

**Marton Parish Council**

**Statement for planning appeal at School Lane, Marton by Hollins Strategic Land LLP  
V1**

**Appeal reference APP/R0660/W/18/3196050**

**LPA reference Cheshire East Council 15/5637M**

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Statement dated 12 March 2019

## 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 (MNP) had progressed to Regulation 15 but given no weight in the planning balance. The Inspector's view was that the emerging (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 appellants 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 planning appeal hearing in 2018 at 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 dated 12 April 2018.

Since that time, the Borough Council has published further details of its latest housing land supply which confirm that housing land supply within the Cheshire East area amounts to around 7.2 years so the requirement to demonstrate a 5 year supply is clearly satisfied as at the date of this statement (March 2019) .

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 were made 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 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 Council (July 2017), 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 to the Observatory.

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. Reason 3 refers to the impact of the development on the efficiency of the Jodrell Bank Observatory, namely Saved Policy GC14 of the Macclesfield Borough Local Plan and Saved 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 consider 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 of PG6 defines the Open Countryside as outside any settlement with a boundary. No boundary has been defined for Marton in any Planning document and therefore policies within PG 1 clearly apply to the site. The development does not meet point 1.

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 in this appeal. 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 along with 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 of the site. 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. All these factors are reflective of a site lying in the Open Countryside. The development would therefore be contrary to point 4 of PG 6.

Point 5 of PG6 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 in SD1 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 which follows 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 the nearby towns of 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, each with their own housing supply requirements

3 Contribute to the creation of sustainable communities: fails to comply. This development threatens to put the established 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 planning 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. The proposed development 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 in the Marton area 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, the lack of street lighting and busy A34 through road and winding country lanes.

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 Illustrative Plan (not drawn to scale) 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 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 for all purposes. 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). The larger town of Macclesfield is also within a short distance with both a wider range of local facilities and potential housing sites for development. 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 countryside 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 high quality agricultural land 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

Development Plan 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 criteria listed 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). Our 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 being how the surroundings of people would be specifically affected by changes in the landscape and the visual impact of the scale of development in this rural area.
- (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 previous dismissed 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 letters 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 which would be permanently lost.
- (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 in the outline application.
- (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 other 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 in the current proposals and the number of proposed dwellings has been reduced by 4 number, 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 appeal 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. There are no sustainable forms of transport available. The Transport Statement accompanying the application is dated May 2015 nearly 4 years ago. Notably, it fails to consider any of the then emerging policies from the Cheshire East Local Plan including those for sustainable development. Neither are the policies set out in the Connectivity chapter of the Cheshire East Local Plan Strategy addressed in the appeal proposals. The policies confirm that it is national planning policy to reduce car use and encourage people to adopt more sustainable travel patterns. This development is the opposite of national planning policy for transport and the Local Plan Connectivity policies which reflect it. 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 as 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.

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. The most recent report is dated February 2018 entitled Proof of

Evidence by Influence Environmental. Although this Proof refers to Local Plan policy SE4 as being part of one of the reasons for refusal, there is no attempt to actually assess the proposed development against any of the listed criteria. The written material in the Proof is largely a summary of planning guidance and policy at the different spatial scales with relevance to the landscape. This is surprising given that the landscape character has been identified as a major issue in the previous appeal.

We have also noted that an Addendum was added to this Proof of Evidence in December 2018 which appears to be a rebuttal of evidence produced in response to design evidence submitted on behalf of the Borough Council. That rebuttal however also fails to assess the development proposals against the criteria set out in policy SE4.

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. It is clearly appropriate that studies are undertaken by the local community of their landscape for Neighbourhood Plan purposes as the community currently enjoys that landscape, lives with it on a daily basis (including all four seasons) and regard it as special to their enjoyment of the local area. 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.

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 March 2019. It is noted that some of these have included 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 inner Consultation Zone which in turn is based on national legislation dating 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 appeal statement dated December 2018 does refer to Jodrell Bank Observatory in a few sections. However, there is no attempt to assess this policy which comprise three elements which are now addressed.

Point 1 that planning permission will not be granted within the JBO consultation zone if it impairs the efficiency of the telescopes or has an adverse impact on the historic environment and visual landscape setting of the JBO. 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 in to 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”. A further extensive and technical statement by the University of Manchester was posted on 13/8/2018. The final paragraph of the statement’s conclusions reads:

“Finally, it was agreed by the Secretary of State and the Inspector in the Goostrey planning appeal that reasonable protection of JBO is a matter of global significance and furthermore that JBO is a facility of international importance such that its protection from the identified harm of local housing developments transcends current housing land supply circumstances in Cheshire East”. (See Appendix 1 for full Conclusion Statement).

Marton Parish Council supports the response of the University and would refer to the development as failing to comply with policy point 1 of SE 14 of the CELPS. The documents submitted by the appellant whilst referring to the JBO fail to address both components of point 1 of SE14.

Point 2 of SE 14 states that conditions will be imposed to mitigate identified impacts. At section 5 of the Planning Statement of Case (December 2018) the appellants suggest a number of conditions but no reference is made to policy SE14 in terms of impact mitigations on the JBO arising from this development.

Point 3 of SE14 states that proposals should consider their impact on those elements that contribute to the potential outstanding universal value of Jodrell Bank. No assessment of point 3 in Local Plan policy SE14 can be found in the appeal documents. In the view of the Parish Council, the appellants have consistently failed to acknowledge the worldwide importance of the JBO, not just for its scientific uniqueness but also for its now historic character.

It is concluded that policy SE14 has not been addressed by the appellants either as a planning reason for refusal or in recognition of its importance as recent confirmation of its scientific and historic status through the Cheshire East Local Plan.

### **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 2012 which has largely been replaced by para 11 of the revised NPPF July 2018 and February 2019 versions. The

revised NPPF continues to support the presumption in favour of sustainable development in paragraph 11. In particular the so called “*tilted balance*” in paragraph 11 (d) Paragraph 11 (d) would operate where there are no relevant development plan policies, or the policies which “*are most important for determining the application*” are “*out-of-date*”. The relevant Development Plan policies for housing are set out in the adopted Cheshire East Local Plan. Furthermore, the presumption also 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 of settlements 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. A new housing estate of 23 houses cannot be regarded as in any way small scale in the context of Marton village and local area.

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 development 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, hedgerows 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 to 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 sets 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 motor transport for travel by residents, deliveries, services and visitors. 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 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.
- whether there are particular types of impacts around which to focus the Travel Plan (eg 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 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 SE12 CO1 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 Macclesfield Borough Local Plan (MBLP)**

###### **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 overloading 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, which 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. 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 4.16 (see attached Appendix 2)  
Natural and Historic Environment 4.20,4.21, 4.23, 4.25, 4.26 and 4.27 (see attached Appendix 3)

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 the start and end of the school 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. 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. Attached to this statement the Parish Council resubmits their report on traffic at the school and also now provides a copy of the Cheshire Police report (see attached Appendices 4 and 5). We would request that both reports are taken into consideration as new evidence in determining this planning appeal.

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) was amended in July 2018 and then to a very limited extent in February 2019. This replaced earlier national guidance in March 2012 and this was followed in some National Planning Practice Guidance. Both of these are applicable to this appeal.

Para 7 of the NPPF 2019 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 within 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 12 of the NPPF 2019 states that where a planning application conflicts with an up-to-date Development Plan (including any Neighbourhood Plan) permission should not usually be granted. On this occasion, there is an up to date Local Plan and a made Neighbourhood Plan, a Planning appeal has already recently been dismissed for a slightly larger scheme leaving the principle of no development on the site intact and it has been shown in this Statement that the proposals have fundamental conflict with the Development Plan.

As we have shown, the Development Plan now comprises the recently adopted CELPS alongside the particular Countryside and Development Control Saved policies of the MBLP (as reviewed by the CELPS Planning Inspector) 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 a limited range of services and facilities. Secondly, there is the adverse visual harm to the open

landscape character of the site. The longstanding and positive use of the site for agricultural purposes must also be considered as an adverse impact, particularly given the site's location within the heart of Cheshire as a major contributor to UK food production. The vast majority of land in Marton is farmed. 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.

Section 15 of the NPPF 2019 sets out the ways in which planning policies and decisions should contribute to enhance the natural and local environment as is appropriate to an area identified in the Development Plan as Open Countryside. One of these requires a recognition of the intrinsic character and beauty of the countryside including agriculture, trees and woodland as is the case on this site and this village. 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 59 of the NPPF states that the Government objective of boosting the supply of housing should be achieved in a number of ways. The appeal site does not lie within a sustainable location as evidenced by the priority being given to locations in 24 other settlements in Cheshire East identified as far more sustainable 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.

### **5 year supply of housing land: Cheshire East position**

National planning policy requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in their Local Plan Strategy. The Borough Council has recently published its Annual Monitoring Report for the year 2017/2018. The Council's latest assessment sets out the housing land supply as at 31 March 2018 and shows that there is a supply of land for a period of 7.2 years. This is based on a land supply requirement of 9000 houses over the 5 year period (5 years at 1,800 dwellings per annum). There was a backlog of 4844 dwellings. The total housing need was assessed using the so called Sedgemoor method with 5% buffer applied and comprised 12,630 dwellings over the 5 years or 2526 dwellings per annum. The total housing supply as at 31<sup>st</sup> March 2018 was given as 18,250 units which amounts to 7.22 years of housing supply. Therefore there is more than the required 5 years' worth of housing sites to meet the identified need.

### **Housing in Marton**

In February 2015 the area to be covered by the Marton Neighbourhood Plan was agreed. Since that date a total of 9 dwellings have been approved for development by Cheshire East Council and one is awaiting a planning decision (see attached Appendix 6). Of the 9 planning applications approved, 5 were opposed by Jodrell Bank Observatory (JBO) through an objection.

The appellant in this appeal puts forward a case for more affordable houses to be built in Marton village. However, there are already a wide range of low cost/affordable dwellings in the village. The 2011 Census shows Marton compared very favourably with Cheshire East and England for low cost houses. Marton has in the order of 105 dwellings with approximately 50% at the centre of the village, the remaining farms and cottages being dispersed around the parish. Of the 50 or so houses around the village centre, 30% can definitely be said to be affordable (as these comprise housing association properties).

