Parish Council has consistently been concerned about the close proximity of Marton School to the appeal site and this concern remains. We would refer to the submitted written reports including those of Cheshire Police

concerning school parking arrangements and the dangers to children and adults at the beginning and end of the school day.

- 8 **Support the health, safety, social and cultural well-being of the residents of Cheshire East: does not comply.** The communities in the local area around the site are genuinely concerned about the impact on their lives and families arising from this development as can be seen from the number of objections made to this planning application from a very rural area. Indeed, in our view the development would be to the detriment of the health, safety, social and cultural well-being of the residents of this area of Cheshire East.
- 9 **Provide a locally distinct, high quality, sustainable, well designed and durable environment: part does not comply and part is unknown.** As the application is an outline one with only the Concept Plan providing any details as to what is being proposed, it cannot be concluded that the development would be locally distinct. Indeed, as for quality and being well designed, insufficient information has been submitted to enable a full assessment of the quality and design of the housing proposals to be assessed. In terms of sustainability, the site is in a rural area without good direct access to a main road. As such it must be considered unsustainable. As for durability, the details of building materials to be used are not yet known. Experience elsewhere in the rural areas of Cheshire East would suggest that the larger towns and villages have a wider range of facilities and services and are therefore more likely to be popular with prospective new residents.
- 10 **Contribute to achievement of equality and social cohesion: insufficient information.** It cannot be assumed the proposals would meet this requirement as the application proposes a mix of open market housing along with some affordable units and one elderly unit. No information is provided as to how this component of SD1 is met.
- 11 **Use appropriate technologies to reduce carbon emissions and create low carbon economy: does not comply.** The application assumes most journeys will be made by car and/or taxi to and from this rural area. No Travel Plan or Transport Assessment accompanies the application.
- 12 **Incorporate sustainable design and construction methods: insufficient information is supplied to make any assessment on both matters.**
- 13 **Support the achievement of vibrant and prosperous town and village centres: does not comply.** As with consideration 2 above, the proposed housing for this rural site should be located in a nearby town or large village of which there are three, one in each direction of Marton (Congleton to the south, Wilmslow to the north and Knutsford to the west) Development of this site for the proposed housing development would be depriving one of those towns of the benefits.
- 14 **Contribute to protecting and enhancing the natural, built, historic and cultural environment: does not comply.** The proposals pose a significant threat to each aspect listed. As submitted, the proposals lack understanding of the natural, built, historic and cultural environment of the local area.

- 15 **Make efficient use of land, protect the best and most versatile agricultural land and make best use of previously developed land: does not comply.** The best and most efficient use of the site is to retain its use as high quality agricultural land. Once developed for housing, this agricultural land would be lost to enable the new houses, road and driveways to be built. It is understood this land has been of high agricultural value for many decades. The best use of the whole site is to retain it as a high quality agricultural site in its own right which also contributes to the unique open landscape character in the middle of Marton
- 16 **Encourage the re-use of existing buildings; not applicable to this development**
- 17 **Prioritise the most accessible and sustainable locations: does not comply.** Marton is a rural parish and the application site is in the Open Countryside as defined by current Planning policy. Both accessibility and sustainability are limited. Improvements can only be made by additional investment in infrastructure. Given the rural nature of the area and the Local Plan priorities for investment being the towns and villages, Marton will not be a priority.

This assessment of the 17 planning considerations in respect of policy SD 1 shows that: there was insufficient information to assess some matters, but for the criteria which could be assessed, the development proposals failed to satisfy any of the criteria for SD 1. In short, the assessment of the proposed development reveals a significant failure to comply with policy SD1 of the Local Plan. It is concluded that the development is contrary to policy SD 1 of the Cheshire East Local Plan.

#### *SD 2 Sustainable Development Principles*

##### **Assessment**

Policy SD2 is divided into 4 sections of which only 2 are relevant to these applications. Point 1 of SD 1 sets out generic guidance for all types of development and point 2 concerns housing development which would include the proposed uses for this site. Point 3 concerning employment development and point 4, with regard to retail/town centre development are not applicable in the case of Marton

Point 1 of SD 2 applies to all developments.

Point 1 expects all development to comply with the following 8 principles (as listed in the policy). The assessment is as follows:

- (i) **Provide or contribute towards identified infrastructure, services and facilities: does not comply.** The proposed development does not seek to address difficulties of access to the appeal site as the proposed use would require its own new access arrangements.
- (ii) **Contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in matters which include the relationship to adjoining properties, the street scene and the wider neighbourhood: does not comply.** The proposed development would bring major and detrimental changes in many aspects. Regarding landscape for example, there would be changes in the landscape as a whole to enable the access road and site entrance to be contoured and constructed. There would also be



the visual effects; how people's surroundings would be specifically affected by changes in the landscape.

(iii) **Respect and where possible enhance the landscape character of the area paying particular attention to significant landmarks and landscape features: does not comply.**

The landscape character has been recently assessed by the Secretary of State in respect of the recent appeal in which he states:

- i. "Given the importance of this open space to the character of Marton, he considers that the harm caused by the loss of open countryside in this location and the conflict with Policy GC5 (*Saved policy of the Macclesfield Borough Local Plan*) carries moderate weight against the proposal."
- ii. The appeal decision letter goes on to significantly conclude that; He considers that the seriousness of the conflict with NP Policy PE3 (*of the Marton Neighbourhood Plan*) is increased in the light of paragraph 198 of the Framework which states that, where there is conflict with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. He therefore gives this conflict significant weight (para 25).
- iii. The landscape quality of the appeal site has therefore been acknowledged as being of Development Plan status. The amended appeal proposals continue to fail to acknowledge the significance of the landscape character. There are landscape and visual effects of the proposals. The interventions proposed take no account of the historic quality of this landscape, no account of the contribution of landscape character of this area to the sense of place which is Marton, the changes in specific views which would be made and the loss of general visual amenity currently enjoyed by the resident community.

