

Application No: 15/2274M

Location: Land Off, SCHOOL LANE, MARTON

Proposal: Outline application for up to 27 No. dwellings with details of access. All other details reserved

Applicant: Hollins Strategic Land LLP

Expiry Date: 17-Aug-2015

SUMMARY

The application site is located within Countryside Beyond the Green Belt and the Jodrell Bank consultation zone, as defined by the Macclesfield Local Plan.

Although policy GC5 seeks to restrict development in the open countryside, the policy does not preclude residential development in such areas. An assessment of the contribution the site makes to the landscape/wider countryside has been undertaken. As the site is surrounded by residential development it is concluded that development of the site would not significantly harm the wider landscape/countryside in this location.

The Council cannot currently demonstrate a 5 year housing land supply. The development would provide up to 18 No. market houses and 9 No. affordable houses, which would make a beneficial contribution to meeting an acknowledged shortfall within the Borough.

The 3 No. roles of sustainability outlined in the NPPF (social, environmental and economic) have been considered to arrive at a conclusion regarding the overall sustainability of the proposal. Benefits have been balanced against the disadvantages. As well as the additional social benefit of provision of housing, the site has the potential to provide a high quality public open space accessible to existing residents in Marton as well as future residents of the new dwellings. The proposed development has a limited and acceptable degree of impact on: 1) the landscape (inc. loss of agricultural land), 2) trees and hedges, 3) ecology, 4) surrounding highways network, 5) the character and appearance of the area, 6) heritage assets and 7) neighbouring residential amenity. There are no significant environmental health concerns arising from the proposal.

The proposed development would provide some economic benefits, such as 1) the employment opportunities and the wider economic benefits to the construction industry supply chain; 2) future residents contributing to the local economy, which would assist in sustaining, and potentially increasing, existing amenities and 3) some contribution to the local economy via use of local amenities by construction workers.

Balanced against these benefits, it is acknowledged that the proposed development would change the village in respect of increasing the number of existing dwellings and residents relatively significantly. The outlook would change for a number of residents from their

properties. There would be a change in an area of existing landscape and a loss of some agricultural land. There would be some loss of trees and hedges with a corresponding ecological impact. There is a potential for a limited impact on the setting of the nearby listed building. There would be some increase in the number of vehicles using the surrounding highway network. However, none of these impacts are considered to be significant and they do not justify withholding planning permission.

Bearing all the above factors in mind it is considered that the proposed development does constitute a sustainable form of development within the broad context of sustainability outlined in the NPPF. As such, in accordance with para 14 of the NPPF, the proposal should be approved without delay.

Therefore, subject to the receipt of outstanding consultations and representations, a recommendation of approval is made, subject to conditions, informatives and Heads of Terms for Recreation Outdoor Sports (details to be confirmed) and 9 No. affordable housing units, secured via a s106 Agreement.

RECOMMENDATION: APPROVAL, subject to conditions, informatives and s106 Agreement

REASON for REPORT

The proposal is for up to 27 No. dwellings.

PROPOSED DEVELOPMENT

It is noted that the application has been amended twice during the course of the submission; the application initially included a small community car park accessed off Oak Road. The first amendment moved the access points away from Protected Trees. In response to further consultation comments received (in particular, concerns raised by the Arboricultural, Design/Listed Building and Greenspace Officers), the applicant amended the plans a second time, opting to remove the car park from the proposal, thereby allowing a) a better relationship between the proposal and neighbouring Listed Building, b) potential provision of a high quality public open space (village green) can be provided within the site and c) a reduction in the potential impact on trees and hedges.

This application now seeks outline planning permission for the erection of up to 27 No. dwellings and approval of access; the main access is taken off School Lane and there are 3 No. pedestrian access points from School Lane, Oak Lane and the A34 respectively. All other details, i.e. appearance, layout, scale and landscaping, have been reserved for approval at a later stage. It is noted that the Masterplan submitted provides an illustrative layout. This illustrative layout has enabled Officers to consider whether or not 27 No. dwellings could be accommodated within the site whilst also being able to potentially address all other key planning matters and accord with the required Development Plan policies.

SITE DESCRIPTION

The application site is a field located off School Lane, Marton, covering an area just under 1.3ha. The land is Grade 2 Agricultural land and is gently undulating. There is a relatively small derelict brick building located towards the south-western corner of the site (previously a Smithy). The site lies within Countryside Beyond the Green Belt and the Jodrell Bank Consultation Zone, as defined in the Local Plan. There are 4 No. Listed Buildings within the proximity of the site, the nearest of which is 'Greenacre', a Grade II Listed residential dwelling located on School Lane opposite the proposed main access into the site. The other 3 No. Listed buildings are all Grade II residential properties and are sited beyond the boundaries of the existing properties located around the site's boundaries. It is noted that following the submission of the application a Tree Preservation Order has been attached to a number of trees within and around the site.

School Lane passes by the north-western boundary of the site; there are residential properties on School Lane opposite the site. There is a residential property immediately beyond the north/north-eastern boundary of the site. Oak Lane passes by the eastern boundary of the site and there are residential properties and a Primary School opposite the site along its eastern boundary. Oak View is off Oak Lane and the rear gardens of residential properties located on Oak View (these properties are bungalows) back directly up to the south-eastern boundary of the site. The south-western boundary of the site partly abuts the rear boundaries of residential properties located along the A34 and partly abuts the A34 itself.

PLANNING HISTORY

The following planning history is noted for completeness, though the history is not particularly relevant now given that planning policy and guidance has changed considerably at National, Regional and Local Levels since the determination of these applications in the late 1980s.

49464P Residential development for nine dwellings. Refused, 05.08.1987.