In the past there was some merit in locating this type of property close to the centre of the village due to the facilities and services then available for example post office, regular bus service, village shop and a garage that sold petrol. Unfortunately, all these services have now ceased to operate in Marton village for a variety of reasons.

Throughout this application and appeal HSL seek to promote Marton as a suitable location which would help to fulfill a perceived shortage of dwellings in the area. What they fail to recognize are the numerous housing developments within the near vicinity that more than meet this need. Within 2.5 miles to the South and less than 5 minutes' drive down the A34 there are four housing development sites either currently under construction or with planning permission granted. Together in total they will deliver 1,371 dwellings including a percentage of affordable homes. These are:-

Bloor Homes App. Nos. 17/5573C for 131 houses, under construction.

PE Jones (Contractors) Ltd. App. No. 14/4451C for 137 houses, under construction.

PE Jones (Contractors) Ltd. App. No. 14/4452C for 95 houses, not started.

PE Jones (Contractors) Ltd. App. No. 16/6113C for 49 houses, not started.

PE Jones (Contractors) Ltd. App. No. 16/4558C for 198 houses, under construction

Redrow Homes App. No. 16/4558C for 201 houses, under construction

Worth Partnership App. No.17/1000C for 500 houses, not started.

Along the A34 3.5 miles to the North in Nether Alderley lies the Alderley Park development which has multiple planning permissions (15/5401M,18/0403M,16/5853M,17/0212M, 17/5946M) in total these provide 335 dwellings and are currently under construction.

To the North East less than 4 miles away is the village of Henbury which has recently had two applications for houses approved, Jones /Redrow have 232 houses (17/4034M) and Fredric Robinson (17/4277M) 135 houses; more applications are under consideration.

In addition to the above Cheshire East Council's adopted Local Plan Strategy has provided for 1050 dwellings in the South West of Macclesfield which is 3.5 miles from Marton plus a further 300 dwellings at Congleton Road which includes Gawsforth which is only 2.5 miles from Marton.

With the exception of the Jodrell Bank Consultation Zone, Marton will be surrounded by housing developments which total more than 3000 dwellings including affordable homes. There can be no justifiable reason for approving this application on the grounds that it is necessary to provide needed homes. It is clearly demonstrated above that nearby developments more than meet local housing demands without having to resort to destroying the character of a small Cheshire village.

These developments are all close to the considerable range of amenities and services that Congleton town has to offer.

On behalf of the appellants at Page 27 point 3.43 Planning Statement of Case (December 2018) states "To date no affordable housing has been provided since the Neighbourhood

Plan P was made". This statement can be challenged if it is legitimate to classify agricultural workers dwellings as affordable housing (eg application numbers 16/3809C approved 11/04/17 and 18/1908M awaiting planning decision as at March 2019).

Furthermore, Marton at the present time does have a number of houses for sale and to rent, some having been on the market for a considerable length of time. This does not support the notion that there is any pent-up need for houses in Marton (see attached details for houses for sale or rent – Appendix 7).

## **7 Sustainability of the site**

The NPPF sets out at paragraph 8 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 and as provided in the Council's reasons for refusal.

Marton is a small rural village with very limited infrastructure or facilities; it lacks basics such as mains gas, public transport services, medical or dental facilities, grocery shops, post office, banking, secondary education. A development of this size would more than double the number of residents within the core of the village.

Reference is made to the village farm shop in the appellants' statements for this appeal. The shop is now closed and has been for some months. This closure has an impact in a number of areas:-

(a) Cheshire East Local Plan Strategy Table 9.1 Access to services and amenities on page 85 of the Cheshire East Local Plan sets out the assessment of services/facilities recommended by distance from the appeal site in policy SD2 Sustainable Development Principles is reduced by the loss of one further service.

(b) In respect of the previous planning appeal PINS no. 3138079 the Secretary of State agreed that Marton was relatively well serviced for services and facilities. Those services have been substantially reduced. The closure of the village shop is a significant loss to Marton's facilities.

(c) Emerging First Draft SAPDP reference FD 06 Settlement and infill boundaries review assessment. The total for services/facilities as being in Marton is shown as 4. There is now a mobile library service but there is no local shop. The new value should be reduced to a score of 3.5 on the scale deployed by Cheshire East Council.

The HSL Planning Statement of Case (December 2018) states at Page 32 that Marton has zero constraints. We would strongly point out that this assessment fails to reflect that Marton is in the JBO consultation zone with significant parts of the Parish within the inner zone including the appeal site. Furthermore, Marton is located within the Open Countryside (and therefore washed over) in the adopted Cheshire East Local Plan which is a clear policy constraint. Finally, there are also some sites of Biological Importance within the Parish which would act as constraints on development as do the listed buildings in close proximity to the appeal site, which the appellants have failed to take into account.

The village does not have any shops which provide every day needs. Currently there is a dog grooming parlour, café and a beautician/health spa which mainly serve passing through traffic on the A34 road. 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 situated 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 probably have to commute by car to the towns to the north (such as Macclesfield, Wilmslow and Knutsford) or south (such as Congleton, Sandbach, Middlewich or Crewe) or the larger conurbations such as Greater Manchester, Warrington, Merseyside or the Potteries, all of which are accessible via the A34 either north or south onto the regional motorway network. Each of these locations could be reached within an hour's commuting time from Marton. It is estimated that such a development could add 40 to 50 car journeys twice daily.

### **Sustainability**

**Assessment** 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 as 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 complies

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 complies

Child care (nursery or crèche) – distance of 1 km - development site does not comply

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 as a whole, (which itself covers a large mainly rural authority) 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. Houses that have come on to the market have proved slow to sell. 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 six properties but are not the only provider of social housing within the village. Approximately 30% 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 nine 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 drafting this statement there are three vacant rental properties in the village. Indeed, the owner of the applicants' site have had a two-bedroom house empty for over three years. 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 on a daily basis, 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 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 applicant has referred previously to a letter of support from the Head Teacher. This was withdrawn and 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.

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 attached Appendix 8).

## **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 also highly 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.

The lack of sustainable infrastructure and transport is addressed in the Technical Note Addendum prepared by Progress 10 Design (see Appendix 8) and other areas of our objection documents. For the avoidance of doubt, we can confirm that Marton does not have the following facilities: mains gas, any public transport, post office, petrol station, supermarket, few employment prospects, medical /dental care, hospital, bank building society or cash point, pharmacy, or 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 early March 2019) is as follows:

1. Gift Shop has closed - replaced by a Dog Grooming Parlour
2. Health Spa remains
3. Farm Shop closed
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 who must use private cars to travel to Marton.

#### **8 Loss of public open space**

The Parish Council has noted that the latest Concept Plan for this application proposes to have 25% of the site area provided for "Public Open 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.

Regarding the two appeal submissions by Influence dated February 2018 and December 2018, we would wish to comment on behalf of the local community on the accuracy of these submissions in terms of open green space. Although some or all of these matters may be responded to by the Borough Council as local planning authority, we have noted there are a number of errors in their documents which need to be addressed on this aspect of the appeal.

There is a general statement that the quality of the appeal site in ecological terms is low aside the large tree (the only tree on the site not to be protected by a Tree Preservation Order) and does not contain notable landscape features is incorrect and misleading. Firstly, there are 16 trees in total associated with this site, 5 within the field and 11 on the site boundary. Six of these trees have the status of Tree Preservation Orders (TPO) protection. The appeal site also possesses 170 m of ancient native hedgerow with some meeting the appropriate criteria of importance (hedgerow and containing protected species of native bluebells). Secondly, the independent Examiner of the Marton Neighbourhood Plan (Jill Kingaby) noted at 4.16 in her report as follows: "The last sentence of Marton's Visual Amenity, Page 24 of the NP highlights the shorter range views over the paddock in the heart of the village enjoyed by the residents who live in the surrounding houses. I consider that the green space is a visually attractive feature for pedestrians and road users on School Lane and Oak Lane as well as for residents, whether or not the mature sycamore tree remains there" (see attached page 32 LSCA at Appendix 9). The independent examiner's view that the paddock is a visually attractive feature for pedestrians and road users is a more accurate opinion of the true value of the landscape features than reported by the Influence submissions.

Furthermore, it is also stated in section 1.26 (of the December 2018 Submission) that the tree 15 will be removed on grounds of health and safety. This is categorically not true and there is no evidence to support this statement. The tree has been examined on numerous occasions by qualified persons and at no point has it been proposed that the tree should be removed on grounds of health and safety. The only reason to remove this tree would be to enable this development to take place. A further incorrect statement is made in section 1.21 (also of December 2018) relating to hedgerows which states as follows: "The Proposals respond to these design directions facing development positively on to the road, retaining existing hedgerows" and section 1.26 also incorrectly states "the boundary hedgerows are proposed to be retained". Nearly 50% of Hedgerow 3 (classified as Hedgerow Importance 1) - approximately 30 m in length bordering School Lane - would be removed to accommodate the access road to the proposed development site.

The next concern is the comment in Section 1.28 (December 2018) which indicates a total lack of knowledge or understanding of the footways and traffic situation throughout the village. This relates to the proposed pedestrian entrance and exit from the site on to the main A34 road to be provided for the benefit of new and existing residents. In order to reach the cafe, church or any other facilities from this location one has to cross the busy A34 twice. There is no footway at this point on the A34 and insufficient space to accommodate

one at this point. The proposed entrance to the development site also passes between two trees protected by TPOs and if it were possible to build a footway in this area, the necessary construction works would damage the root structure of these protected trees.

Throughout their appeal submissions the appellant has consistently set out to distort the meaning of the Neighbourhood Plan Policy PE3. There can only be one clear understanding of this Policy as it states "the paddock and Spinney in the heart of the village should be retained as open green space". No matter how the applicant wishes to interpret this policy, open green space cannot mean a modern housing estate as is being proposed in this appeal. The first sentence of MNP policy PE3 states "Proposals which enhance the green space between School Lane, Oak Lane/Oak View at the centre of the village and at the Spinney will be supported" means enhancing the open green space area not destroying it as is being proposed. For example, the type of enhancement envisaged could be further tree and hedge planting along the perimeter. When drafting this policy it was never considered by the Marton community that a development company could possibly believe that enhancement of a green space could mean building houses over it.

The Marton Parish Council and residents feel strongly about the natural environment and fully support the village tree warden in his work to develop a broad environmental plan for the village (see attached Appendix 10).