(iv) **Respect and where possible enhance the significance of heritage assets including their wider settings: does not comply.** The applications have not followed national and Borough Council planning guidance in respect of planning applications for heritage assets. The NPPF makes it quite clear that the onus lies with the applicant to describe the significance of any asset including any contribution made by its setting. Material accompanying the application is limited and not sufficient to understand the potential impact of the proposal on the significance of the four local listed buildings which lie in close proximity.

(v) **Avoid the permanent loss of the best quality agricultural land unless a strategic need overrides this matter: does not comply.** There would be loss of high grade agricultural land to enable the housing development to be built.

(vi) **Be socially inclusive and where suitable integrate into the local community: does not comply and insufficient information.** Limited information is supplied although it is

acknowledged that the housing mix does seek to provide some variety of house type and tenure, although details are again limited.

- (vii) **Avoid high risk flood areas or where necessary provide appropriate mitigation measures: does comply.** It is noted that both United Utilities and the Borough Council Flood Risk Manager have raised no objections to the planning application. This criterion appears to be met.
- (viii) **Use appropriate design, construction, insulation, layout and orientation to create development across a range of criteria: insufficient information.** The outline planning application has insufficient information to adequately assess whether this criterion is satisfied.

For the 8 factors listed which all developments should seek to meet, one only (number (vii)) is met. All others either do not comply with the criteria of SD 2 or there is insufficient information submitted to enable a full assessment to be made.

Point 3 of SD 2 applies to residential development which would include the application proposals.

Point 3 expects all development to comply with the following 3 principles (as listed in the policy). The assessment is as follows:

- (i) **Provide open space, of an extent, quality, design and location appropriate to the development and the local community: insufficient information.** Whilst the amount of open space to be provided has increased and the number of proposed dwellings has been reduced by 4, further details are required as to whether the development would comply with criterion (i).
- (ii) **Provide access to a range of forms of public transport, open space and key services and amenities: does not comply.** There is no form of public transport serving Marton and the range of key services and amenities is very limited due to its small size and its location in the heart of the north Cheshire countryside. Access to most facilities requires the use of private transport and most services and amenities can only be accessed in the nearby towns.
- (iii) **Incorporate measures to encourage travel by sustainable modes of transport such as walking, cycling and public transport: does not comply.** No measures to encourage travel by sustainable modes of transport are included in the proposals. In Marton the combination of the rural location and the constraints of the local road network limit sustainable modes of transport, access and deliveries at present and none are provided by sustainable forms of transport. The Transport Statement accompanying the application is dated April 2015 and fails to consider any then emerging policies from the Cheshire East Local Plan including those for sustainable development. No Transport Assessment has yet been undertaken which seeks to explain existing and proposed transport and travel to and from the site in the light of the proposed development.

For point 3 of SD 2, the two latter items fail the policy and for the first one, further information would be required to enable a full assessment to be made as to whether the criterion was met.

For policy SD 2 it can be seen that the majority of the criteria are not met with only one and part of another being satisfied by the proposed development. It is concluded that the development is contrary to policy SD 2 of the Cheshire East Local Plan. It is not merely an “on balance” assessment – the application fails in large measure to comply with policy SD 2 of the CELPS.

#### *SE 4 The Landscape*

#### **Assessment**

There are 4 points needing to be addressed in SE 4 Landscape of which points 1 and 2 are applicable to this development proposal.

- (i) **Point 1: The high quality of the built and natural environment within Cheshire East is recognised as a significant characteristic of the Borough: does not comply.** All development is required to conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes. Although a number of reports have been submitted by the appellants on matters of design and landscaping over the period since December 2015, none of these has sought to address the criteria set out in SE 4. Rather SE 4 has been given as being of some relevance but no assessment has been made by the appellants as to how the development may meet the policy requirements set out. This is surprising given that the landscape character has been identified as a major issue in the previous appeal. In any event, it is our conclusion that the relevant material commissioned by Marton Parish Council as part of the preparation of the Neighbourhood Plan is the most relevant local landscape report prepared in recent years. In particular, the various indicative landscaping schemes from the appellant company appear to have been prepared on the basis of some unknown criteria rather than seeking to address the most relevant and up to date planning policies for the landscape as set out in the CELPS and Marton Neighbourhood Plan.
  
- (ii) **Point 2 Of the 4 points in SE 4 it is point 2 which sets out the requirements that development is expected to adhere to; does not comply.** There have been various sets of indicative plans submitted for the application over the period December 2015 to February 2018. It is noted that some of these now include some minimal planting proposals along the boundaries of the site. There are 5 ways set out in point 2 to show what is expected by way of landscaping schemes. Of those 5 ways, the submitted scheme shows no detail as to how sub-points (i) to (iv) would be achieved. These are:
  - (i) Incorporate appropriate landscaping which reflects the character of the area through appropriate design and management;
  - (ii) Where appropriate, provide suitable and appropriate mitigation for the restoration of damaged landscape areas;
  - (iii) Preserve and promote local distinctiveness and diversity;
  - (iv) Avoid the loss of habitats of significant landscape importance;
  - (v) Protect and / or conserve the historical and ecological qualities of an area;
  - (vi) Make the most effective use of land and should safeguard natural resources including high quality agricultural land (grades 1, 2 & 3a), geology, minerals, air, soil and water.

Sub-point (v) is also of particular concern and provides that development is expected to protect and/or conserve the historical and ecological qualities of an area. The cumulative impact of the engineering and building works to create the new access and the development of 23 new homes would generate substantial traffic and other activity which would neither protect nor conserve the historical and ecological qualities of the Marton area. No scheme of mitigation, for example, is included.

