

Application No: 21/6196M

Location: HAWKSHEAD QUARRY, LEEK OLD ROAD, SUTTON, CHESHIRE, SK11 0JB

Proposal: Proposed Additional Industrial Units for Small Scale Businesses within Hawkshead Heavy Industrial & Haulage Park

Applicant: Mr Steve Bell, AM Bell (Properties) Ltd

Expiry Date: 27-Jan-2023

Summary:

The proposed development description is '*Proposed additional industrial units for small scale businesses within Hawkshead Heavy Industrial and Haulage Park*'. The application site edged red extends to an area of 5440sqm. Proposed are 3no. industrial, utilitarian shed style buildings comprised of Unit 1 (Type A)– 356sqm GEA, Unit 2 (Type B) – 620sqm, Unit 3 (Type C split into 3no. units)– 117sqm and Unit 4 (Type D) – 292sqm. Units 3 and 4 appear as 1no. detached building. It is proposed that the units will be B2/E (ii) and (iii) light industrial use with the processing of goods is intended to take place within the buildings. The proposals also include landscaping, parking and other associated infrastructure and works in which to facilitate the development.

Hawkshead Quarry lies within Countryside Beyond the Green Belt otherwise known as the open countryside and Peak Fringe Local Landscape Designation Area (formerly an Area of Special County Value for landscape quality). The lower Quarry lies within the Gawsorth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site and Ancient Woodland. The site gains access off Radcliffe Road/Leek Old Road (referred to as the lower quarry) and the upper area (outside the red edge) which lies further north and gains access off Croker Lane (referred to as the upper quarry). The access to the lower quarry is located 240m to the east of the junction of Radcliffe Road with London Road, which is approximately 2km south of Macclesfield.

The application site is located outside of designated settlement boundaries and is not an allocated employment site where new employment and industrial development is directed towards as per the CELPS and SADPD. The site is located in the open countryside with poor access to means of a variety of transport such as buses, cycling, walking or trains and is reliant on private vehicles such as cars/vans in which to reach it. The principle of the development is not accepted as the proposals are not identified as an exceptional form of development permitted within the open countryside and do not present employment uses that by the nature of the business proposed is essential for it to be located in a countryside and out of settlement location, noting also only 2no. units have earmarked occupants with the remaining units proposed on a speculative basis. It is considered therefore that the proposals are contrary to policies MP1, PG2, PG6, SD1, SD2, EG1, EG2, EG5, SE2 and CO1 of the CELPS and RUR10 of the SADPD. It is not considered that job creation and nature conservation and forestry

mitigation and improvements described within the submission outweigh the conflict with the development plan in this instance. The proposal is considered not to represent sustainable development when considered on the whole and as such the application is recommended to be refused approval.

Summary Recommendation

Refuse

Reason for Report

Members of the Northern Planning Committee resolved to approve this application subject to conditions, contrary to officer recommendation. Under the terms of the Council's Constitution and Terms of Reference it is therefore referred to SPB as it is considered to be a significant departure from planning policy, particularly with regard to development in the open countryside.

The Northern Planning Committee was minded to approve the application because of:

1. Rural job creation
2. The impact upon the local economy
3. The nature conservation and forestry improvements as a result of the application
4. This being a longstanding industrial site
5. The being able to be accessed by a bus route, pedestrian route and cycleway

Please note that this Officer Recommendation has been amended in comparison to that which supported the application when it was heard at the 7th December 2022 Northern Planning Committee meeting. The amendments relate solely to the omission of the Macclesfield Borough Local Plan 2004 policies following the adoption of the Site Allocations and Development Policies Document (SADPD) 2022 and the policies contained within it on the 14th December 2022.