When preparing the Neighbourhood Plan, there were extensive consultations with the residents whose views and opinions are expressed throughout the plan and form the basis of the adopted policies as is expected in such plans. Preservation and appreciation of the open green space in the centre of the village is of paramount importance to the residents and is referred to throughout the NP. In section 4d of Marton's Natural Environment report under Woodlands and green space, the field in the core of the village, grazed by cows and sheep, is mentioned alongside woodlands and orchard. The views across the paddock are also important and are included in Marton's Visual Amenity section of the NP which states "In addition to the long range views, short range views over the paddock in the heart of the village are enjoyed by the residents who live in the surrounding houses". In section 5c Fears for the Future, housing development in the centre of the village is cited as one of the main fears. All the above factors were taken into consideration when drafting Policy PE3.

NP Policy RCD6 includes new homes and reinforces the essence of PE3 by referring to the Neighbourhood Plan Design Guidance in appendix 1. In the penultimate paragraph it states "Any need for additional housing would be best met by small scale development with individual character. A large new estate, especially one uniform in its house design and building materials could severely damage the character and unset the balance of the village".

There are other compelling reasons for dismissing this appeal, but the clear wording of Policy PE3 which retains the open green space in the centre of the village should carry sufficient weight to warrant refusal.

Meanwhile, 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 14% 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 are involved. 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 application 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 Observatoire's view was as follows:

"... 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 heard 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 appellants 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 for 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 referring to 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. This report is appended to this statement. The Parish Council has also conducted its own Risk Assessment; see list of additional documents included (Appendix 11).

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.

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 appellants 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.

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**

### **11.1 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 previous applications 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, could 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.

### **11.2 Cheshire East Council Design Guide (May 2017)**

The appellants Statement of case (December 2018) states at 2.9 (page 14) that the Cheshire East Design Guide is considered to be "relevant to the appeal proposals". In preparing this Supplementary Planning document, it is our understanding that the Borough Council hoped that this guidance would influence the development process from its very earliest stages to ensure that high quality new development may be delivered effectively. Although there are several references to this Design Guide as being relevant to the appeal, the appellants documents supporting this appeal fail to assess how the Design Guide has influenced the design process to date for this site. The Statement furthermore fails to set out any design principles for the development of this site against which the relevant planning policies in the Development Plan can be applied for compliance or otherwise. We have concluded that the Design Guide is of very limited relevance to this appeal due to the outline nature of the appeal proposals and the failure of the appellants to assess their scheme against the Design Guide itself.

### **11.3 Emerging Cheshire East Council Site Allocations Development Plan Document (SADPD)**

This SADPD will form part 2 of the Cheshire East Local Plan and has the status of an emerging plan. It is intended to allocate additional sites for development to secure the overall development requirements as set out in the Local Plan Strategy are met. There are proposed additional site allocations which are 'non-strategic' sites, less than 5 hectares in size (or 150 homes) and include housing, employment, retail, leisure and other types of development. The SADPD will also set out more detailed policies to guide decisions on planning applications. Land that needs particular protection would be designated in the SADPD, for example because of its importance to wildlife or the historic environment.

The Borough Council undertook a First Draft consultation in September-October 2018, and the results were published in February 2019. In their report representations were made regarding land at Marton by the appellant in respect of the appeal site. There are several parts of the consultation report referring to the appeal site (either directly or indirectly) and we recognise the rights of the appellant company to do this. However, they appear to have drawn inferences from the SADPD which are frankly incorrect both in terms of accuracy and likelihood of becoming part of a submitted version of the SADPD. The SADPD may have made further Plan progress within the Council but no material is in the public domain as at the required date of submission for this appeal (March 2019). By the time this public inquiry takes place (targeted for November 2019), the Parish Council can see no merit in

speculating what proposals the Borough Council may confirm, change and bring forward for further consideration. So far as this appeal is concerned, the SADPD retains Marton at the lowest level of settlement hierarchy within Cheshire East with no further specific housing requirement to be met within the village. This analysis reflects the Part 1 adopted Local Plan Strategy which is the current Development Plan and which is likely to remain as such until after the public inquiry.

#### **11.4 Public Open Space (POS)**

The appellant claims that due to the reduction in the number of houses from 27 to 23 the development will have a significant increase in Public open space (POS) in the centre of Marton village. However, in the Parish Council's view this assumption is over stated and has been arrived at by using incorrect values for different areas as we shall show here.

HSL claim the total area of POS for the appeal site is now 34%. This has apparently been arrived at by assuming that the total appeal site area is 1.2 ha and the area for POS is 0.4 ha. However, both these figures are incorrect as we understand. At no point in the recent consideration of this site has the total site area been assumed to be as low as 1.2ha. Recorded in both Cheshire East and HSL documents, the figure of 1.28 ha has been the accepted value. The figure for POS at 0.4 ha is therefore overstated. Our calculations for the area are based on an examination of the initial revised concept plan dated 25/5/2017 along with the illustrative plan (dated 22/2/2018) which indicates an area of 0.32 ha. This figure matches with the value given by Cheshire East Planning service in their Report /Statement prepared for the Planning Committee meeting of 17/08/2017. Applying the figure of 1.28 ha for the total site area and the 0.32 ha results in a POS for the development of 25% not 34%.

HSL also make the claim that the original proposal (27 houses) only provided 0.09 ha POS equating to 7.2%. However, this figure related to the original proposal that included a car park on site. With the car park removed the area of POS was increased by our calculation to 0.15 ha giving 11.7% of POS. This value is supported by the Planning Statement from Sedgwick Associates (dated Dec 2015) page 24 point 6.26 which states "The master plan shows approximately 1440 m<sup>2</sup>" equalling 11.25% of POS.

These calculations show the increase in POS of approx. 14% over the original 27 house proposal, resulting in 75% of the site being new houses. The appellant has also stated that Marton is deficient when it comes to POS. This is far from the true position:

- The village green and orchard have an area of 0.38 ha. The main area is planted with old varieties of Cheshire fruit trees. Seating is provided and it is also the location for village notice boards. It is used on a daily basis by dog walkers and is also a regular stopping place for cyclists.
- The Spinney at 0.04 ha with picnic table and seating is also regularly used by residents and walkers, as well as many cyclists using the National Cycle Route 55 which passes through the centre of Marton village.
- The village has over 5 miles of footpaths and bridleways, plus a 1.5 miles of conservation footpath at Messuage Farm.
- The village pond on Messuage Lane.
- Land off Oak Lane, 0.3 ha – an integral part of the environmental plan.

## **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 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 as the latest published Council Monitoring report finds there is 7.22 years of housing land supply. The land supply position was confirmed at the 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 PE.3 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 dismissed the recent appeal for a similar scheme.

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 if this development was 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**

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## Appendix 1

### Manchester University Statement Conclusions

9.13 Interference received at the Jodrell Bank radio telescope from electrical and electronics equipment associated with the proposed development is likely to exceed the internationally agreed definition for harmful interference as set out by the ITU. The methodology used to reach this conclusion has been accepted by the Secretary of State and the Planning Inspector in the recent appeal by Gladman Developments (APP/RO660/W/15/312954) and by the inspector in the appeal by Henderson Homes (APP/RO660/W/3166025), both of which were dismissed.

9.14 Although this is a smaller scheme (hence the classification of 'minor'), the additional interference will further worsen the current situation in which interference from local populations centres, are the dominant contributions to interference received at the telescope.

9.15 The cumulative effect of continued development around the Jodrell Bank site has caused the continued degradation of the radio frequency environment of the radio telescope. This continued degradation, if allowed to continue as a result of developments which themselves may only generate smaller incremental impacts on interference, will ultimately reduced the international competitiveness of the research carried out by the Jodrell Bank telescopes and may have wider impacts, including the way in which the UK is viewed as a partner in billion-pound scale international projects such as the SKA, as noted by the chief executive of the UK Science and Technology Facilities Council (the funding body for astronomy and particle physics) and the Director General of the Square Kilometre Array Organisation.

9.16 As demonstrated above the resulting interference from the proposed development will impair the efficiency of the Jodrell Bank Radio Telescopes contrary to Policies GC14 and SE14.

9.17 Finally, it was agreed by the Secretary of State and the Inspector in the Goostrey planning appeal that reasonable protection of JBO is a matter of global significance and furthermore that JBO is a facility of international importance such that its protection from the identified harm of local housing developments transcends current housing land supply circumstances in Cheshire East.

## Appendix 2

### Neighbourhood Plan Examiner, Housing and Commercial Development 4.16

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

## Appendix 3

### Neighbourhood Plan Examiner, Natural and Environment 4.20 – 4.26

#### Natural and Historic Environment

4.20 The Landscape and Settlement Character Assessment (LCSA) undertaken in 2015 and contained in Appendix 3 to the plan presents a very thorough assessment of the Marton neighbourhood planning area and its assets, in the context of the National Character Assessment and Cheshire Landscape Character Assessment. The LCSA identifies key viewpoints within the village and across the Cheshire Plains. It has considered the history of the village, features of biological interest, woodlands and hedges, heritage assets and features of interest on buildings (such as half-timbered elevations and thatched roofs), water features and footpaths and bridleways. The professional assessment is complemented by commentary on residents' views as to what they like or dislike about the parish.

4.21 The content of the LSCA is rightly embedded in the body of the neighbourhood plan, as it provides a robust and thorough evidential Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 3 Portwall Lane, Bristol BS1 6NB Registered in England and Wales. Company Reg. No. 0100118 VAT Reg. No. 237 7641 84 14 document. Policies RCD3, RCD5, RCD9 and RCD10 of the neighbourhood plan expect new development to be in keeping with existing buildings in the village and fit in with the prevailing scale, density and rural character. Those policies, and policies to protect the environment, PE8, PE9 and PE13, refer to the Landscape and Settlement Character Assessment (LSCA). The Neighbourhood Plan Design Guidance, Appendix 1, is referenced in Policy RCD3 and Policy RCD7.

4.22 The NPPF explains that sustainable development has an environmental role contributing to protecting and enhancing our natural, built and historic environment. The core principles of the NPPF (paragraph 17) refer to securing high quality design, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it, and conserving heritage assets. Section 12 addresses conservation and enhancement of the historic environment, and paragraph 132 sets out the significance of listed buildings and their settings. Section 11 gives detailed policy for conserving and enhancing the natural environment.