58234P Use of land for residential purposes comprising eight detached houses, six starter houses and six elderly persons units. Refused, 17.05.2015

The reasons for refusal of both applications was similar, i.e contrary to the provisions of the County Structure Plan (1975) and its First Alteration (1985), specifically the policies relating to development in rural areas; and contrary to policies in the Macclesfield Local Plan pertaining to countryside.

NATIONAL & LOCAL POLICY

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise (this statement is repeated in the NPPF, para 2).

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

National Policy/Guidance

National Planning Policy Framework (NPPF)

Para 6 of the NPPF states that

The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 14 states that at the heart of the NPPF

...is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means

...approving development proposals that accord with the development plan without delay...and

where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

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

Sustainable development includes economic, social and environmental roles (NPPF para 7)

Para 47 of the NPPF states that Local Planning Authorities should “...boost significantly the supply of housing...” Furthermore

Para 49 states that

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Additional sections of the NPPF of particular relevance to the appraisal and determination of the application are:-

- Part 1- Building a strong, competitive economy
- Part 3 - Supporting a prosperous rural economy
- Part 4 - Promoting sustainable transport
- Part 6 - Delivering a wide choice of high quality homes
- Part 7 - Requiring good design

- Part 8 - Promoting healthy communities
- Part 10 - Meeting the challenge of climate change, flooding and coastal change
- Part 11 - Conserving and enhancing the natural environment
- Part 12 - Conserving and enhancing the historic environment

National Planning Practice Guidance (NPPG)

The NPPG came into force on 6th March 2014, replacing a range of National Planning Policy Guidance Notes and complimenting the NPPF.

Local Policy - Development Plan

Macclesfield Borough Local Plan – saved policies (MBLP)

Since publication of the NPPF the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The saved Local Plan policies considered to be most relevant are outlined below:

- NE11 (Nature conservation)
- NE18 (Accessibility to nature conservation)
- BE1 (Design guidance)
- BE2 (Historic fabric)
- BE16 (Setting of Listed Buildings)
- GC5 (Countryside beyond the green belt)
- GC14 (Jodrell bank)
- RT5 and DC40 (Children's play provision and amenity space)
- H1 (Housing phasing policy)
- H2 (Environmental quality in housing developments)
- H5 (Windfall housing sites)
- H8 & H9 (Affordable housing)
- H13 (Protecting residential areas)
- T2 (Support public transport)
- T3 (Improve conditions for pedestrians)
- T4 (Access for people with restricted mobility)
- T5 (Provision for cyclists)
- T6 (Highway improvements)
- IMP1 (Provision for infrastructure)
- IMP2 (Need for transport measures)
- DC1 (High quality design for new build)
- DC3 (Protection of the amenities of nearby residential properties)
- DC5 (Design and natural surveillance)
- DC6 (Circulation and access)
- DC8 & DC37 (Requirements for landscaping)
- DC9 (Tree protection)
- DC15 (New infrastructure & facilities)

- DC16 (Servicing by existing infrastructure)
- DC17 & DC18 (Water resources)
- DC36 (Road layouts and circulation)
- DC38 (Guidelines for space, light and privacy for housing)
- Development
- DC63 (Contaminated land)

Other Material Considerations

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy: -

- PG2 (Settlement Hierarchy)
- PG5 (Open Countryside)
- PG6 (Spatial Distribution of Development)
- SC4 (Residential Mix)
- SC5 (Affordable Homes)
- SD1 (Sustainable Development in Cheshire East)
- SD2 (Sustainable Development Principles)
- SE3 (Biodiversity and Geodiversity)
- SE5 (Trees, Hedgerows and Woodland)
- SE 1 (Design)
- SE 2 (Efficient Use of Land)
- SE 4 (The Landscape)
- SE 13 (Flood Risk and Water Management)
- SE 6 (Green Infrastructure)
- IN1 (Infrastructure)
- IN2 (Developer Contributions)

Interim Planning Statement: Affordable Housing - Feb 2011

Strategic Market Housing Assessment (SHMA)- Up-date Sept' 2013

Strategic Housing Land Availability Assessment (SHLAA)- Jan 2013

Article 12 (1) of the EC Habitats Directive 1992

The Conservation of Habitats and Species Regulations 2010

Nature Conservation Strategy (SPD) – 2006

Designing Out Crime (SPD) - 2006

Trees & Development Guidelines (SPG) - 2004

It is noted that a Marton Neighbourhood Plan is being prepared. However, this is not at a stage that is sufficient for it to be given weight within the appraisal.

CONSULTATIONS

Head of Strategic Infrastructure (Highways)

No objections, subject to an informative requiring the developer to enter into section 278 agreement with the Highway Authority for the proposed works (illustrated in drawing numbers SK21519-003 rev A) that are within the existing highway boundaries.

Heritage & Design – Landscape

No objections, subject to conditions re 1) ground levels/landscape earthworks, 2) landscape details, 3) implementation of landscape details and 4) details of boundary treatments. If CE are not adopting the open space a landscape management plan should form part of a s106 Agreement.

Heritage & Design – Conservation/Design/Listed Buildings

No objections, subject to details of the access being designed (at reserved matters stage) in a manner that ensures no detrimental impact on the Listed Building, 'Greenacre'.

Heritage & Design - Forestry

Awaiting comments in respect of the latest amended illustrative site plan. However, no objections were raised in respect of the first amended illustrative plan, which ensured that access points did not impact on protected trees. As the latest amendment removes the car park from the application there is less impact on trees and hedges and therefore no objections are anticipated. It is recommended a condition be attached to any approval requiring an Arboricultural Impact Assessment be submitted with any reserved matters application.

Heritage & Design – Ecology

Noted that there would be some loss of hedgerow, but also that additional hedgerow could be planted as mitigation. Recommend conditions related to the following, if approved: 1) buffer zone to protect retained hedgerow habitat, 2) protection of breeding birds, 3) features for roosting bats and breeding birds to be incorporated into reserved matters application, 4) appropriate gaps for hedgehogs to be incorporated into reserved matters application.