It is concluded that the proposals fail to comply with policy SE 4 of the Local Plan.

#### *SE 14 Jodrell Bank*

#### **Assessment**

Policy SE 14 together with the Local Plan Proposals Map confirms that the application site lies within the Jodrell Bank Radio Telescope Consultation Zone which in turn is based on national legislation from 1973. The planning proposals given the nature of the change of use and other proposals will have impacts which impair the efficiency of the telescopes. It is therefore appropriate for this policy to be considered as it has been and continues to form part of the Development Plan area for the Marton area. The planning application submitted does refer to Jodrell Bank Observatory and this policy. The University of Manchester (as owner and operator of the telescopes) was consulted on these proposals. Their reply dated July 2016 set out in detail their objections which conclude as follows:

*“..we oppose this development. Our view is that the impact from the additional potential contribution to the existing level of interference coming from that direction will be relatively minor. This is a general direction in which there is already significant development close to the telescope. We would ask the planning authority to take this into account in reaching its decision on this development, noting that the cumulative impact of this and other developments is more significant than each development individually”.*

Marton Parish Council supports the response of the University and would refer to the development as failing to comply with policy SE 14 of the CELPS.

### **3.2 Other relevant CELP policies for this appeal**

#### *Policy MP 1 Presumption in favour of sustainable development*

**Assessment:** MP 1 is a restatement of para 14 of the NPPF. The presumption however has to be read in the context of the Development Plan which presumes against this type of development as the site lies within the Open Countryside area of the Local Plan area as defined in the Plan including its Glossary. The proposed development is therefore an inappropriate form of development as it does not accord with other prevailing spatial planning policies of the CELPS. The appeal proposals are contrary to MP 1.

### *Policy PG 2 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.

Following the adoption of the CELP, 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's support during the Plan examination for the hierarchy of four tiers of development (principal towns, key service centres, local service centres and other areas including countryside). The CELPS endorses with the Planning Inspector's support the principle that the majority of new development should be located in the 24 largest towns and settlements (which comprise the towns and key and local service centres). Marton is not one of the settlements identified.

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

### *SE 1 Design*

#### **Assessment**

Policy SE 1 stresses the need for high quality design solutions to all development throughout Cheshire East. For rural areas, it is emphasised in the supporting justification that particular attention should be paid to landscape character, the local vernacular and the peculiar characteristics of the locality which will vary considerably. So it is with Marton village which has a unique character arising from its heritage and the incremental and subordinate changes introduced over the centuries. It is proposed in the Local Plan that development in such an area should be "designed with a distinctive sense of place in mind" (Para 13.10 of the Local Plan refers). The policy requires developments to make a positive contribution to their surroundings in terms of a list of 5 sets of criteria: a sense of place (6 sub-criteria), managing design quality (4 sub-criteria), sustainable urban, architectural and landscape design (5 sub-criteria), liveability and workability (5 sub-criteria) and designing in safety (3 sub-criteria). In total this gives more than 20 separate design criteria which development should adhere to.

A full assessment of the current application proposals against these 20+ criteria cannot be undertaken due to insufficient information accompanying the outline planning application. It is however relevant to this appeal to identify a small number of criteria which have not been met due to the absence of information itself. Sub-criterion (i) of criterion 1 Sense of Place requires design solutions which achieve "a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements". The submission material accompanying the application proposals would seek to impose design solutions which have failed to assess the need to protect and enhance the local character of the Marton area.

Sub-criterion (iv) of criterion 1 Sense of place expects development proposals to be "underpinned by character and design assessment commensurate with the scale and complexity of the development"

(1(iv) of SE 1 page 125 refers). Character and design assessment for these proposals has not been undertaken either in accordance with national or local guidance and has not been done to reflect and respect the important heritage and other assets.

The applicants have not included this important Local Plan policy as being relevant within their Planning Statements. The application does not meet the requirements of SE 1.

#### *SE 5 Trees, Hedgerows and woodland*

##### **Assessment**

Policy SE 5 sets out the Plan's approach to development which will result in the loss of or threat to trees, hedge rows or woodlands; all of these features lie within the appeal site proposals. If the features provide a significant contribution in terms of amenity, biodiversity, landscape or historic character, development will not be permitted except where there are clear overriding reasons for permitting the development. On this site, all such natural features contribute in different ways to amenity, biodiversity, landscape or historic character. There are no overriding reasons for permitting this development as it is not essential for it to be located in the rural area, it is located in an unsustainable area and would cause other unacceptable impacts to the area and local residents. It is concluded that the proposals fail to comply with policy SE 5 of the Local Plan.

#### *SE 7 Historic Environment*

##### **Assessment**

There are 5 points to policy SE 7, all of which are relevant given the proximity of the proposed entrance to one Grade II listed building (Greenacre) and the listing of 3 other properties within the setting of the appeal site.

It is noted that the Heritage Statement (which accompanies the application) has been written by an experienced historic environment professional as we would have expected for a development so clearly affecting a grade II listed building and its setting through the engineering and other works. Other buildings as assets may also be impacted. However, the Statement merely sets out the content of the emerging SE 7 Local Plan policy at the time of writing (August 2015). We have noted the comments of the Council's own Conservation Officer reported in the Officer report to the Planning Committee when the application was considered. There is no full assessment of how this appeal by any party to date meets the requirements of policy SE 7.

We now comment on the 5 points as to how these appeal proposals would meet the SE 7 policy requirements.

Point 1 provides that new development should seek to avoid harm to heritage assets and also make a positive contribution to the character of Cheshire East's historic and built environment. Substantial harm may be caused to at least one heritage asset and possibly the

settings of other listed buildings which would include the engineering work to create the new entrance, access road and other buildings and other operations to create the development. To date, all indicative plans have been submitted without any detailed design to show how any harm had been mitigated.