4.23 Saved policies from the Macclesfield Borough Local Plan include policies for landscape protection and enhancement to conserve and enhance the diversity of landscape character (NE2), to conserve and enhance rural landscapes through the creation and restoration of hedgerows, woodland etc. (NE3), and to seek to retain and enhance existing woodlands. Overall, I consider that the Marton Village Neighbourhood Plan places appropriate emphasis on conserving and enhancing its natural, built and historic assets, having regard to the NPPF and in general conformity with the Local Plan.

4.24 Policy PE4 of the plan states it is essential that views to the mature sycamore within the paddock off School Lane are retained, and Policy PE7 seeks to preserve ancient hedgerows and valued trees. However, the sycamore tree is suffering from decay, and is no longer protected by a Tree Preservation Order (TPO). At the time of my site visit, this tree in the centre of a field where sheep were grazing looked green and healthy, and provided an attractive feature in the centre of the village. Nevertheless, I consider that the plan should be modified to clarify the current situation regarding the TPO and recognise that this landmark tree has a limited life.

4.25 My attention was also drawn to the appeal statement from Cheshire East Council's Landscape Officer for the proposed development on School Lane, ref 15/2274M. This stated that development of the site, being the green space to which Policy PE4 relates, would not have any significant landscape or visual impacts. It was noted that the site had no formal designation for landscape protection. I accept that the green space at the centre of the village is enclosed by roads and housing, so that its development not affect the wider landscape or have a significant visual impact on the countryside out the village. However, saved Policy RT2 of Macclesfield Borough Local plan states that open spaces in residential areas should be protected from development and enhanced as appropriate. Policies SD1, Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 3 Portwall Lane, Bristol BS1 6NV Registered in England and Wales, Company Reg. No 0100118 VAT Reg. No. 237 7641 84 15 SD2 and SE6 of the emerging Cheshire East Local Plan continue this protective theme.

4.26 The last sentence of Marton's Visual Amenity, Page 24 of the neighbourhood plan, highlights "shorter range views over the paddock in the heart of the village... enjoyed by the residents who live in the surrounding houses". I consider that the green space is a visually attractive feature for pedestrians and road users on School Lane and Oak Lane as well as for residents, whether or not the mature sycamore tree remains there. I note that the Design and Access Statement submitted in support of the planning application refers to provision of on-site open space, and the proposed layout shows a "village green/community open space" area around the existing mature sycamore tree. There appears to be recognition that some open space in this prominent location should be retained, even if housing development is permitted.

## Appendix 4

### Police Report

#### School Report Form 43

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

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

## Appendix 5

### **SCHOOL PARKING and SAFETY**

Date: March 2016

#### **Marton Parish Council's response to HSL Technical Note dated 22<sup>nd</sup> February 2016 School Parking Survey.**

##### **1. Background**

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

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

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

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

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

It was the Parish Council's understanding that after seeing the photographic evidence Highways would ask the developer to carry-out a Road Safety Audit. This has not happened and what we have is a parking survey, with no mention of the traffic conditions and little reference to the safety problem. (See Appendix 3 RSA)

## 2. Comments on Survey

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

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

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

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

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

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

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

Rule 243 of the Highway Code states:

“DO NOT stop or park :

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

(See Appendix 4)

Section 2.1 of the Development Control Advice Note 15 issued by The Planning Service

relates to visibility splays and states “Good visibility is essential to enable drivers emerging from the minor road to see and be seen by drivers proceeding along the priority road”. This is clearly not achievable when vehicles are parked within the proposed visibility splay zones 1&2.

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

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

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

### 3. Recorded Evidence of School Parking Safety Issues

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

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

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

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

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

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

#### 4. Summary

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

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

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

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

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

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

Marton Parish Council

#### Appendix 1

**Matthew Symons**

---

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

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

John Thompson  
Project Director

*We're going to MIPIM 2016. If you would like to see us there please contact us at [mipim@sktransport.co.uk](mailto:mipim@sktransport.co.uk)*



SK Transport Planning Ltd  
Albion Wharf, Manchester, M1 5LN  
M 07809 876 704  
D 0161 234 6509  
[jt@sktransport.co.uk](mailto:jt@sktransport.co.uk)  
[www.sktransport.co.uk](http://www.sktransport.co.uk)

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---

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

John

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

Regards,

Paul McDowell  
**Strategic Infrastructure**  
**Cheshire East Highways**

\*\*\*\*\*

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Please see images on the following pages.









## Appendix 3

### **“What is a Road Safety Audit?”**

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

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

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

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

### **The importance of Road Safety Audit**

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

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

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



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

## The Highway Code

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

### Rule 243

**DO NOT** stop or park:

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

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

## Visibility From the Minor Road

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

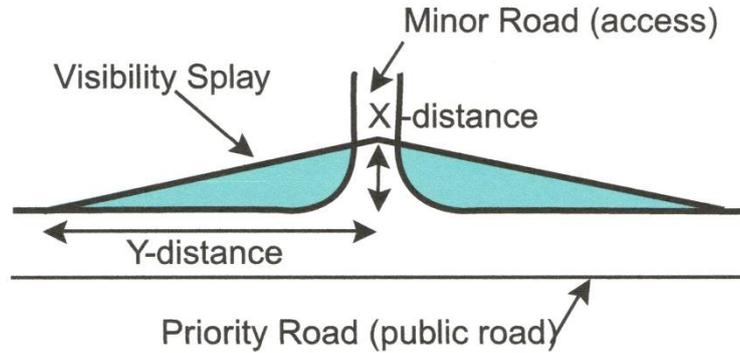


Fig 1: Visibility Splays

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

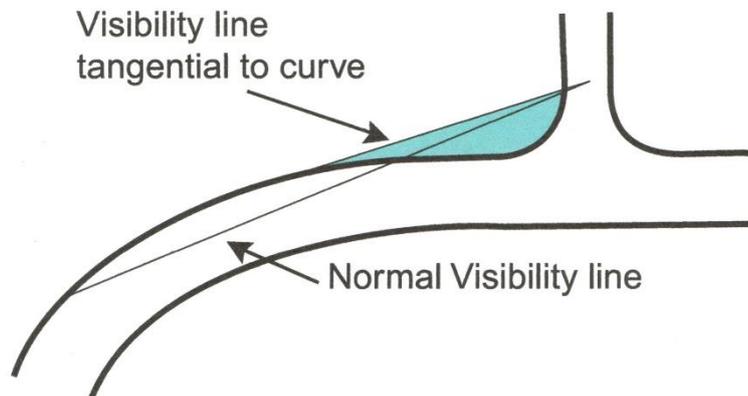


Fig 2: Visibility Splays for Access on Outside of Bend

## Appendix 5

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

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

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

**Application\_details** -  
**Application\_reference** 15/5637M  
**Application\_site\_address** Land Off  
SCHOOL LANE  
MARTON

**Purpose** No Selection  
**Interest** Member of the Public

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

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

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

**Proposal** make a general observation

**Interested\_partys\_details** -

**Title** Rev  
**Forename** Ian  
**Surname** Arch  
**Address** The Vicarage,  
School Lane,  
Marton,  
SK11 9HD

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

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

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

**Application\_details** -  
**Application\_reference** 15/5637M  
**Application\_site\_address** Land Off  
SCHOOL LANE  
MARTON

**Purpose** No Selection  
**Interest** Member of the Public

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

**Access\_\_OptIn** yes  
**Natural\_OptIn** yes  
**Proposal** Object to the proposal

**Interested\_partys\_details** -

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

\*\*\*\*\*

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

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

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

**Application\_details** -  
**Application\_reference** 15/5637M  
**Application\_site\_address** Land Off  
SCHOOL LANE  
MARTON

**Purpose** No Selection  
**Interest** MP or Councillor

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

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

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

**Policies\_And\_guidance\_OptIn** yes

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

**Character\_Design\_OptIn** yes

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

**Access\_OptIn** yes

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

**Natural\_OptIn** yes

**Proposal** Object to the proposal

**Interested\_partys\_details** -

**Title\_if\_Other** Eaton Parish Council  
**Forename** NA  
**Surname** NA  
**Address** Eaton Parish Council

## Appendix 6

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

Subject: School Parking Meeting 28th February 2014  
From: DEREK SCHWENDENER (janandick.schwendener@btinternet.com)  
To: head@marton.cheshire.sch.uk; sue.furness@hotmail.co.uk; gogsbailey@gmail.com;  
Cc: marton.clerk@gmail.com; Lesley.Smetham@cheshireeast.gov.uk; jdmcgowan09@googlemail.com; john.rylands@northernventure.co.uk;  
Date: Monday, 3 March 2014, 16:04

Hi Sue,

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

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

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

Regards

## Appendix 6

### REGISTER OF DWELLINGS GRANTED PLANNING APPROVAL OR AWAITING A PLANNING DECISION FROM FEB 2015

February 2015 was the date that the Designated Neighbourhood Area was agreed for Marton. The Designated Neighbourhood Area maps directly onto the Marton parish boundary. This document will be updated periodically, and lists the dwellings within the Marton Designated Neighbourhood Area that have been granted planning approval by Cheshire East.

**Policy RCD0:** Local housing needs will be met through:

- The development of brownfield sites
- Infill
- Conversions

And at the edge of existing settlements in locations that will not cause harm to the wider landscape and setting of Marton.

#### Applications granted planning approval

Planning Ref.	Description	Approved
16/3707M	Oakcroft Farm, Cocksmiss Lane, Prior approval for change of use from agricultural building to dwelling	2/9/16
16/0914M	Cherry Barrow Farm, Congleton Rd. Two detached three bedroom dwellings	3/10/16
17/0232M	Church Farm, Congleton Rd. One detached three (16/1345M) bedroom dwelling	7/3/17
17/0599M	Messuage Farm, Messuage Lane. Prior approval for change of use from office to dwelling	24/3/17
16/3809C	Land off Cocksmiss Lane. Outline permission for agricultural workers dwelling	11/4/17

17/1093M	Mossbank Farm, Cocksmiss Lane. Conversion of agricultural building to dwelling	24/4/17
17/0599M	Messuage Farm. Conversion of building from office to dwelling	24/3/17
18/6238M	Brickyard Farm, Congleton Road. Conversion of barn /garage to dwelling.	21/3/19

**Applications awaiting planning decision**

**Planning Ref.      Description**

18/1908M      Davenport Lane Farm, Davenport Lane, Agricultural workers dwelling.