Environmental Protection

No objections, subject to following conditions and informatives: 1) noise impact assessment, 2) restriction on hours of noise generative construction activities and associated deliveries to the site, 3) details of piling to be submitted (if undertaken), 4) a Travel Plan to be submitted, 5) electric vehicle charging point to be provided for each dwelling, 6) details of dust control to be submitted and 7) a Phase II contaminated Land investigation to be undertaken/submitted and a contaminated land informative be added.

United Utilities

No objections, subject to conditions relating to foul water and surface water.

Education

No objections. Officers have concluded that there would be no detriment to education. Further details will be sought from Education and provided in a committee up-date.

Housing

No objections, subject to the appropriate level of affordable housing being secured via a s106 Agreement.

Greenspace

No objections

Jodrell Bank

No comments received as of 23.09.2015.

Flood Risk

No objections, subject to conditions re 1) details of surface water, 2) details of design, management and maintenance plan for surface water drainage using sustainable drainage methods (SUDS), 3) details of management of overland flow.

TOWN/PARISH COUNCIL

Marton Parish Council

Object for the following reasons:

Comments on original submission

- Not sustainable – Limited infrastructure, facilities, services available; the Transport Statement submitted makes some claims that are untrue or misleading: the proposed pedestrian links onto School Lane and the A34 do not connect to footpaths; there is no public transport (the 'D & G little bus' has stopped running and the bus that takes pupils/students to College in Macclesfield is barely a service); using the National Cycle Network route 55 to Congleton & Macclesfield is not a practical proposition; there is no mains gas in Marton, and the proposed use of LPG could lead to high heating costs and may not be sustainable; the vehicle is the only viable means of transport; although the applicant has shown how utilities services can be provided to the site they haven't demonstrated how foul and surface water will be dealt with; it doesn't accord with emerging local plan policies Section 9, SD1 and SD2.
- Highway safety, inadequate parking and access – There are parking problems around the School at drop-off/collection times, resulting in parking on School Lane, the resultant increase in vehicle use will make the current situation worse/unsafe; the proposed car park would not solve the traffic problems around the School; the Parish Council commissioned an independent assessment of the highway issues and the results reinforced the Parish Council's concerns; additional traffic will compound problems on the surrounding road network.

- Loss of greenfield and preference for brownfield development – Loss of 1,28 ha of agricultural land; Marton PC endorses the general approach of CEC of developing brownfield land before greenfield; the Parish Council has engaged with local residents and identified brownfield sites that could yield between 10-20 dwellings, which would meet the quota for the area.
- Overlooking surrounding properties, loss of privacy – Given the variation in ground levels all surrounding houses would experience loss of privacy (houses on the A34, those on School Lane and particularly the affordable housing bungalows for the elderly on Oak View, which would lose their view over the pasture and experience overlooking; the scale parameters in the Design & Access Statement refer to heights between 4.5 to 12m, which could be a block of flats; the car park would be visually intrusive and result in noise; the 'village green' would be no use to the community and children congregating there would cause noise that would impact on the elderly.
- Loss of trees and hedgerows – The loss of trees and hedges, which may be more than proposed to satisfy highway requirements, is not acceptable and would impact on bats feeding
- Inappropriate development for the area – Scale of development would represent a 70% increase, which would be detrimental to the character of the village by in-filling a much loved green space; it doesn't respect local context, street-pattern or scale; additional housing should be proportionate to the size of the village, such as barn conversions and small-scale developments on brownfield sites.
- Previous planning decisions – There have been 2 No. applications for residential properties on the site which have been refused.
- The Marton Residents View – This has been presented to CEC (May 2014) within the Village Plan; residents have stated their wish to retain green fields and develop brownfield sites; Marton has an emerging Neighbourhood Plan.
- Errors in the application – The population was 245 in 2011 Census (not circa 300, as claimed); there have been a number of traffic accidents, not just the one claimed; the responses in the HSL survey (Statement of Community Involvement) did not show strong points of support as claimed; the number of local residents who attend the School is a small proportion of its intake, a local survey revealed that one of the dislikes was the parking around the School (this differs to the claim that residents benefit from the Primary School); the site has regularly been used for grazing, not sporadically as claimed; the application is for 27 No. dwellings, but only 26 are shown on the plan; the access to the first house on School Lane is via a private drive, not an estate road as claimed; the space under the canopy of a large tree is not a high quality village green/community space, as claimed; the claim that there are no clear views of countryside from the site is factually incorrect as surrounding fields can be seen; the proposed seeks to use LPG for heating, from 3 No. tanks, but these are not shown on the plans
- Contravenes policy – Paras 17-19 of PPS1, Paras 13-14 of PPS3, section 9 of the emerging CEC Local Plan ('sustainable development'), the Macclesfield Borough Local Plan and the emerging Martin Village Neighbourhood Plan.
- Transport Technical Note submitted by Marton PC – Concludes as follows: concerns about the methodology, falls short in design provision and doesn't provide evidence in some areas; questions regarding safe highway design have not been answered, given insufficient room to provide footways; recommend a reason for refusal of 'lack of information'.

Comments on first amendment

- New access will impact on hedgerows and trees; sections of the hedgerow are defined as “important” and should not be removed (CE Ecologist comments support this).
- The location and size of the car park is not workable and puts the safety of children at risk.
- The consultation views from the Strategic Infrastructure Manager (no objections) have been arrived at using erroneous information.
- The PC still conclude that the applicant has failed to show a safe and viable access route to the proposed site; the risk associated with School traffic has not been addressed; the proposal is inappropriate in scale and not sustainable; the proposal is totally against the wishes and views of Marton residents (expressed in the Village Plan and emerging Neighbourhood Plan).
- Urge the Planning Officer and Council to take these views into consideration when assessing the application.