No attempt has been made to describe the heritage significance of the local area following the major changes of heritage policy arising from the adoption of the CELPS and the making of the Marton Neighbourhood Plan and assess the impact of the proposed development on the area as a consequence of these up-to-date local Planning documents.

Point 2 sets out the requirements on the applicant when making an application affecting a heritage asset and its setting. Due to the outline and schematic nature of the appeal proposals and its age (3 years old), the Heritage Statement submitted by the appellants cannot follow the national and Borough guidance.

Point 3 sets out how the Borough Council will progress applications affecting heritage assets. The applicants have sought to address some matters of significance, impact or harm to heritage assets and their setting in the manner expected in point 3. However, the lack of detail remains a major matter of concern.

Point 4 requires high quality design to be achieved for heritage assets. The application proposals contain very limited details of design other than at an “in principle” level – this refers particularly to the design and impact of the road entrance onto the public highway on School Lane.

Point 5 sets out the Council’s approach to engage with all those involved with the historic environment of the Borough to achieve viable uses, high standards and a sustainable future for generations to come. From the planning application form, it can be seen at question 5 that the applicants did not see the need for pre-application discussion with Planning or other officers of the Council.

Regarding SE 7, it is a most relevant policy for these proposals. It is disappointing that the planning application provided such limited information about heritage matters. From the submission which has been made, it is still clear that substantial harm may be caused to a significant heritage asset and lesser harm to other assets. The proposed development would make a negative and detrimental impact on those assets including their settings. The development would cause harm and have a negative impact so failing to comply with policy SE 7 of the CELPS.

#### *SE 12 Pollution and other related matters*

#### **Assessment**

In accordance with national policy, SE 12 seeks to ensure that “development is located and designed so as not to result in a harmful or cumulative impact” on a range of possible pollutant sources such

as air quality (from traffic impact), noise, dust, smell, vibration and light pollution. The policy goes on to state that developers will be expected to minimise or mitigate the effects of pollution from the development or as a result of the development including additional traffic which is referred to directly as an impact. The policy confirms that where the impacts cannot be mitigated development will not normally be permitted. For this application, the submission makes no proposals to either minimise or mitigate any of the pollution impacts referred to, all of which would cause degrees of harm to the local community depending on their physical relationship with the proposed access road and housing estate. The Application does not meet the requirements of policy SE 12.

### ***CO 1 Sustainable travel and transport***

#### **Assessment**

Policy CO 1 is a very detailed policy which set out the Council's objectives in compliance with national policy of delivering a modal shift from car travel to public transport, walking and cycling. The policy sets out a varied list of expectations (more than 20 in number in total within CO 1) it requires development to deliver in order to achieve such a shift. Given the rural location and the nature of the use, it is very surprising that the planning considerations set out in CO 1 have not been addressed at all in the application submission. The only conclusion that can be drawn is that the development would rely completely on car travel for travel by residents, deliveries, services and visitors with taxis. The conclusion is that policy CO 1 of the Cheshire East Local Plan is not met by the development proposals.

A summary of the extent to which the development proposals comply with the Development Plan policies as set out in the Cheshire East Local Plan will conclude that of the 16 relevant policies referred to by the applicants (12) and additional ones noted by the local community (6) there is very little material of the application which would be in accordance with the plan-led approach to development in this rural area.

### ***CO 4 Travel Plan and Transport Assessments***

#### **Assessment**

This policy requires all major applications likely to generate significant additional journeys to be accompanied by a Transport Assessment and where appropriate a Travel Plan. This accords with national guidance in the NPPF. In the case of the application proposals, the site is a housing development of more than 10 units on more than 0.5 hectares of land which therefore meets the statutory definition of a major development.

At present the appeal site is in use as agricultural land with very limited traffic being generated. The proposed housing uses would generate substantially more traffic and have a very different pattern of traffic movements. No Transport Assessment in accordance with the guidelines (both national and Borough wide in the detailed wording of this policy) has been submitted.



National Planning guidance sets out the situations in which a Travel Plan is required as follows:

- the Travel Plan policies (if any) of the Local Plan – this policy in the case of Cheshire East;
- the scale of the proposed development and its potential for additional trip generation – the change from agriculture to 23 dwellings
- existing intensity of transport use and the availability of public transport – traffic to the site is very limited and public transport is non-existent
- proximity to nearby environmental designations or sensitive areas - the local area has many heritage designations
- impact on other priorities/ strategies (such as promoting walking and cycling) – the area is rural and both these activities would be limited for the uses proposed as the local road network is not conducive to either of these activities
- the cumulative impacts of multiple developments within a particular area – the cumulative impact of the change of use of the building to residential, plus the additional infrastructure proposed plus the additional development proposed currently at Marton Golf Club
- whether there are particular types of impacts around which to focus the Travel Plan (e.g. minimising traffic generated at peak times) – the lack of public transport for the families likely to occupy the new houses poses particular challenges which a Travel Plan would need to address
- relevant national policies, including the decision to abolish maximum parking standards for both residential and non-residential development – the application form in answer to question 10 suggests zero parking across the site which is presumably incorrect. It is assumed the answer would be to meet Council current parking standards.
- A Travel Plan is therefore required and has not been submitted. The application fails on every point to comply with Local Plan policy CO4 which itself complies with the NPPF and national guidance.

A summary of the extent to which the development proposals comply with the Development Plan policies as set out in the Cheshire East Local Plan will conclude that of the 16 relevant policies referred to by the applicants (12) and additional ones noted by the local community (6) there is very little material of the application which would be in accordance with the plan-led approach to development in this rural area.