## Appendix 7

1. Chapel Brook Cottage, 4 bed semi-detached house for sale.
2. Congleton Road, 4 bed house for sale
3. Cherry Barrow Barns planning permission two x 3 bed detached houses for sale
4. Congleton Road, restaurant with 1 bed flat for sale
5. Pump Cottage for rent, vacant
6. Number 1, Mere Cottages, for rent, vacant
7. Yew Tree Cottage, for rent, vacant

**Proposed Housing Development Site.  
Land off School Lane, Marton.  
Planning Application No: 15/2274M  
For 27 Dwellings.**

**Technical Note  
Addendum**

Prepared by

**Progress10 Design**

Report No: P10-0033-NPC

Report No.	Date	Written	Checked	Approved
P10-0033-NPC	OCT 2015	N.C.	C.E.C.	N.C

**Mission Statement.**

**Progress10 Design** have been appointed by **Marton Parish Council** to produce a technical addendum to the related June 2015 Technical Note In order to endorse the objections to this development proposal on the grounds of a lack of sustainability. The requirement is to identify issues of sustainability and the lack of realistic and practical options for modes of travel other than by car with regard to the Cheshire East Council planning application No: 15/2274C.

In addition **Progress10** will comment on detail aspects of the Transport Statement which accompanies the planning application, together with a Technical Addendum provided for the development and identify the shortfall and inaccuracies which the document contains with regard to the sustainability of the site.

The following technical addendum seeks to provide a view on the above mission statement to support the Parish Council in their representations at a public inquiry.

This information has been developed after: detailed research, site visits and appropriate site survey work to understand traffic conditions and the necessary junction design approach.

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**Land off School Lane, Marton. Planning No: 15/2274M for 27 Dwellings.**

**Transport Addendum**

**1. Introduction.**

Progress10 have produced the following technical addendum to support the concerns of Marton Parish Council with regard to a planning application at land off School Lane, Marton for 27 houses.

The planning application was refused by the Cheshire East Council Northern Planning Committee in October 2015. The grounds were that the proposed development was not sustainable. This decision taken by members after the presentation of significant objections from local residents and the Parish Council on the grounds of a lack of sustainability as well as a number of significant other factors.

**2. Site description and local highway network.**

The site comprises 1 parcel of greenfield land with its main frontage to the adopted public highway of School Lane.

School Lane is a local village lane which serves the Marton and District CE Primary School and a small number of local residential properties. The lane has sufficient width for two vehicles to pass up to a point just beyond the school where the lane becomes less wide and more rural in nature.

Beyond the school the 30mph speed limit changes to national derestricted (60mph). There is no street lighting along School Lane and there are no footways with just a small amount of pedestrian refuge outside the school itself. There are very narrow highway verge areas which provide very limited pedestrian refuge against the hedge lines and this was noted as an uncomfortable position for pedestrians at the site visit. This is the environment within which school pupils are delivered to school by parents on a daily basis in term time.

Oak Lane has a junction with School Lane immediately alongside the south west boundary of the school and also with the north east boundary of the proposed development site.

There is no street lighting on this length of Oak Lane fronting the site and the carriageway is extremely narrow down to as little as 3 metres in width in places. This restricted width will not allow two cars to pass. There are no identifiable passing places along the frontage of the site at this location.

Despite this, the presence of passing places is claimed in the submitted Transport Statement (TS).

There are passing places further along Oak Lane however they do not front the site and give the site no benefit. In addition these localised widenings on Oak Lane frequently hold parked vehicles which renders them unavailable.

### 3. Proposed site access junction.

The proposed access is for a priority controlled junction on the School Lane frontage and the TS provides speed survey readings taken from an automatic traffic counter which was employed on site and which record both traffic flow and speed.

The junction design has been the subject of revisions due to the invasive nature of the required construction on significant local trees fronting the site.

It is indicated to serve a 4.8 metre wide carriageway at the junction mouth and SK Transport Dwg No: SK21519-003 (Rev A), demonstrates the offered junction geometry along with the proposed visibility splays which are based on Manual for Streets guidance against measured 85<sup>th</sup>-ile vehicle approach speeds.

Despite errors in the original TS speed figures, it is understood that the CEC Strategic Highways team are happy to accept the visibility splay design.

It remains to be seen whether this junction design would remain inherently safe given the design approach and the local factors of congestion at school arrival and dispersal times.

This is compounded by the multiplied junction turning movements which are likely to be generated by parents frustrated by being unable to park within the development, or on street, due to the density of school arrival and dispersal traffic in the morning peak hour as well as mid-afternoon.

In addition and due to the heavy on-street parking at school arrival and dispersal times local traffic and vehicles visiting the site are often forced to travel on the wrong side of the road when approaching the A34 junction.

### 3. Sustainability.

The TS claims that this site is sustainable in a number of ways.

Clearly there are some local facilities however to complete a family shop or travel to out of village facilities the Transport Statement suggests that the site is sustainable by: pedestrian links, cycle links, bus links and by car to the railway station to take a train. It also notes that there are cycle stands at the railway station.

There is also a reference to a previous D&G bus service which is no longer provided.

The TS is also accompanied by a Travel Plan Framework which gives appropriate general comments about Travel Planning and its management.

Marton Parish Council express concern regarding the sustainability of the site as the claimed links within the TS are given status beyond their actual facility.

The TS states that the site will be sustainable via pedestrian links which are: 'pedestrian leisure routes', however these routes are not defined and tied into the body of the TS though reference is made to public rights of way and lowly trafficked roads.

The Parish Council are concerned that with no real pedestrian refuge and despite low traffic volumes, there is a real concern over pedestrian vehicular conflict should these local carriageways be relied upon by the new development.

Unfortunately, carriageways will be relied upon by the development as there are significant breaks in the connectivity from the development to the limited existing pedestrian links.

#### **Provision of new footways.**

With the revised junction design and the fact that there was insufficient control of land to provide a frontage footway link to the A34 the site now fails to provide this requirement.

The Highway Authority have expressed no concern that pedestrians will need to walk on the carriageway in live traffic for a distance, however this does not overcome the fact that in provisional terms the development proposal does not provide this pedestrian link, despite an original intention to do so.

This incremental step towards the provision of a sub-standard development in terms of sustainable links and quality of design and facility must be a negative indicator in this respect.

Had the original research on the site been thorough, this incremental path towards a less than satisfactory position may have been seen to be less acceptable than the current position allows.

There remains no offered technical design for the footways proposed and the fact that the Highway Authority have required an informative for a Section 278 agreement leaves the design open at this time despite the access strategy for the site being the only detailed matter within the application.

These restrictions on the potential for minimum design standards are a real concern without an offered design and again any design which provides new features within the existing public highway should be subject to the Road Safety Audit process which has not been provided within the application detail.

Clearly this would be required at S278 stage, however if a safe design is not available at that time – should the development go ahead – will this lead to a further reduction in standards?

This lack of detail is a real concern for the Parish Council and Progress10 Design consider that this should still be deemed a lack of information in an outline planning application which has access strategy as a detailed aspect of the application proposal.

Indeed even in the revised access drawing the frontage footway proposed for School Lane still relies on highway verge only, and can no longer connect to the existing narrow footway at the junction mouth of School Lane with the A34.

This existing footway is only 0.6 metres wide at this point and this does not constitute sufficient refuge at minimum highway standards, even when pedestrians have gained this position after crossing a significant length of live carriageway to get there.

Clearly this arrangement will put pedestrians at risk in a traffic environment which at peak flow hours and especially at school arrival and dispersal times is congested and has a high frequency of turning movements at the junction of School Lane with the A34.

New development should not put pedestrians in an environment where they are at risk and this development proposal fails to demonstrate a design approach which appropriately provides for pedestrian safety and accessibility.

#### **Proposed footway link from the development to the A34.**

Marton Parish Council are concerned that the proposal to provide this footway link will have an adverse impact on the frontage trees and hedge bank and in highway design terms the following information is considered to be relevant.

The proposal for this footway is shown on the master plan for the development and is referenced in the Transport Statement (TS).

On inspection it is clear from the A34 frontage that there is a high hedge bank on this frontage which is approximately 1.5 metres higher than the carriageway of the A34. There is no footway provision at this point. The hedge bank also supports mature trees.

The requirement at this point would normally be for the provision of a 2.0 metre wide frontage footway and such a footway is shown on the master plan. The existing verge is broadly wide enough to support this level of provision.

However whilst this provision is shown in plan view there is no drawing to demonstrate cross section or indeed level differences and no detailed design is provided.

The Highway Authority have not secured the requirement for detailed drawings either by negotiation or by planning condition and are relying on a S278 informative when appropriate detailed design may not be able to be achieved.

There is also a question with regard to the safe generation of pedestrian traffic onto this frontage.

Without a design which will safely receive pedestrians and perhaps provide a staggered barrier or similar to reasonably slow pedestrians or even cyclists before meeting the A34, there is no offered detail of a safe design.

The significant level differences will also demand excavation to match emerging levels onto the A34 and this will have a significant impact on the root spread of the mature trees on this frontage and reduce their stability and be likely to affect their life. Indeed it is very likely that these trees would be lost to this footway provision.

Once again, the application does not provide detailed design for this pedestrian link despite the entry on the application form that access is not a reserved matter.

#### **Cycle Routes.**

It is accepted that there is a recognised cycle route (No 55) which gives a continuous route to reach facilities in Congleton and the Parish Council agree that this is the case. This is the only cycle route which is available on the recognised network.

It is however a concern of the Parish Council that this route whilst available is circuitous and only reaches Congleton by a more lengthy route than can be taken by convenient transport such as the private car.

Indeed National Cycle route 55 is almost 8 kilometres from Congleton town centre which is significantly further than recognised acceptable cycling distances. In addition the route is both tortuous and narrow with blind bends and no refuge or lighting.

The route has significant gradients which would challenge all but regular cyclists, so choosing this route and mode of travel for a food or other shopping trip or as travel to work would be impractical, especially in winter.

It is therefore considered that whilst this cycle route is available, it is unlikely to be attractive as a commute to work or indeed to do a family shop and therefore the Parish Council feel that this route is only of limited value and should not be considered to be a robust provision locally for anything other than leisure cycling for exercise or recreation.