Response to other comments published on the website/additional information submitted

- Whilst the applicant’s highway consultant has made some changes to the locations of the points of access, there is no clear resolution to the Parish Council’s concerns about the adverse impact on trees and hedge lines despite the applicant claiming that the impact is reduced.
- Also impact on the Listed Building, ‘Greenacre’ (as noted by the Council’s Design & Conservation Officer).
- The amendments and up-dated comments of the Strategic Infrastructure Manager do not address the range of highway safety concerns raised previously by the Parish Council and detailed in the transport Technical Note submitted in objection.
- The requirement for a s278 should be at the outline planning application not the reserved matters stage’
- The pedestrian links are not safe and reinforces the view of the PC that the proposal would not provide a variety of transport modes to future residents and therefore would not be sustainable; future residents would have to rely on vehicles.

Comments on latest amendment (now the current proposal)

The Parish Council has provided an initial response to the latest amendment, i.e. removal of the car park from the scheme and changes to the illustrative site layout. The PC wishes to consider the amendment in more detail. However, key points initially raised are summarised below:

- Consider the application should be deferred to later committee
- Although the PC couldn’t see how the proposed car park was safe or practical, its omission from the proposal will result in a net loss of parking spaces in the vicinity of the school (i.e. spaces lost on School Lane due to the access point to the site). The issue of current parking on verges will be compounded
- It is likely that the roads of the proposed development will be used for parking at school drop-off and collection times, which will result in traffic safety issues

- The resultant highways safety issues may be considered ‘severe’ under the NPPF (para 32) and a reason for refusal. No evidence has been provided to demonstrate that the escalation of traffic will not become a significant problem
- Fail to see how “existing hedgerows are retained and enhanced wherever possible”. Hedgerow 3 will have to be removed
- The amendments strengthen the Parish Council’s view that planning permission should not be granted

REPRESENTATIONS

As of 20.09.15 47 No. representations have been received during the course of the application, details of which can be read on file. A summary of objections/issues raised is provided below:

- Detrimental to the area
- Village would be “swallowed up”; not a suitable scale of proposal
- Out of proportion to the village – 25% increase
- No particular need for housing in Marton which couldn’t be addressed via brownfield sites
- Marton developing its own neighbourhood plan, which will include identifying brownfield sites for, and addressing, local housing needs
- Would increase the population by half
- “Village green” would impact on residential amenity
- Tiny village green is not much use
- Overlooking
- Impact on residential outlook
- Detrimental to peaceful rural life of the area
- Disturbance from construction traffic
- If a School car park is needed it would need to be larger; only traffic issue is around drop-off & collection times at School, similar to many other areas
- Car park could be used for unsociable activities
- There are few facilities/services – no public transport, no mains gas, no footpaths, limited street-lighting, small shop, limited broadband
- Infrastructure wouldn’t support it
- Waste-water/sewerage systems already struggling
- No long-term employment opportunities locally for young people; therefore future residents would need to commute
- Will increase amount of vehicles, particularly on School Lane; vehicles will be essential for incoming residents; traffic congestion & safety issues, particularly at School drop off/collection times, and for other pedestrians and cyclists
- Inadequate parking provided for residents and visitors
- Proposed car park could be used for unsociable activities
- No indication of impact on operations of radio telescope (i.e. Jodrell Bank) which is of international importance
- Not sustainable development
- Doesn’t protect the countryside
- Properties not in keeping with properties on School Lane

- Following further discussions with the Parish Council the School are happy to support the Parish Council's preferred brownfield sites for housing

ADDITIONAL INFORMATION

The applicant has submitted the following documents, details of which can be read on file:

- Transport Statement and a Transport Technical Note up-date
- Heritage Statement and an up-dated Heritage Statement
- Design & Access Statement
- Tree Survey Report and up-dated Report
- Ecological Assessment and up-dated Assessment
- Bat Survey
- Desk Study Assessment Report (Environmental Conditions)
- Utilities Statement
- Flood Risk Assessment & Drainage Strategy Management
- Agricultural Land Report
- Planning Statement
- Affordable Housing Statement
- Expression of Interest (Registered Social Landlord)
- S106 Proforma
- Statement of Community Involvement

APPRAISAL

There are three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent. (Paras 7 & 8 NPPF).

Key issues:

- Principle of the development
- Housing land supply
- Affordable housing
- Public Open Space
- Impact upon the landscape (Countryside Beyond the Green Belt), trees & hedgerows and agricultural land
- Ecological impact
- Highway safety
- Design/impact on the character of the area, relationship with the street-scene and impact on Listed Buildings
- Residential Amenity
- Flooding and drainage
- Education provision
- Impact on operations of Jodrell Bank
- Environmental issues
- Sustainability & planning balance
- Heads of terms

Principle of Development

Policy GC5 states that *“development in the open countryside will not normally be permitted...”* unless it is for one of a number of exceptions. Although residential development is not one of the exceptions, the policy states that development (other than the exceptions listed) would not **“normally”** be permitted. Therefore, the policy does not preclude other development, such as residential. Although residential development is not precluded by policy GC5, the contribution the site plays to the countryside landscape is still to be considered as part of the appraisal. Subject to according with relevant Development Plan policies and other material considerations, the proposed development can be acceptable in principle.

SOCIAL SUSTAINABILITY

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements.

This calculation of five year housing supply has two components: 1) the housing requirement and 2) the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The last Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector published his interim views based on the first three weeks of Examination in November 2014. He concluded that the Council's calculation of objectively assessed housing need is too low. He also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, Officers no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Examination of the Plan was suspended on 15th December 2014.