It is concluded that the proposed development as submitted for appeal fails to comply with these additional Development Plan policies of the Cheshire East Local Plan as set out here: MP 1 PG 2 SE 5 SE 7 CO 4.

#### **4 Development Plan: Saved policies of the Macclesfield Borough Local Plan (MBLP)**

The Development Plan for the parish of Marton within Cheshire East currently also comprises the saved policies from the Macclesfield Local Plan (January 2004), which are set out in an Appendix to the CELPS. 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).

#### **4.1 Borough Council Reasons for refusal**

##### *Saved Policy GC14 Jodrell Bank Observatory*

This policy accords with both the national Direction of 1973 relating to development in the vicinity of Jodrell Bank and also with policy SE 14 of the CELPS. In short, it states that no development will be permitted within the JBO consultation zone which would impair the efficiency of the radio telescopes. In turn, the aim is to ensure that the telescopes retain their ability to receive radio emissions from space with a minimum of interference from electrical equipment such as may arise from the construction of a new housing estate. The Parish Council acknowledges the importance of the JBO as being of scientific significance but also in terms of job creation and retention as well as its wider educational, recreational and tourism roles. The University of Manchester has objected to the application, it is listed as a Borough Council reason for refusal and considerable weight should be given to the objection and reason for refusal, both of which the Parish Council fully endorse.

#### **4.2 Other Saved MBLP policies relevant to this appeal**

The overall MBLP 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 MBLP 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 MBLP 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 MBLP 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 MBLP applies to the whole parish including the appeal site.

There are two further policies in the Macclesfield Borough Local Plan which the Borough Council referred to in its decision notice in refusing the previous appeal. The Parish Council considers both matters are still applicable to the current appeal.

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.

*Saved Policy GC5 of the Local Plan: Countryside beyond the Green Belt*

This 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 Saved policy GC5 of the MBLP and therefore the appeal should be determined having strong regard to this policy.

*Saved Policy DC16 of the Local Plan: Provision of infrastructure*

This 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 8 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. Saved Policy DC16 of MBLP provides existing Development Plan support for the principles of sustainability. The Borough Council's refusal of the previous planning permission referred in particular to the lack of public transport links, facilities and infrastructure to serve the proposed development. There have been some limited changes in the years since that decision was made, but the lack of any form of public transport has been and continues to be the case for the Marton area. The Parish Council supported 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 MBLP 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 including those of the adopted CELPS.

## **5 Marton Neighbourhood Plan**

The Marton Neighbourhood Plan was made on 29 November 2016 having completed all its statutory stages. The following policies are considered relevant to this appeal:

- RCD0 Housing*
- RCD2 Development to fit in with character and surroundings of village*
- RCD3 Housing to meet local needs*
- RCD5 Impact on Natural and Historic Environment*
- RCD6 Design of new homes*
- PE1 Visual impact of development on countryside surrounding Marton*
- PE3 Enhancement and retention of green space between School Lane and Oak Lane/Oak View at the centre of the Village, and at the spinney*
- PE7 Retain Key views identified by Landscape and Character Assessment and Village Spatial Policies Map*
- PE10 Retention of verges, trees and hedgerows along rural lanes*
- PE11 Retain Key views*
- TS1 Safe Access*
- TS2 Minimise impact of vehicular traffic*
- TS4 Residual Cumulative Impact of Development (traffic/highway safety)*

Of these relevant policies, only one (PE3) is expressly a separate reason for refusing the proposed development in its own right. The Parish Council agrees that the proposed development is contrary to policies in the made Marton Neighbourhood Plan, in particular, policy PE3 which seeks to protect this area of open space from development. The Council would point out that 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 the appeal for housing development for 27 houses on the same site. The Secretary of State considered that the conflict with NP Policy PE3 carried significant weight. There have been no significant changes in circumstances other than the adoption of the CELPS and the modest changes in the scheme to create the latest scheme of 23 dwellings. The Parish Council concludes that the appeal proposal is fundamentally in conflict with Policy PE3 of the Marton Neighbourhood Plan.

Furthermore, the Parish Council considers the appeal proposal to be contrary to other policies for Housing and the Natural and Historic Environment, as set out in the Neighbourhood Plan, as endorsed by the Neighbourhood Plan Examiner which recognise the rural character of this area. We would draw attention in particular to the Examiners' comments regarding relevant policies as follows:

*Housing and Commercial Development - See Appendix 1*

*Natural and Historic Environment - See Appendix 2*

We would request that these be addressed as part of the Planning Balance to be made in determining this appeal.

A further local concern raised during the Neighbourhood Plan process was the issue of car parking at the Primary School (which lies adjacent to the appeal site) primarily at drop-off and pick-up times of the day. For the previous appeal hearing regarding this site, the appellants (Hollins Strategic Land) submitted a report on school parking in respect of the close proximity of Marton School to the appeal site. This was in response to earlier concerns expressed by the Parish Council and local residents. The Parish Council responded and produced a detailed rebuttal of this report (see Appendix 3). The Parish Council have since received a brief report from Cheshire Police. Its conclusion is that the traffic congestion at school time is hazardous and extremely dangerous for all children and adults. The Parish Council resubmits their report on traffic at the school and is now able to provide a copy of the Cheshire Police report. We would request that both reports are taken into consideration as new evidence in determining this planning appeal (see Appendix 4).

The Parish Council are concerned that as local residents they see and experience the safety and amenity issues arising from the current arrangements on a daily basis. The introduction of a further 23 homes with attendant residents, visitor and other occasional parking remains a cause for concern which we would request be addressed on behalf of the local community as part of this appeal. The theoretical capacities of roads and junctions deployed by transport and highway professionals is at best an educated best guess attempt at understanding what happens in practice. In the event of the appeal being allowed, we would request as a minimum that the appellant company and the Council as highway authority consult fully with the local community in devising an appropriate school car parking solution which can be agreed by all parties.