Progress10 concur with this view and having cycled the cycle route which links to Congleton it measures more than twice the measured distance of a short car journey to the same destination via the A34 and more than ten times the duration.

This cycle route is not likely to be considered a practical option to the use of the car from this rural village when needing to complete significant retail trips or work travel.

### **Bus Service.**

The Parish Council have expressed concern that the D&G bus service referenced in the TS is limited to: dial service 24 hours in advance and only for passengers with disability and over the age of 80.

The SK Transport TS states at 5.1 that:

*'Marton is served by D&G Little Bus Service. This is a demand responsive, flexible bus service providing public transport connections for rural areas in Cheshire East.'*

Unfortunately this statement is incorrect.

Contact with D&G has revealed that in fact this service is no longer provided by D&G and their service only reaches as far north as Congleton itself.

The claim that Marton is served by bus as a sustainable mode of transport is therefore incorrect in terms of the D&G service and no other bus service exists.

### **Congleton railway station.**

The TS quite rightly states that the railway station in Congleton can be reached by cycle journey and that there are cycle stands at the railway station and the TS also references car travel as the likely option to reach Congleton railway station.

Unfortunately the TS fails to recognise that Congleton railway station is 9.5 km from Marton and therefore almost twice the recognised 5 kilometre distance for regular cycle journeys. It is therefore not practical to cycle to the railway station for an onward journey if you live in Marton and this cannot be considered to be a sustainable travel opportunity.

### **Conclusion.**

The Parish Council consider that the claim that the proposed development site is a sustainable site is flawed and the examination above in this report does provide evidence which would support that view.

### Sustainability and planning policy.

In the planning report for this development proposal dated 7<sup>th</sup>, October, 2015, the LPA state reasons why the development should be allowed against a broad overview from the NPPF policies.

The LPA quote all of the reasons the NPPF gives for allowing development however in the area of sustainable travel, its benefits and the lack of facility for this site there is certainly an opportunity to examine this in more detail.

Marton Parish Council are concerned that Marton village does not have sustainable travel options and that the site will be car travel dominated which does will not align with the intentions of the Neighbourhood Plan, which will require new development to provide for sustainable transport and encourage its use above single car occupancy journeys.

The application detail does not provide this level of attention to sustainable transport issues:

- It claims sustainable links where none exist.
- It does not acknowledge the concerns regarding junction design and the congestive parking at the school.
- It does not provide ratified design for pedestrian links which may or may not be achievable.
- It expects pedestrians to walk in live traffic.
- It claims use of cycle links which are completely impractical for travel to work or shop.
- It claims cycle links which are clearly significantly outside recognised travel distances.
- It claims sustainable links to Congleton railway station where only car journeys are practical and convenient.

This development proposal does not offer or reasonably promote sustainable modes of travel or indeed reasonably improve those very limited facilities which do exist.

In this respect Progress10 consider that the view of the Parish Council, which insists that this site is not sustainable in terms of travel is justified and robust. The Parish Council do consider that under the requirements of the NPPF this site is not sustainable development.

Despite the employment benefits to the construction industry and the other latent planning benefits, the travel issues and associated traffic congestion together with the potential public highway hazards, are a significant concern and that in local terms the impact from this site could be considered severe under the terms of the National Planning Policy Framework.

#### 4. Highway Safety.

The original developer proposal was to provide a small local car park intended to serve school arrival and dispersal traffic however this has now been removed by the applicants and therefore any mitigation of displaced car parking for school arrival and dispersal traffic has been lost. This car park was to face the side pedestrian entrance to Marton school in the revised plan before the car park was removed from the scheme.

This loss of off-street parking is significant as the introduction of a new junction onto School Lane will reduce the amount of available space for parking which is fully utilised by parents at school arrival and dispersal times currently.

In addition the fact that the on-street parking will become more congested means that this new junction will frequently be obstructed, both in visibility terms for emerging traffic and also potentially for turning movements into and out of the junction.

Combine this situation with the fact that the on-street parking will force vehicle to travel on the wrong side of the road approaching the junction and there is a significant potential for hazard at the junction in excess of that normally expected.

These issues are significant and have not been given the weight that Marton Parish Council feel was appropriate.

Progress10 do consider that this view taken by the Parish Council is of merit and should be a contributory factor in decision making on this development proposal.

Any development which does not provide a properly designed and safe access strategy at a time when access is a detailed matter, should have a presumption that design and detail is inadequate and decision making should be influenced by these factors.

This development does not:

- Provide a detailed safe design for pedestrian access strategy.
- Provide safe pedestrian link design to the existing adopted footway infrastructure.
- Demonstrate sustainable cycle links to the necessary facilities in Congleton which are appropriate and fall within recognised cycling distances.
- Recognise that there is no local bus service available for sustainable modal travel. In fact it claims there is a bus service when none exists.
- Acknowledge that the railway station in Congleton is so far away that it is double the distance of recognised cycling distances for sustainable cycling journeys. In fact it claims that cycle travel to the railway station is acceptable for onward journeys.

It must be concluded therefore that despite the LPA reasoning that the overall balance of the proposed development does constitute sustainable development against various paragraphs in the NPPF that in transport terms the site falls short of a sustainable position in every respect.

It is considered that there is a genuine concern that this site is not sustainable in highway terms and due to a lack of facility locally and proposed design would produce a development which is likely to be less safe in highway terms than other better located sites would be.

## 6. Overview of the Transport Statement.

Marton Parish Council have read the TS and have discussed some points which they feel are not accurate in detail when considered on site at School Lane.

Progress10 have assessed the TS and find a number of areas where the detail appears to be incorrect. They are numbered in the TS as follows:

*2.3 'Marton is a small village with a population of circa 300 benefitting from excellent links to Congleton and other regional destinations via the A34.'*

It is clear from the assessment above that the pedestrian and cycle links are actually poor and the bus service no longer exists.

*2.8 'Oak Lane is a generally single track lane circa 3m in width with short sections of widening allowing vehicles to pass.'*

There are no passing places on the Oak Lane frontage to the site.

*2.12 'Existing traffic flow levels are very low with less than 400 vehicle movements per day in each direction. Peak traffic levels clearly coincide with school arrival and departure periods on weekdays.'*

There is no real assessment of the on-street parking at school arrival and dispersal times and the Parish Council have much photographic evidence that this parking reaches back to and the adjusted proposed junction position in the morning peak hour. The extent of the parking is acknowledged at 2.6 in the TS but the potential obstruction to the junction and its visibility splays is not considered.

*4.13 'Policies T2, T3, T4 and T5 of the Local Plan outlines support for development that promotes and caters for opportunities for movements by walking, cycling and public transport. The TS shows that the proposed layout, village location and existing sustainable transport infrastructure meet the requirements of the Local Plan.'*

Given the doubt cast on the sustainability of the site by the Parish Council and the assessment in this report which identifies shortfall in these sustainable travel opportunities there is significant doubt that the TS is accurate in this regard or indeed that the TS does show compliance with the Local Plan requirements. The later Technical Note provided by the applicant continues to fail to address these issues.

5.10 *'Marton is served by D&G Little Bus Service. This is a demand responsive, flexible bus service providing public transport connections for rural areas in Cheshire East.'*

Marton is not served by a D&G bus service.

5.13 *'Access opportunities exist by public transport that are in line with the advice on rural developments in NPPF.'*

The quality and practical use of these sustainable links is thrown into doubt by the views and knowledge of the Parish Council and the evidence in this report confirms that view.

**From the Travel Plan:**

2.6 *'Signalised crossing points are provided on Belle Vue Road north and south of the site at the junctions with Greyfriars Road and Betton Street.'*

All of these named public highways appear to be situated in Shrewsbury.

**Vehicle Trip Rates.**

The trip rates for traffic generation given within the TS are taken on a general examination of the TRICS database and this has drawn on data from many suburban sites within TRICS.

Suburban sites are not a good match for the rural nature of Marton village and Progress10 consider that a more accurate production of trip rates would have been gained from either: specific selection of rural sites from within the TRICS database or a specific site survey of a similarly situated site of comparable scale within the Cheshire area.

Clearly this has not been considered and the trip rates offered are relatively low for such a remote rural location which has limited sustainable transport options.

The above issues all provide question against the accuracy and validity of the Transport Statement provided in support of this planning application and given the strength of the concerns of the Parish Council should be considered as material evidence in their favour.

**Subsequent Technical Note.**

Subsequent to the early objections to this development proposal the applicant supplied a highway technical note from their own consultant which updated some of the details for the application.

The TN did not address the concerns over the inaccuracies in detail which had been brought to light. Nor did it address the lack of detail on access strategy or the mistakes and misleading details on sustainable transport links.

The application therefore still renders a significant lack of information in highway terms which does still constitute a lack of relevant information.

## 7. Conclusion.

Progress10 have considered the real concerns of Marton Parish Council and have provided assessment of relevant areas of the submitted Transport Statement and examined details against them. The additional Technical Note has also been considered.

The Transport Statement and Technical Note still fall short of detail in terms of design provision and does not provide evidence in a number of areas noted above. It also has incorrect details within the body of the document such as bus service provision and incorrect site references.

In addition there are questions regarding safe highway design which remain unanswered given the lack of sufficient room to provide footways.