Following the suspension of the Examination into the Local Plan Strategy and the Inspector's interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work in the form of the "Cheshire East Housing Development Study 2015 – Report of Findings June 2015" produced by Opinion Research Services, has now taken place.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

The definitive methodology for buffers and backlog will be resolved via the Development Plan process. However the indications from the work to date suggests that this would amount to an identified deliverable supply target of around 11,300 dwellings.

This total would exceed the total deliverable supply that the Council is currently able to identify. As matters stand therefore, the Council remains unable to demonstrate a 5 year supply of housing land.

It is noted that, although the public examination of the emerging Local Plan Strategy has not yet been re-opened, within the Council's 'Spatial Distribution Update Report', which has been prepared as part of the emerging Local Plan process, the number of dwellings that will be required Rural Areas has increased by approx. a third, from 2000 to nearly 3000.

On the basis of the above, the provision of housing land itself is considered to be a substantial benefit of the proposal and the provision within a rural area is also a significant benefit.

Affordable Housing

The proposed would provide 9 No. affordable dwellings, which is considered to be a significant contribution to the affordable housing needs of the Borough. The proposed accords with policies H8 and H9 of the Local Plan and other material considerations.

Public Open Space

Local Plan policies DC40 and RT5 require developments to include, or make provision for, outdoor amenity & play space. The committed sums required for provision off-site are outlined in the SPG on s106 (Planning) Agreements. Although the application is an outline application with all details other than access reserved for approval at a later stage, a judgement has had to be made regarding whether or not the site can accommodate the number of dwellings applied for along with, amongst many other things, the appropriate provision for outdoor amenity and play space. Although the submitted masterplan is only illustrative at this stage, it is concluded that it will be possible to provide an appropriate level of public open space within the site which will a) meet the needs of future residents of the proposed dwellings and b) be accessible for use by other members of the Marton community. Contributions towards improving recreation outdoor sports facilities that future residents will be able to access can be secured via a s106 Agreement. As such the proposed is considered to accord with policies DC40 and RT5 and other material considerations.

Infrastructure

Within the 'Planning Statement' submitted in support of the application the following claims are made re local infrastructure, services, facilities and locational sustainability:

- Marton is an established residential community and residents benefit from a primary school, a local shop, a place of worship, a public house, a restaurant and some limited employment opportunities
- There is a golf course and trout pools available as local leisure opportunities
- School Lane forms part of the National Cycle Network (Route 55), which provides a link to Congleton and the wider cycle network
- Rail Services can be accessed from Congleton Station; school bus services are available and there is a 'demand responsive' bus service to meet other travel needs of local residents

Within the submitted 'Transport Statement' the following points are noted:

- The centre of Congleton is 3.5 miles south of Marton
- A number of pedestrian access points are proposed to ensure good connectivity with the surrounding area (inc. access to all local facilities and services)
- Local roads within the vicinity of the site operate with very low levels of traffic and low speeds, providing a good environment for pedestrians and cyclists, even where no footways are available
- Pedestrian leisure routes and Public Rights Of Way networks are accessible from School Lane and Congleton Road
- Opportunities exist for car-rail linked trips from the site
- The development will be supported by a Travel Plan to support sustainable travel, inc. promoting the reduction in single-occupancy car use
- The accessibility level of the site is in line with the scale and rural location, and meets policy requirements as set out in NPPF
- A 'Framework Travel Plan' has been submitted

As noted above, within the representations submitted concerns have been raised regarding the credibility of some of the claims made in the supporting documentation re sustainability and, in contrast, it is claimed that the proposed development is not sustainable as there is limited infrastructure, facilities or services available; the proposed pedestrian links onto School Lane and the A34 do not connect to footpaths; there is no public transport; using the National Cycle Network route 55 to Congleton & Macclesfield is not a practical proposition; there is no mains gas in Marton, and the proposed use of LPG could lead to high heating costs and may not be sustainable; the vehicle is the only viable means of transport.

Policies SD1 and SD2 of the emerging Local Plan Strategy relate to sustainability. Although not yet adopted, policy SD2 provides an outline of the principles that residential development should adhere to and other criteria that should be met, which includes providing access to a range of forms of public transport, open space and key services and amenities. It is recommended that residential development should be within the recommended distance of a bus stop, a multi-functional open-space and a convenience store plus four or more other services or amenities (listed in Table 9.1), “*dependent on location*”. From the list of additional public transport, open space and services/amenities in Table 9.1, the proposed development would meet at least four aspects, i.e. it would be 1) within 500m of a public right of way, 2) within 1km of outdoor sports, 3) within 1km of a primary school and 4) within 1km of a public house. However, the proposed development would not be within the appropriate vicinity of a bus stop (the service to School/College in Macclesfield is very limited), a multi-functional open space or convenience store. It is noted however that there is a local shop, all-be-it providing limited goods at present, other community facilities such as the church, and access to the open countryside & outdoor leisure facilities, as well as the potential for the development to provide a high quality public open space (village green) accessible by all community members.

The site’s location, existing infrastructure, services & amenities and the future provision of a public open space accessible to all are some factors to consider within the context of appraising the overall sustainability of the proposed development.

ENVIRONMENTAL SUSTAINABILITY

Landscape - Countryside Beyond the Green Belt & Agricultural Land

Countryside beyond the green belt

As noted above, it is considered that Policy GC5 does not preclude residential development within countryside beyond the green belt. Notwithstanding this, the contribution the site plays to the countryside landscape and the impact of the proposed development has on the countryside landscape is still to be considered as part of the appraisal of whether or not the proposed development is a sustainable form of development or not.

As noted by the Landscape Officer, although the site is within countryside beyond the green belt the site is surrounded by residential properties, as such it is considered that the proposal would not have any significant landscape or visual impacts.