Description of Site and Context

Hawkshead Quarry lies within Countryside Beyond the Green Belt and otherwise known as the open countryside and the Peak Fringe Local Landscape Designation Area (formerly an Area of Special County Value for landscape quality). This lower quarry site lies within the Gawsorth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site. The site edged red gains access off Radcliffe Road/Leek Old Road (referred to as the lower quarry) whilst the upper area (edged blue) which lies further north and gains access off Croker Lane (referred to as the upper quarry). The access to the lower quarry is located 240m to the east of the junction of Radcliffe Road with London Road, which is approximately 2km south of Macclesfield. The lower quarry currently contains 5 existing buildings. 3 are centrally located and 2 are closer to the edge of the site. There are 20 HGV parking bays, an MOT centre for HGVs and coaches and ancillary office space, a repair centre for HGVs. 2 of the units are occupied by Cheshire Cheese and Wine Emporium and Extruded Plastics and there is also a vehicle salvage dealer. The existing site is said to be operational 24 hours a day, seven days a week, 365 days a year. There is a dwelling house located adjacent into the access into the lower site occupied by the applicant. Within the blue edge is the upper quarry which is at a considerable topographical levels difference (higher) than the lower quarry area within the site edged red.

Macclesfield Canal is located approximately 230m to the west of the site and the Radcliffe (Ratcliffe) Feeder lies to the south of the site. Ratcliffe Brook also runs through the site. The Radcliffe Feeder is managed by the Canal and River Trust and feeds into Bosley Reservoir. The site is also close to Danes Moss Site of Special Scientific Interest (SSSI). Ratcliff Wood an Ancient Semi Natural Woodland designated on Natural England's Ancient Woodland Inventory lies around the site. The Gawsworth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site is also nearby. The site is adjacent to public footpath Gawsworth FP36 and is in close proximity to Gawsworth FP31 and FP33. There is an existing Conservation Area (designated heritage asset) to the west.

The Proposals

This Officer Appraisal is based on the revised plans and documents as received on the 4th and 6th October 2022.

The proposed development description is '*Proposed additional industrial units for small scale businesses within Hawkshead Heavy Industrial and Haulage Park*'. The application site edged red extends to an area of 5440sqm. Proposed are 3no. industrial, utilitarian shed style buildings comprised of Unit 1 (Type A)– 356sqm GEA, Unit 2 (Type B) – 620sqm, Unit 3 (Type C split into 3no. units)– 117sqm and Unit 4 (Type D) – 292sqm. Units 3 and 4 appear as 1no. detached building. It is proposed that the units will be B2/E (ii) and (iii) light industrial, the processing of goods is intended to take place within the buildings. It is proposed Fruits of the Forage a local foraging company will occupy Unit 1, Cheshire Cheese Company will occupy Unit 2 and that Units 3/4 are speculative intended for small to medium scale sized businesses. It is noted that Units 1 and 2 have been designed in such a way that should it be required in the future that they can be split into 2no. smaller units if the market dictates the requirement for that. It is proposed that 37no. parking spaces will be created with each unit to have a dedicated electric vehicle charging point all utilising the existing access to the site. Dedicated parking for each unit is as follows: 8no. for Unit 1, 12no. for Unit 2 and 17no. for Unit 3. 15no. motorcycle parking spaces and 25no. cycle parking spaces are also provided across the site.

It is indicated that 30no. full time and 35no. part time employees will be created as a result of the development. The proposed materials for the construction of the buildings are indicated as walls in red brick and dark grey/black corrugated metal cladding and roof in corrugated metal. Roller shutters and personnel access doors, reveal, guttering etc. are also to match the colour of the cladding. Each building is proposed on a concrete pad base. It is indicated that surface water is to be disposed of via existing water course and soakaway, the existing watercourse of which appears to have been culverted from a previous course. As part of the proposals a new culvert for the watercourse on site is proposed which lies downstream from the Radcliffe (Ratcliffe) Feeder which feeds water into the Bosley Reservoir operated by the Canal and River Trust. Foul sewage is proposed to be managed via a sewage treatment tank is shown to the north of Unit 2 within bunding with cleaned water to discharge into culverted surface water pipes and also to the east of unit 1. It is noted there is a discrepancy between the proposed drainage shown on the Proposed Situation Plan and that shown on the Drainage Plan by STL regarding the treatment tank placements of which the situation plan shows them to be within existing hardstanding on an indicative basis. The majority of trees on site are set for retention with Group 3 Cypress and Pine closest to Unit 2 proposed for removal and replacement with native species. The application indicates that Fruits of the Forage are to manage the woodland floor area within

the blue edge to encourage native foraging opportunities within the woodland in the long term with gapping up and supplementary planting of native species hedgerows proposed also in the wider blue edge. The removal of some non-native planting and replacement/management of the area is stated to improve the biodiversity offer for the site.