## **6 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 adopted CELPS as is evidenced by policies SD1 and SD2 which lie with that section of the CELPS entitled Planning for Sustainable Development. As we have shown and have demonstrated elsewhere in this statement, 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 now comprises the recently adopted CELPS alongside the particular Countryside and Development Control policies of the MBLP and the made Marton Neighbourhood Plan. The key policies 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 development sites to be in sustainable locations. The adverse impacts of this scheme are firstly, the unsustainable location in a rural and countryside area with 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. Finally, there are adverse impacts 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.

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.

## **7 Sustainability of the site**

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, has no public transport services including no bus stop, and has no post office or petrol station. The village shops do not serve everyday needs. There is a dog grooming parlour, a café, health spa and a gaming workshop serving 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 located 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.

To secure employment, residents of the new homes would undoubtedly 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 40 to 50 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 CELPS. The criteria are set out in CELPS 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 CELPS sets out guideline distances for access to local services and amenities. These are as follows:

### Public transport

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

Public right of way: distance 500m – development site complies

Railway station: distance 2km where possible: development site does not comply

### Open space

Amenity open space: distance of 500m - development site does not comply

Children's playground: distance of 500m - development site does not comply

Outdoor sports: distance of 1 km: development site complies (golf)

Public park and village green: distance 1Km - development site does not comply

### Services and amenities

Convenience store: distance 500m – development site does not comply

Supermarket: distance 6km – development site does not comply

Post box: distance 500m - development complies

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

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

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

Primary school: distance 1 km – development site complies

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

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

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

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

Public house: distance of 1 km – development site does not comply

Child care (nursery or crèche) – distance of 1 km - development site complies

It is concluded that the development site fails to meet the criteria set out in the CELPS to a significant degree. The development site is in an unsustainable location based on the criteria set by the adopted and up to date Local Plan.

### **Economic role**

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 subcontractors. Furthermore, the residents of Marton would be subjected to noise and dust during the construction phase and the traffic associated with the building site would impact on the school traffic and parking problems.



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 local businesses owe their success to visitors who are attracted to the rural setting in the Cheshire countryside which is accessible from adjoining conurbations and towns via 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 a resulting downturn in business. It is worth noting that not one single business supported this planning application.

The applicant 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, 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. 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**

In recent years, there has been an acknowledged housing shortfall within Cheshire East Borough Council which has been addressed in the adopted Local Plan. Most towns and larger villages in Cheshire East are now being supplied with the additional houses required and approved through the Local Plan process. However this does not reflect the situation in Marton where it is not the case. 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 applicants have based 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. Approximately 50% of the properties at the core of the village can be classified as affordable. 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 the owner of the applicants' site has a two bedroom house which has been unoccupied for over two years. There is also a house for sale which has been on the market for over a year. The Parish Council's Housing Needs Survey identified only two people whose preference is for affordable rented accommodation.

There is no evidence to suggest that an increase in residents would enhance local services, the opposite would probably be the case. The local sewage works cannot cope and can only function with tankers emptying the pump chamber frequently. At present it cannot be regarded as efficient or sustainable. Unless a completely new sewage works was to be built any additional demand would have to result in more tankers on an already congested single track road. United Utilities give a generic view of how the waste water & sewage is to be dealt with but to date no one has specifically addressed this problem.

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 is not suitable for children to play ball games. There are no

other play facilities in the village, a situation which would worsen with the influx of an additional 11 children (HSL's calculation) from this proposed development.

The school has major problems with lack of parking for existing pupils, a dangerous situation which would be made worse by the additional traffic generated by this proposal. The applicants have referred previously to a letter of support from the Head Teacher. This was superseded by a letter from the Chairman of Governors dated 23/6/2015 which supports the Parish Council's policy of brown field and infill development (see Appendix 1).

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 (see Appendix 5).

### **Environmental Role**

The Parish Council fails to see how the removal of trees, ancient hedgerows and grassland and replacing 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.

Neither does 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 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.

Although the Borough Council Conservation Officer did not object to the proposals we cannot see how the new entrance which is immediately opposite 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.

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 nearly 50%.

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

### **Local Sustainability**

Following the decision to dismiss the previous appeal for 27 houses on this site, there have been some changes to the shops and facilities located at the centre of the village. The current situation (as at mid-July 2018) is as follows:

1. Gift Shop has closed - replaced by a Dog Grooming Parlour
2. Health Spa remains
3. Farm Shop closed -replaced by Gaming Workshop
4. Cafe remains
5. French Restaurant remains
6. Village Pub (Davenport Arms) remains in use and is now an Italian Restaurant - part of the Pesto chain.

It can be seen that the amount of business generated by local residents continues to be relatively small. The bulk of the customers using these facilities are from beyond the village, all of whom must use private cars to travel to Marton.

## **8 Loss of open green space**

The Parish Council has noted that the latest 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. A further indicative plan submitted for this appeal (dated February 2018) by landscape company Influence on behalf of the appellants indicates areas of public open space and an area called "local area of play". These further plans appear to be a device in seeking to overcome the most relevant local policy which seeks to safeguard the site as an open area of green space which it has been over the centuries (the Parish church dates back to the 14<sup>th</sup> century). That policy is PE3 of the made Marton Neighbourhood Plan. In respect of the previous appeal, the Secretary of State took the view that the proposed development was in conflict with made Marton Neighbourhood Plan Policy PE3. There have been no changes of circumstances locally or nationally which should lead to a different view and conclusion being made in respect of the current appeal.