It is noted that within a recent appeal decision (APP/R0660/A/14/2225591 – which allowed outline planning permission for up to 60 No. dwellings in open countryside in the Borough of CEC), the Inspector pointed out (para 26) that although one of the core principles of the

NPPF (para 17) is to recognise the *“intrinsic character and beauty of the countryside”*, this is prefaced by the need to *“take account of the different roles and characters of different areas”*. The Inspector concluded that

“The policies of the NPPF do not offer blanket protection for all parts of the countryside, regardless of their quality, but rely on an assessment of harm and benefit. Protection is primarily directed to ‘valued landscapes’, particularly those with formal designation.”

Although the site is not unattractive, it has no formal landscape designation or protection.

As the car park has now been removed from the proposal most of the trees and hedges within and around the site will be retained and additional landscaping can be secured as part of any forthcoming reserved matters application, which will maintain the rural character of the area.

Loss of Agricultural Land

The proposal would result in the loss of an area of grade 2 agricultural land. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, within the context of recent appeals for residential development, Inspectors have attached very limited weight to this issue in the overall planning balance. Further, due to its relatively small area, shape and enclosed nature the site does not offer significant opportunities for agricultural production.

It is concluded that the proposed development would not significantly harm the wider countryside or landscape character in this location. As such it is considered that the proposed accords with policy GC5 of the local Plan and other material considerations. Details of landscaping is reserved for a later date. The proposed accords with policies DC8 and DC37.

Arboricultural impact

As noted above, following receipt of the application a Tree Preservation Order was placed on a number of trees within/around the site. The Arboricultural Officer initially objected to the proposal as the access points impacted on Protected Trees. The applicant submitted amended plans moving the access points to ensure Protected Trees were not harmed. Based on these changes the Arboricultural Officer withdrew his objection. The Arboricultural Officer has noted that there may be some areas of conflict (re development and trees/hedges) within the illustrative layout. However a detailed Arboricultural Impact Assessment will be required with any forthcoming reserved matters application which should inform development and design out any potential arboricultural related problems. It is considered that the proposed development accords with policy DC9 of the Local Plan and other material considerations.

Ecological impact

Hedgerows

There are a number of hedgerows on site, which are a priority habitat. Three of these hedgerows (hedgerows 1, 2 and 3) have been identified as being Important under the Hedgerow Regulations due to the presence of native bluebells. The latest revised illustrative layout indicates there would be a loss of a section of hedgerow 3. However, it is noted that there are opportunities for the incorporation of a significant length of new hedgerow planting

as part of the development which would, in part, mitigate for the loss of the existing hedgerows. It is recommended a condition be attached to any approval to safeguard the ground flora associated with the retained hedgerows, which should be retained within a narrow buffer zone.

Bats

No evidence of roosting bats was recorded during the surveys undertaken of the buildings on site. A number of trees are present on the application site which have the potential to support roosting bats. The submitted illustrative layout indicates that these trees can be retained as part of the proposed development. It is considered that roosting bats are unlikely to be present or affected by the proposed development.

Breeding Birds

If approved it is recommended a condition is attached to protect breeding birds.

It is also recommended that any forthcoming reserved matters application should include proposals for the incorporation of features suitable for use by roosting bats and breeding birds, including house sparrow.

Hedgehogs

Hedgehogs are a biodiversity action plan priority species and therefore a material consideration. There are records of hedgehogs in the broad locality of the proposed development, consequently the species may occur on the site of the proposed development, at least on a transitory basis. If planning consent is granted it is recommended that a condition be attached requiring any future reserved matters application to be supported by proposals for the incorporation of gaps for hedgehogs incorporated into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m.

Bearing in mind the comments above it is considered that the proposed accords with policies NE11 and NE18 of the Local Plan and other material considerations.

Highways safety

In respect of the latest amended plans (removing the car park and therefore its proposed access) the Head of Strategic Infrastructure (HSI) states that the revised masterplan does not affect his previous comments, as from a highway perspective the loss of the car park is not material as it is not required for the development to proceed.

In respect of the previous submitted plans, many of which are still relevant to the latest submission, the HSI notes that a Transport Consultant submitted a report on behalf of Marton Parish Council which raised a number of concerns in relation to the Transport Statement submitted by the applicant. Where relevant these were reviewed following the submission of amended plans and initial consultation comments.

Site access junction visibility

When reviewing the speed survey data for School Lane it was noted that only one Automatic Traffic Counter (ATC) site was used and that it was located 80m to the north-east of the A34. When using ATC's for speed surveys, for the purpose of determining dimensions for visibility splays, the ATC's should be positioned on both approaches to the site at the point at which

vehicles would be first visible to a driver waiting at the point of access, i.e. in this case around 40m to the north-east and south-east of the proposed. The HSI considers that vehicle speeds in these locations would be slower than those recorded, as there is a slight bend in the road to the north, which slightly restricts forward visibility, and to the south vehicles would only just have turned into School Lane. Therefore, the HSI is satisfied that the speed survey results presented in the TS were robust.

Highway safety

The revised site access is deemed to be acceptable by the HSI, as are the proposed visibility splays. Drawings 003 and 004 also demonstrate that the embankment would not restrict visibility to the north-east along School Lane.

Sustainability

From a highways perspective CEC Highways would have difficulty resisting the application on the grounds of sustainability. This is a development of only 27 No. dwellings in an existing residential settlement. From a highways perspective a Transport Statement would not normally be submitted for a development of 27 No. dwellings (the usual threshold is 50 dwellings) and, therefore, sustainability would not normally be a material highways consideration due to the low levels of daily and peak hour traffic generation associated with No. 27 dwellings.

Provision of new footways - School Lane

The proposals include the provision of a footway/footpath along the entire site frontage with School Lane only, there is no proposal to continue footway provision from the south-west corner of the site along School Lane to the junction with the A34, as there is insufficient room. This is a short distance of 30m on a quiet rural lane with very low background traffic flows; the HSI considers that the absence of this short length of footway would not constitute a significant road safety hazard.