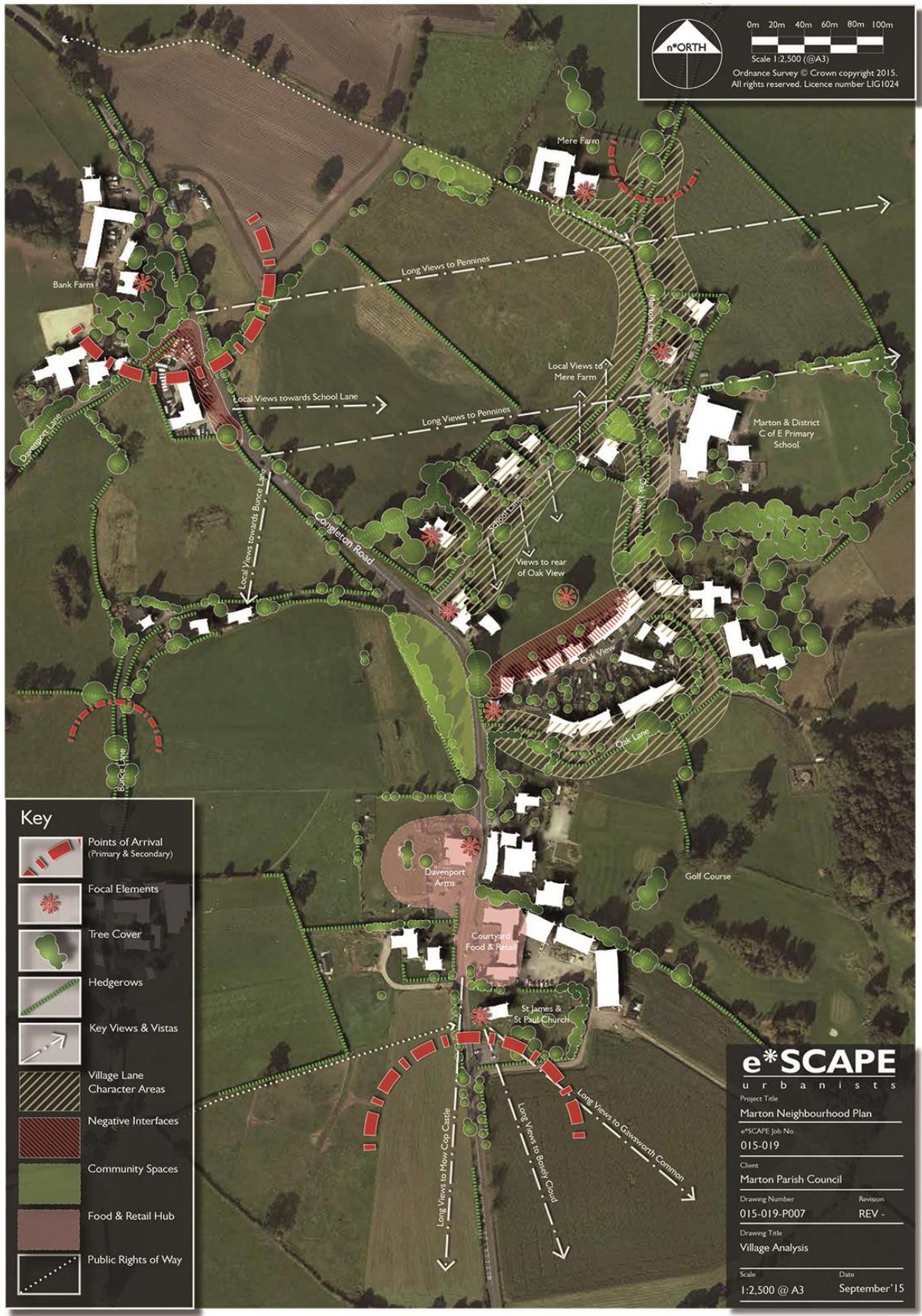
The two documents do not comply with policy in the NPPF or the need to promote and provide for sustainable transport options.

As a result Progress10 Design maintain the view that the application detail does not provide an appropriate level of detail to demonstrate a safe and sustainable access strategy for the site.

Nigel Curtis I.Eng M.C.I.H.T.  
Progress10 Design

October 2015

# Appendix 9



## Appendix 10

### **MARTON ENVIRONMENT NEWS**

This is the first Marton environmental news column, in the months to come hopefully we can spread some ideas and thoughts about how we can all help and improve our environment and so help ourselves a little. I would now like to outline the ideas behind Marton's environmental plan and outline what progress has taken place.

Over the last year or so, a number of conversations and discussions have taken place about how Marton residents feel about the local environment. The discussions raised the following main concerns:

- 1) Noise and air pollution from the A34.
- 2) A reduction in tree numbers and an over preponderance of over mature trees.
- 3) An increased 'saminess' in the rural environment.
- 4) Litter appears to be increasing.
- 5) Concern over the number and variety of birds and animals.

As a result, the Parish Council and village tree warden developed a broad environmental plan for the village that will be attached to the village plan. This was not a rigid scheme but rather a more flexible set of areas and ideas where improvements can be made as and when resources allow. Thus creating a healthier and more diverse environment in the village from which we can all benefit.

As a result, the following target areas were proposed:

- 1) To continue to gap and plant roadside hedges throughout the village to create a complete cordon of mixed hedge throughout the village, with initial concentration being on the A34 with a view to absorbing pollution and reducing noise. Hedges also act as wildlife corridors so a link network of roadside and field hedges is highly desirable.
- 2) To try to encourage land- owners and tenants to leave hedges a little taller-this will benefit all hedgerow wildlife.
- 3) To plant trees in appropriate gaps throughout the village-providing replacements for over mature and fallen trees and helping to tackle global warming.
- 4) To plant another heritage variety orchard strip around the junction of Hodge hill and Davenport lane. As farm orchards are reducing, we hope to increase habitat diversity by re- introducing new orchard areas
- 5) To fit a variety of bird and bat boxes throughout the village-again to replace nesting sites that may have been lost.
- 6) To communicate with householders regarding how gardens could be more effectively used as habitat 'oases'.

7) To continue to speak to tenants and landowners about generating small scale habitat improvements.

8) To manage the area known as 'The Green' alongside the A34 to generate a woodland and flowery meadow environment-again increasing habitat diversity.

9) To look to use areas such as The Spinney, Church Yard and School grounds to generate habitat diversity.

10) To open dialogue with the EA to re stock and develop Chapel brook as a wildlife corridor that links to hedges throughout the village.

Over the winter a further 150m metres of hedge have been planted along the A34 on Chapel bank and I would like to express my thanks to Caddis for their help and generosity in this matter. At the time of writing a further 10 trees have been planted around the village and if winter returns there may be time to plant a few more! The parish council have also taken a tenancy on a small patch of land that will serve as nursery area for trees and hedge plants so that we can grow on plants and use in future at a size that will improve survival rates. We also hope to use this column to tackle point 6 above! Could I also thank those of you who continue to pick up litter around the village? I enclose a photo of the litter picked on Bunce lane, which is proving to be a litter black spot now that it has become a car rat-run. It is galling to tidy up someone else's mess but if we do not it just makes it OK for the next person to drop litter. What is especially annoying is that nearly all of the litter picked up is recyclable.

Environmental issues often create mixed feelings and negatives beliefs such as-Why should we do it. Will it make any difference? Isn't it somebody else's job? We live in a modern world, who cares? Life is so busy, who has time and I can't change my lifestyle- are easy to understand; but I think that awareness of the fact that the world's health is our health is growing and we need to appreciate that it is the Earth that provides all our resources for life so we should look after it. We may not be able to cure all the earth's environmental problems, but we could possibly start trying to improve our local patch, so benefitting ourselves and hopefully spreading the idea that we can all help a bit!

John Percival.

Appendix 11

**RISK ASSESSMENT CAR PARKING**  
**MARTON AND DISTRICT C.E. PRIMARY SCHOOL**  
**MARCH 2014**

**Planning Application No: 15/5637M**

**Proposal: Erection of up to 27No. Dwellings**

**Location: Land off School Lane, Marton, Macclesfield**

## Risk Assessment School Parking Marton

### Introduction

The following risk assessment was conducted in March 2014 by two members of Marton Parish Council to establish the risk to parents and children attending the school and to the residents of Marton.

Since the assessment was carried out the school has improved its parking facilities within the school grounds for its staff. This has reduced the occasions the school staff have to park outside the gates on School Lane. The number of school buses has been reduced from 3 to 2 due to the reduced demand from the parents. This has resulted in children that have previously used the school bus now being taken by car.

The situation that exists today is not significantly different to what prevailed at the time the risk assessment was carried out. Future pupil numbers are expected to be static or slightly increased in the future.

The Parish Council is concerned that the proposed housing development off School Lane will compound an already dangerous situation. The additional cars leaving or entering the site at school arrival and pick-up time will be faced with oncoming traffic on the wrong side of the road. Their line of sight will be severely restricted due to parked cars and by children and parents walking down the centre of the lane to the school. The supporting photographic evidence taken at the time of the risk assessment and since, shows clearly cars parked at the location of the proposed access road off School Lane. Also as a consequence of the access road, parents will lose in the order of 6-8 vital parking spaces.

The Parish Council concludes that the risk assessment and photographic evidence gathered since show clearly that the proposed access road is not sustainable and would result in making an already serious safety issue considerably worse.

There has been no attempt by the applicant to address the safety issue or for it to be recognised as a problem by Cheshire East Strategic Infrastructure Manager in his Consultation Response dated 10 June 2015, although there is recorded evidence of the safety problem. (See following relevant section from Marton Parish Council response to planning application 15/2274M dated 20/6/15 part 2 "Highways safety, inadequate parking and access")

"Any increase in vehicle movements as a result of proposed development would make the current situation even worse. It would be both foolhardy and dangerous. Councillor Lesley Smetham in an email to Councillor Rachel Bailey (15 May 2013) recognised the problem and stated "I have been at the school at home time and seen carers with children in pushchairs and toddlers walking alongside weaving in and out of parked cars with huge coaches and passing traffic and no footpaths along a narrow country lane. It is most worrying".

At a meeting held 3<sup>rd</sup> March 2014 between the school and Marton Parish Council (see Appendix 1) both the school and council recognise that there is a safety issue for the parents, children and residents.

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

Additionally when the leader of the Council, Michael Jones, attended our Parish Council meeting on 9 Feb 2015 on the subject of school parking he said 'the answer was not to carry out a risk assessment because there is clearly a danger to school children and therefore action must be taken'

## **Risk Assessment Car Parking Marton and District C.E Primary School**

There have been problems over many years with parking in the surrounding area to the school. This situation has deteriorated in recent years as a result of increased activity at the school. The introduction of a reception class, expansion of the school nursery and Cheshire East's new policy on assisted transport for children attending denominational schools has also impacted on parking. There is very limited parking in the school grounds and on occasions staff have to park outside on the road.

Parking spaces that have been used in the past by parents have also been reduced: white posts now border the grass verge on Oak Lane outside the school, and a large paved area in front of the school has flower planters strategically positioned to prevent parking for safety reasons. As a result, desperate parents have to use whatever space they can find, resulting in residents' drives being blocked, traffic jams and the use of unsafe verges.

The main area parents use for parking is School Lane. The lane does not have a footpath and is a narrow country lane. Parking can stretch all the way down School Lane to the A34 and on occasions causes problems on the A34. Parents, some with pushchairs and toddlers, have to make their way down the centre of the road, dodging in and out of parked cars to avoid passing traffic, which can include heavy farm vehicles and large 50/60 seater school buses.