Furthermore, the appellants continue to seek permission for an estate style of development in the heart of the village which would completely change the character and appearance of this area by reason of the loss of open green space as the principal characteristic of the centre of the village. The reduction of only 4 dwellings from 27 to the current 23 being proposed and the increase in the amount of around 10% additional formal public open space are not so substantially different in this central part of the village of Marton as to warrant a different decision from that made by the Secretary of State in respect of the previous appeal.

## 9 Impact on efficiency of Jodrell Bank Observatory

The radio telescopes at Jodrell Bank are recognised as being of international and worldwide significance in respect of undertaking a wide range of astronomical observations as part of national and international research programmes. Research staff from the UK and around the world work at Jodrell Bank. The siting of Jodrell Bank in the north Cheshire countryside was selected in the 1940s for its rural and quiet location at a reasonable travel distance from the University of Manchester from which the site is managed and operated. The site enjoys high status in terms of heritage assets including the Grade 1 listed Lovell Telescope.

In terms of Planning legislation, the Town and Country Planning (Jodrell Bank Radio Telescope) Direction 1973 aims to ensure that the telescopes retain their ability to receive radio emission from space with the minimum amount of interference from electrical equipment. Saved Policy GC14 of the MBLP states that development within the Jodrell Bank Radio Telescope consultation zone will not be permitted if it can be shown to impair the efficiency of the Jodrell Bank radio telescope and Policy SE14 within the adopted CELPS now also reflects this policy. The University is consulted on all planning applications within the consultation zones shown on the Local Plan Proposals Maps.

Jodrell Bank Observatory (JBO) had been consulted on the original planning application 15/2274M as the appeal site is located in the inner Consultation Zone. The Observatory's view was:

*"that additional potential contribution to the existing level of interference will be relatively minor. However, it is in a direction from the telescope which has less development within the consultation zone. JBO asked the planning authority to take into account and stresses that such additional contributions should be viewed as cumulative".*

On 6/11/15 the developer submitted an appeal against the refusal of 15/2274M, which was dealt with by way of a hearing on 25/02/2016. By that time, the Marton Neighbourhood Plan (MNP) had progressed to Regulation 15 stage but the Borough Council Planning service could afford it no weight at that stage due to national Planning guidance. The Inspector's view was that the emerging CELPS should only receive limited weight due to outstanding issues as the final report of the Planning Inspector into hearings had not been received.

On the 31/03/2016 the appeal was called in by the Secretary of State (SoS). During the time the SoS was reviewing the appeal MNP was made on 29/11/2016 and he concluded that there was a serious conflict between the proposed development and the MNP Policy PE 3. As a result he gave this conflict significant weight. The SoS was also concerned about the impact on JBO which he felt carried moderate weight against the appeal proposal. The SoS noted that the Inspector only gave limited weight to the emerging CELPS but in light of the progress since the hearings he concluded that the CELPS now carried moderate weight. At that time, the SoS also accepted the appellant's evidence that the Council could only demonstrate 4.2 years of land supply of housing.

The developer submitted application 15/5637M on 11/12/2015 and it was identical to application 15/2274M at that time. However, shortly before the Planning Committee meeting to consider the

application, the appellant reduced the number of houses from 27 to 23. The re-submission was considered by the Planning Committee on 6/08/2017. The Planning Officer recommended refusal.

JBO now opposed the development in respect of 15/5637M stating:

*"Our view is that the impact from the additional potential contribution to the existing level of interference coming from that direction will be relatively minor. This is a general direction in which there is already significant development close to the telescope".*

The Planning Officer report stated "It is therefore considered that after taking into account of the findings of the Secretary of State, and the objection from the Jodrell Bank Observatory, that the proposed development would impair the efficiency of the Jodrell Bank Radio Telescope and would be contrary to Policy GC14 (Jodrell Bank) of the MBLP and Policy SE14 (Jodrell Bank) of the Cheshire East Local Plan Strategy.

The Cheshire East Planning Committee was unanimous in rejecting the application including as a reason for refusal the potential adverse impact on the JBO.

Marton Parish Council fully supports the findings of the Secretary of State, the objections of the JBO and the Borough Council's second reason for refusal of the repeat application on the basis that the reduction of only 4 dwellings from the 27 previously proposed is an insufficient reduction given the prevailing up-to-date planning policies for the JBO as set out in the decision notice.

## **10 Impact on local amenities**

The Glossary to the CELPS describes an amenity as "positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquillity". The Glossary to the Macclesfield Borough Local Plan describes amenities as "the desirable physical and social features of a particular environment or situation".

Concern about the traffic and highways impact of the proposed development on the local environment has been a major concern for the Parish Council and many local residents and continues to be so. Initially, the Parish Council commissioned its own independent reports on transport and highways matters from Progress 10 Design. A further report was then prepared following the refusal of planning permission identified as Technical Note addendum and dated October 2015. The Parish Council has also conducted its own Risk Assessment; see Appendix 6.

The Technical Note identified 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. This was particularly the case given the site's proximity between the A34 principal road to the west of the development 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 previously about the increased traffic flow on the A34 resulting from the significant number of additional houses for which planning permission has been granted in the Congleton area. Many sites are now under construction including a major housing site at which the A34 enters Congleton town on its north side in the direction of Marton. 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. Please see section 5 above, in which the Parish Council outline their concerns about traffic and parking.

The Parish Council therefore continues to stress the adverse impact on the amenities currently enjoyed by the village community which would arise from this development. The impacts include noise, pollution and air quality along with matters of personal safety and security. We would request some consideration be given to this matter in the planning balance to be made.

## **11 Other material planning considerations**

### *Agricultural Land Quality*

The National Planning Policy Framework requires that the use of such land should be taken into account when determining planning applications. It advises Local Planning Authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land". The appeal proposal would result in the loss of this site which is an area of higher grade 2 agricultural land (in the category of best and most versatile land known as BMV).