Provision of new footways - A34 footway link

This is only briefly referred to in the Transport Statement. However, it is considered that a pedestrian link to the A34 is technically feasible, although, as pointed out by 'Progress10', no detailed drawing has been submitted. Having reviewed the masterplan, the HSI considers that a dropped pedestrian crossing point with tactile paving should be requested on the opposite side of the road to the link. This can be addressed at the full planning stage when a detailed layout is submitted.

Trip Rates

Given the development proposals comprise 27 No. units, the HSI considers that the application of higher trip rates would not result in a significant increase in the level of traffic expected to be generated by the development proposals and would not result in a material impact on the adjacent or wider highway network.

Overall, the HSI is satisfied that the development proposals can be safely accommodated on the adjacent highway network, subject to an informative requiring the developer to enter into section 278 agreement of the Highways Act 1980 with the Highway Authority for the proposed works that are within the existing highway boundaries.

Bearing in mind the comments of the HIS it is considered that the proposed does not raise any highways issues that would warrant a refusal. The proposed accords with policies DC6, DC36, T2, T3, T4, T5, T6, T9, IMP1 and IMP2.

Impact on Jodrell Bank

Jodrell Bank have been consulted but have not responded to date. Further requests have been made to obtain a response as the Council is extremely mindful to ensure development is not permitted that could result in impairment of the efficiency of the telescope. In the absence of an objection there is no impediment to granting planning permission. Noting the location of the site in close proximity to existing residential development, it is not considered that there is likely to be an issue. There may be a requirement for electro magnetic screening within the proposed dwellings. A response is being pursued and members will be updated.

Design/impact on the character and appearance of the area, street-scene and Listed Buildings

Design/impact on the area

Details of design is a reserved matter. However, the potential impact of the proposed development on the character and appearance of the area, street-scene and Listed Buildings within the vicinity of the site has been considered as far as is practicable at this stage, based on the illustrative masterplan and other documents submitted.

It is noted that within the 'Design & Access Statement' reference is made to proposed scaled parameters and the figures given include a height range of 4.5m to 12m (p.16). The Officer has discussed these figures with the Agent and confirmed that these parameters are not being proposed. It is considered appropriate to attach a condition, if approved, stating that no buildings shall be over two-storey.

It is also noted within the 'Design & Access Statement' (p.16) that the density of the proposed development is around 21 dph. It is considered that this is consistent with, and appropriately fits in with, the residential development that surrounds the site.

Impact on Listed Buildings

As noted above, there are 4 No. Listed Buildings within the vicinity of the site. However, it is considered that the one that the proposed development potentially impacts most upon is 'Greenacre', a residential property which is situated directly opposite the proposed main access into the site. The other 3 No. buildings are of a sufficient distance from the site for them not to be affected. As regards 'Greenacre', the latest illustrative masterplan is considered to demonstrate that the proposed development could proceed without having a detrimental impact on this Listed Building or its setting. The Council's Design/Conservation Officer is satisfied that the access could be designed and constructed in a manner that ensures there is no detrimental impact on the Listed Building 'Greenacre'.

Bearing the above points in mind, and subject to relevant conditions, it is considered that the proposed development will have an acceptable degree of impact on the character and appearance of the area, the street-scene and neighbouring Listed Buildings. As such the proposed accords with policies BE1, BE2, BE16, DC1 and DC5.

Impact on neighbouring residential amenity

Concerns have been raised in representations about the potential impact of the proposed development on the levels of amenity currently enjoyed by the occupants of neighbouring properties, particularly on School Lane, Oak lane and Oak View - concerns about loss of outlook, loss of privacy, noise disturbance from activities on the 'village green'. Some concerns are no longer relevant, eg, the car park has been removed from the proposal and therefore this cannot be used for 'unsociable' activities. Other concerns re disturbance from construction work could be managed by conditions, i.e. limitation on hours of demolition and construction and a construction management plan covering parking of construction related vehicles etc.

As regards the concerns about loss of amenity it is acknowledged that there would be changes to the outlook of some residents, the site would have buildings on it instead of it being an empty, quiet field, there would be some buildings and noise generated from vehicles and people within and around the site and the eventual users of any eventual public open space '(village green)'. However, it is evident from the illustrative masterplan that up to 27 No. dwellings could be accommodated within the site whilst meeting the recommended distance standards outlined in policy DC38. It should be made clear that the layout is illustrative and all details other than access are to be dealt with within a subsequent reserved matters application. Overall, it is considered that levels of amenity can be retained to accord with policies DC3, DC38 and H13 and other material considerations.

Flood risk and drainage

The site is located within an area designated as Flood Risk Zone 1 by the Environment Agency, which means the site is low risk in terms of surface water flooding. As noted above, the Council's Flood Risk Officer has raised no objections in principle, subject to conditions as outlined above. Bearing these points in mind it is considered that the proposed development does not raise any significant issues as regards flooding and drainage and that the proposed accords with Local Plan policies DC17 and DC18 and other material considerations.

Environmental Health

As noted above, the Environmental Protection Team raises no objections, subject to conditions as outlined above. Therefore it is considered that there are no significant environmental health issues arising from the application. The proposed accords with policy DC63 of the Local Plan and other material considerations.

ECONOMIC SUSTAINABILITY

It is considered that the construction of the proposed development would provide the employment opportunities and the wider economic benefits to the construction industry supply chain. Construction workers and associated visitors to the site could use some of the local facilities during the period of construction, thereby making some contribution to the local economy. There would be some economic (and social) benefits by virtue of future residents also spending money in the area and using local services and facilities. This would assist in sustaining, and potentially increasing, these amenities. Bearing these points in mind it is considered that the proposed development would be economically sustainable.