Parents also park on the verges north of the vicarage. This area is close to a bend in School Lane. Pupils and parents are at risk from passing traffic and from collisions when reversing out onto the road. On occasions parking on these verges has blocked the road to large vehicles. This could have serious consequences if an emergency vehicle was prevented access.

### **How was the risk assessment carried out?**

The assessors referred to relevant guidance on the HSE website and drew on their experience in using risk management techniques gained in industry.

Assessment based on observation of a period of months/years and with input from local residents.

### **Assessment carried out by:**

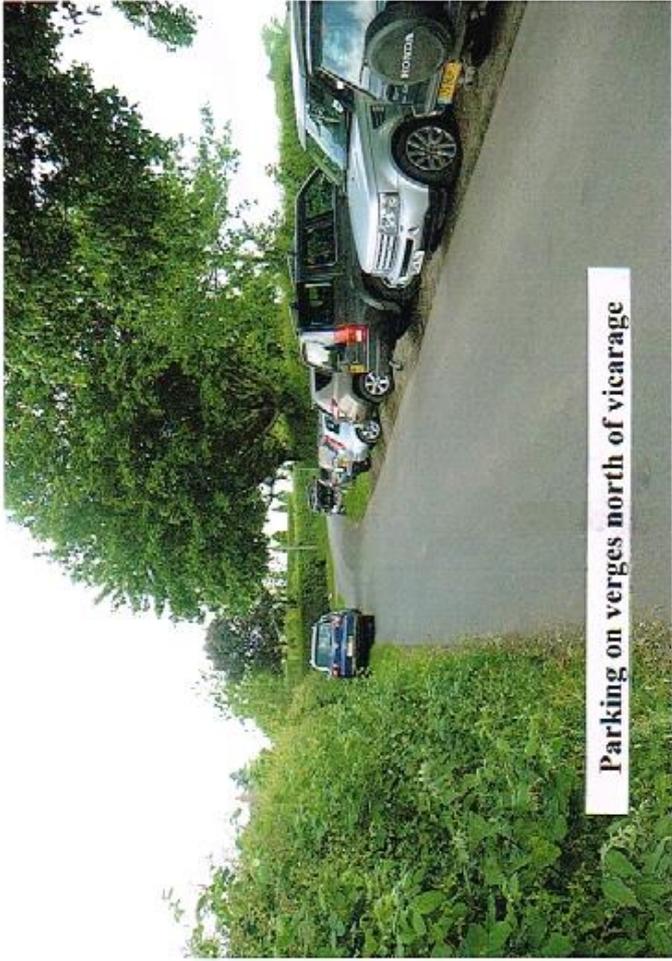
David McGowan (A.C.I.O.B.) Marton Parish Council

Dick Schwendener (C.Eng. M.I.E.T) Marton Parish Council

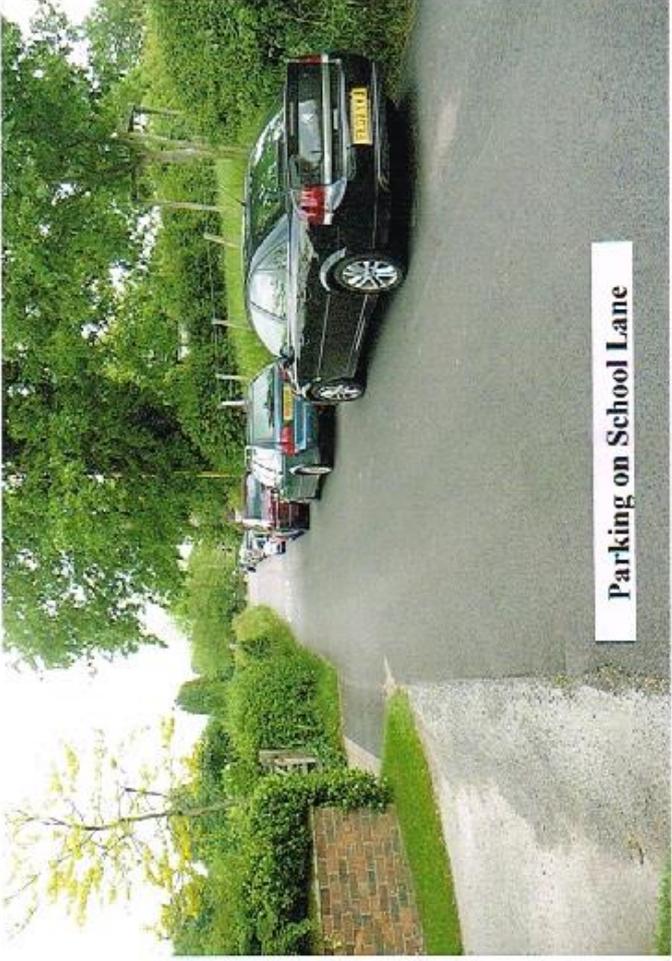
March 2014

**RISK ASSESSMENT CAR PARKING MARTON AND DISTRICT  
C.E.PRIMARY SCHOOL**

<b>What are the hazards</b>	<b>Who might be harmed and how</b>	<b>Possible solutions examined</b>	<b>Results of review of possible solution</b>
<p>Vehicles parked on School Lane. No footpath obscured view. Forced to walk down centre of road.</p>	<ul style="list-style-type: none"> <li>* Parents, pupils and residents.</li> <li>* Serious and possibly fatal injuries if struck by a vehicle.</li> <li>* [note vehicles on occasions have to reverse due to congestion]</li> </ul>	<ul style="list-style-type: none"> <li>* Provide a foot path on School Lane.</li> <li>* Encourage parents to use school buses.</li> <li>* Use a park and stride scheme.</li> <li>* Investigate sites for a school car park.</li> </ul>	<ul style="list-style-type: none"> <li>*Not sufficient space to provide footpath.</li> <li>* CEC policy on school buses has reduced use.</li> <li>* Viable car parks would require pupils to walk along A34 considered too dangerous.</li> <li>*Create car park in school grounds.</li> </ul>
<p>Parked vehicles on verges north of vicarage near bend in the road.</p>	<ul style="list-style-type: none"> <li>* Parents, pupils and residents.</li> <li>*Serious and possible fatal injuries if struck by a vehicle.</li> <li>*Risk of collision when reversing.</li> </ul>	<ul style="list-style-type: none"> <li>* Install bollards to prevent parents parking on verges.</li> </ul>	<ul style="list-style-type: none"> <li>*Would reduce parking spaces for approx. 15 cars.</li> <li>*No alternative parking areas available.</li> </ul>
<p>Reduced road width due to parked cars on verges.</p>	<ul style="list-style-type: none"> <li>* Stops access by emergency vehicles.</li> <li>* Could result in loss of life.</li> </ul>	<ul style="list-style-type: none"> <li>* Inform parents of risks associated with parking on the verges.</li> </ul>	<ul style="list-style-type: none"> <li>* Parents notified of risk resulting from restricting access to emergency vehicles.</li> </ul>



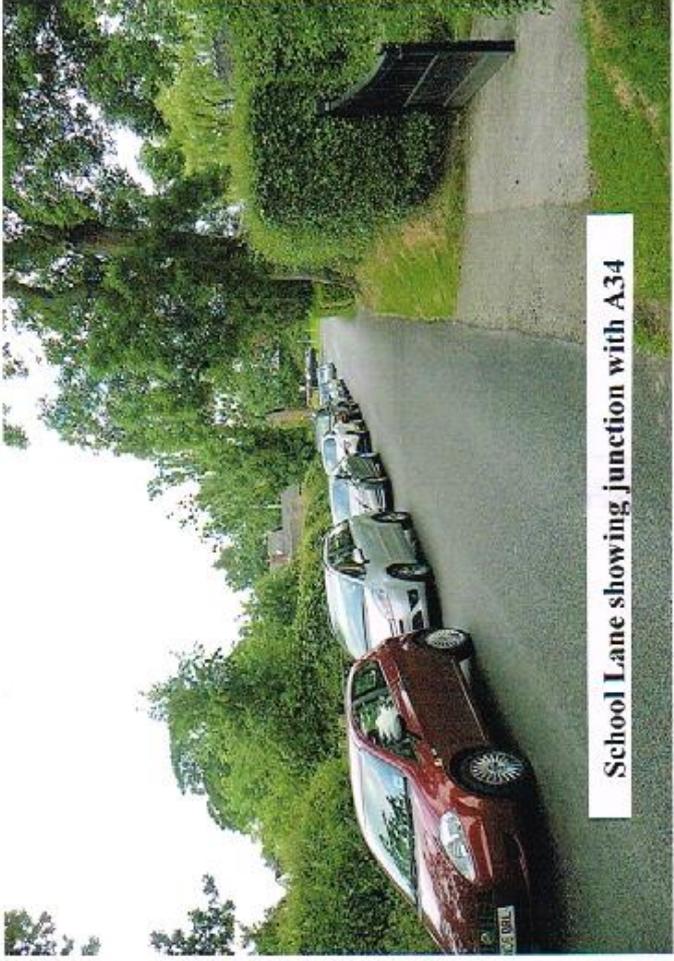
**Parking on verges north of vicarage**



**Parking on School Lane**



**Parking on verge north of vicarage**



**School Lane showing junction with A34**

## Supporting Photographic Evidence Recorded since March 2014

### Photographs Sheet A

Location: close to drive of Greenacre and directly opposite proposed access to the development site. Cars are reversing and carrying out a three point turn.

### Photographs Sheet B

Location: close to drive of Greenacre. Cars parked on School Lane to junction with A34 and south down the lane to the school.

### Photographs Sheet C

Location: close to drive of Mere House. Van can be seen reversing and parents and children alighting from parked cars.

### Photographs Sheet D

Location: close to drive of Mere House. View south down School Lane: parents and children waiting for vehicles to pass before proceeding down centre of road towards the school

### Photographs Sheet E

Location: School entrance showing congestion with school buses. Verges north of vicarage (near drive of Mere Barn) close to bend in road. Parents and children waiting for vehicles to pass before proceeding down centre of carriageway

Note: these photos do not necessarily show the most dangerous situations, as we have been careful to avoid taking photos of children—and of course it is just those situations, where children are walking between cars or in the middle of the road, that are the most dangerous.



A





**B**





C





D





E