The Planning Officer report on the appeal proposals states that "due to its relatively small area, shape and enclosed nature the site does not offer significant opportunities for agricultural production. In dismissing the previous appeal on this site, the Secretary of State concurred with this position, and afforded little weight to the loss of BMV agricultural land in this case. Whilst the proposal would see the loss of agricultural land the quality/usability is limited, this issue needs to be considered as part of the planning balance".

The Parish Council continue to take a different view on this matter. The Parish Council are concerned about the lack of consideration given in the previous application and appeal 15/ 2274M by both the applicant and the Borough Council to the existing use and benefits of the site in agricultural terms. These views were then reflected in the appeal decision.

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

contains 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.

This site is part of a large rural estate which is managed locally. The Parish Council can 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, would be viable (perhaps in association with other holdings) and still retain the character of the village. We would request that the loss of this agricultural area of BMV be taken into account in the planning balance.

#### *Recent local housing supply register*

The CELPS sets out the need to meet the requirement of delivering 36,000 dwellings over the plan period, taking into consideration a number of key components of supply, which includes an allowance for small sites as windfall developments across the Borough. We attach at Appendix 7 our Parish Register of Dwellings granted Planning Approval. We would also note that this developer and the Capesthorpe Estate during the consultation phase of the Neighbourhood Plan questioned the validity of Plan policies for housing development as they claimed that there are no brownfield sites for development or gaps suitable for infill and no buildings available for conversion. Hence they proposed the 27 houses should be allowed at the previous appeal. Appendix 7 confirms that this is not the case regarding windfall developments in Marton in recent years.

### **Conclusion**

Marton Parish Council fully supports the refusal of planning permission for the reasons given in the Borough Council decision notice dated August 2017. We would request that the appeal is determined in accordance with the relevant policies of the Development Plan which are set out in this statement comprising the CELPS, MBLP and MNP.

The following matters are considered the most relevant in support of the dismissal of this appeal:

- The CELPS is an up to date and recently adopted Local Plan Strategy (adopted only one year ago in July 2017) and aligned with current national policy in NPPF and national Planning guidance.
- The Borough Council can demonstrate that they have a 5 year supply of deliverable housing sites.
- The land supply position was confirmed at the recent Wrenbury Planning appeal as the Planning Inspector concluded that there is supply exceeding the 5 year requirement amounting to 5 years 3 months (dated 12 April 2018).
- The application site is located within the open countryside of Cheshire East in which there is a presumption against housing development on this scale

- The proposed development would be contrary to Policy PG6 of the adopted CELPS concerning development in the open countryside.
- The proposed development would be contrary to Saved Policy GC5 of the Local Plan which provides that 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 appeal site lies within the Jodrell Bank Consultation Zone in which policies SE14 of the CELPS and Saved Policy GC14 of the MBLP do not permit development which would impair the efficiency of radio telescopes.
- The site is also designated as an area of open green space identified by Policy PE3 of the made Marton Neighbourhood Plan for retention.
- The refusal of permission complies with section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.”
- The Secretary of State’s findings in dismissing the recent appeal for a similar scheme of 27 dwellings on the same site.
- The National Planning Policy Framework (NPPF) is the national policy guidance to local planning authorities as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”. The proposed development does not accord with the recently adopted Development Plan documents referred to above.
- The development would provide very limited benefits which would be far outweighed by the adverse impacts on the local environment and community.

The adverse impacts of the development would be:

- The loss of Open Countryside used as grade 2 agricultural land
- The impact upon the efficiency of the Jodrell Bank Radio Telescope which is of international significance
- Loss of open green space detrimental to the character and appearance of Marton village



- The site is not in a sustainable location and lacks proximity to any form of public transport and a wide range of other local services and facilities
- The adverse impacts on amenities currently enjoyed by local residents including the loss of open aspect and space, noise, air quality, pollution, traffic generation and personal safety and security.

Since the previous appeal was dismissed, the Development Plan policies at local level have been enhanced (as has been shown in this statement) in terms of a presumption against this development on this site for the Planning reasons for refusal. The current policy position (as at July 2018) is clear and the evidence submitted by the appellants fails to assess the appeal scheme against the current Development Plan policies. The Parish Council has carried out such an assessment and concludes that on virtually every policy assessed the appeal scheme fails to comply. There is in such cases therefore not only the matter of harm to the local area which is at issue. There are the much wider issues of harm to the effectiveness of the recently adopted Plans at Borough and Parish level in the plan led environment should this development be allowed on appeal. Up to date and relevant policies which fully align with national guidance and have been independently tested through examination are fundamental to a plan-led approach to housing development. The proposed development consistently fails to comply with any reasonable assessment of meeting the relevant policy requirements. The scale of harm identified arises from both site specific and wider spatial planning implications of allowing this development at this time. Any potential benefits of the development are clearly outweighed by the major and adverse impacts, both locally and beyond.

Marton Parish Council requests that all matters addressed in this statement are considered. The conclusion of the Parish Council is that the appeal proposal should be determined in accordance with the up to date and relevant Development Plan policies and the appeal should be dismissed in accordance with the Cheshire East reasons for refusal.

## **Appendices**

Appendix 1 – Neighbourhood Plan Examiner, Housing commercial Development 4.16

Appendix 2 – Neighbourhood Plan Examiner, Natural and Environment (4.20-4.26)

Appendix 3 – School Parking and Safety

Appendix 4 – Police Report

Appendix 5 – Technical Note Addendum, Progress 10 Design

Appendix 6 – Risk Assessment

Appendix 7 – Register of Dwellings in Marton recently Granted Planning Approval