HEADS OF TERMS & CIL REGULATIONS

S106 & CIL

A s106 legal agreement will be required to include the following heads of terms:

- a commuted sum for the off-site provision of recreation/outdoor sport
- 9 No. affordable housing units
- Details of management arrangements for the on-site public open space

COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the Agreement satisfy the following:

- (a) Are necessary to make the development acceptable in planning terms;
- (b) Are directly related to the development; and
- (c) Are fairly and reasonably related in scale and kind to the development.

The commuted sum in lieu of recreation/outdoor sport is necessary, fair and reasonable as the proposed development is to provide up to 27 No. dwellings, the occupiers of which will use local recreation/outdoor sport facilities. As such, there is a need to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development proposed.

PLANNING BALANCE, CONCLUSION & RECOMMENDATION

All consultations and representation received to date have been borne in mind, alongside all the submitted documentation and plans.

It is considered that policy GC5 does not preclude residential development in Countryside Beyond the Green Belt; as such. The proposed development is acceptable in principle, subject to according with all other Development Plans and other material considerations.

The 3 No. roles of sustainability have been considered – social, environmental and economic. It is considered that the proposed development would provide significant social benefits in respect of a) up to 27 No. dwellings in total and b) the inclusion of 9 No. affordable dwellings. The proposed development can also accommodate on-site public open space which has the potential to be a high quality public open space accessible by members of the wider Marton community as well as future residents of the proposed dwellings.

Although the site is not located within the desired proximity to a bus stop, a multi-functional open space and a convenience store, as desired in emerging policy SD2, it does provide access to other services/facilities/amenities desired within policy SD2, i.e., Public Rights Of

Way, a Primary School, outdoor sports facilities and a Public House; in addition there is a place of worship, local shop, restaurant, some limited employment opportunities and access to the National Cycle Network (via Route 55). It is acknowledged that use of the car is likely to be the most likely dominant mode of transport for future residents. However, a Travel Plan which includes steps to reduce the use of the car can be submitted as part of a reserved matters application. Overall, the location, existing infrastructure, services, facilities and amenities are aspects that form only part of the overall assessment of whether or not the proposed development is a sustainable form of development or not.

As regards environmental impacts, the impact on 1) the landscape (inc. loss of agricultural land), 2) trees and hedges, 3) ecology, 4) surrounding highways network, 5) the character and appearance of the area, 6) heritage assets and 7) neighbouring residential amenity is considered to be of a limited and acceptable degree. There is no evidence to suggest a harmful impact on Jodrell Bank. It is also considered that there are no significant environmental health concerns arising from the proposal.

The proposed development would provide some economic benefits, such as 1) the usual employment opportunities and the wider economic benefits to the construction industry supply chain; 2) construction workers and associated visitors to the site masking use of the local facilities during the period of construction, thereby making some contribution to the local economy and 3) future residents contributing to the local economy by spending money in the area and using local services and facilities, which would assist in sustaining, and potentially increasing, these amenities.

Balanced against the above benefits, it is acknowledged that the proposed development would change the village in respect of increasing the number of existing dwellings and residents relatively significantly. The proposed development would change the outlook for a number of residents from their properties. There would be a change in an area of existing landscape and a loss of some agricultural land. There would be some loss of trees and hedges with a corresponding ecological impact. There would be some increase in the number of vehicles using the surrounding highway network.

Bearing all the above factors in mind it is considered that the proposed development does constitute a sustainable form of development within the broad context of sustainability outlined in the NPPF. As such, in accordance with para 14 of the NPPF, the proposal should be approved without delay. Therefore, subject to the receipt of outstanding consultations and representations, a recommendation of approval is made, subject to conditions, informatives and Heads of Terms for Recreation Outdoor Sports (details to be confirmed) and 9 No. affordable housing units, secured via a s106 Agreement.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning & Enforcement Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Outline Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A06OP - Commencement of development
5. A01AP - Development in accord with approved plans
6. A01LS - Landscaping - submission of details
7. A04LS - Landscaping (implementation)
8. A12LS - Landscaping to include details of boundary treatment
9. A15LS - Submission of additional landscape details (earthworks)
10. A02TR - Tree protection
11. A08OP - Ground levels to be submitted with reserved matters application
12. A13OP - Height restriction (no building higher than two-storey)
13. A11EX - Details to be approved (pedestrian access points)
14. A22GR - Protection from noise during construction (hours of demolition & construction)
15. A23GR - Pile Driving (details to be submitted)
16. A23MC - Details of ground levels (existing and proposed) to be submitted
17. A26HA - Prevention of surface water flowing onto highways
18. A30HA - Protection of highway from mud and debris during demolition & construction
19. A24GR - Requirement for Section 106 agreement
20. Arboricultural Impact Assessment submitted with Reserved Matters
21. Noise Impact Assessment to be submitted
22. Travel Plan to be submitted
23. Electric vehicle charging point to be provided for each dwelling
24. Details of dust control to be submitted
25. A Phase II contaminated land investigation to be submitted
26. Method statement to be submitted Re safeguarding of the retained hedgerows, the translocation of woodland ground flora from hedgerows to be lost and establishment of replacement native species hedgerows
27. Protection of breeding birds

28. Features for roosting bats and birds to be incorporated into the scheme as part of the reserved matters application
29. Appropriate gaps for hedgehogs to be incorporated into the reserved matters application
30. Details of disposal of surface water
31. Detailed design and associated management & maintenance plan of surface water drainage for the site, using sustainable drainage methods, to be submitted
32. Details of management of overland flow from surcharging of the site's surface water drainage system to be submitted
33. Construction management plan to be submitted, to include details of deliveries to the site & parking of construction related vehicles
34. Development in accordance with the drainage strategy outlined in the submitted FRA