In addition to the existing and proposed drawing suite as listed on the Document Issue Sheet as received by the Local Planning Authority on 4th October 2022, the application is supported by: Client letter to case officer ref: M2689-E-22.09.09 and Planning Statement by Emery Planning (RUR10 section of Client Letter); Arboricultural Report by Murray Tree Consultancy PM/FULL/06/09/22 dated September 2022; Arboricultural Update Letter; Extended Phase I survey dated July 2021 by Rachel Hacking Ecology; Ecological Addendum dated September 2022 by Rachel Hacking Ecology; Proposed Lighting Report and Plan by Ansell Lighting ref:QUO-67602-H1Z6M8 dated August 2022; Transport Statement dated September 2019 by SCP; Flood Risk Assessment ref: BEK-19653-1 Rev A dated January 2022 by bEk Enviro Ltd; Proposed Site plan Indicating Proposed Drainage Layout 20-4395 DR01 Rev P3 by STL Projects; Ratcliffe Brook Extension of Culvert Letter 2001; Design and Access Statement dated September 2022 by Barnes Walker and Phase 1 Environmental Site Assessment Report ref:CL101_V2 by Enviro Solution.

Relevant Planning History

20/0113M – Hybrid application comprising: Full Planning permission for the development of the upper quarry including, improvements to site access, the erection of 8no. industrial/storage units, proposed landscaping and ecological mitigation works. Outline planning permission for the development of the lower quarry to provide up to 13no. of additional units – refused – 21st January 2021 – Strategic Planning Board

07/2510P – Change of use of land to store wood – refused – 18th December 2007

65210P – amendment of existing planning permission for light industrial use to incorporate storage on open land – 12th December 1990

33936P – reclamation of part of disused quarry part for grazing and remainder for light industrial – approved – 4th November 1983

29142P – access to field – approved with conditions – 26th February 1982

CY/5/33936 – reclamation of part of disused part of Hawkshead Quarry using rubble and other inert solid waste – approved with conditions – 4th November 1983

99/2105P – certificates of lawfulness for existing use of premises for commercial vehicle repairs and maintenance – positive certificate – 22nd January 2002

18680P – storage shed for 2no. vehicles – approved with conditions -30th May 1979

22449PB – storage and maintenance shed for 2 vehicles – refused – 28th May 1980

Relevant Planning Policies, Guidance and Legislation

Cheshire East Local Plan Strategy (CELPS) 2017

MP1 Presumption in Favour of Sustainable Development
PG1 Overall Development Strategy
PG2 Settlement Hierarchy
PG6 Open Countryside
PG7 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer Contributions
EG1 Economic Prosperity
EG2 Rural Economy
EG3 Existing and Allocated Employment Sites
EG5 Promoting a Town Centre First Approach to Retail and Commerce
SE1 Design
SE2 Efficient Use of Land
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE8 Renewable and Low Carbon Energy
SE9 Energy Efficient Development
SE12 Pollution, Land Contamination and Land Instability
SE13 Flood Risk and Water Management
SE15 Peak District National Park Fringe
CO1 Sustainable Travel and Transport
CO4 Travel Plans and Transport Assessments
Appendix C Parking Standards

Site Allocations and Development Policies Document (SADPD) 2022

PG9 Settlement Boundaries
GEN1 Design principles
GEN4 Recovery of forward-funded infrastructure costs
GEN7 Recovery of planning obligations reduced on viability grounds
ENV1 Ecological network
ENV2 Ecological implementation
ENV3 Landscape character
ENV5 Landscaping
ENV6 Trees, hedgerows and woodland implementation
ENV7 Climate Change
ENV12 Air quality
ENV14 Light pollution
ENV15 New development and existing uses
ENV16 Surface water management and flood risk
ENV17 Protecting water resources
RUR10 Employment development in the open countryside
HOU10 Amenity
INF1 Cycleways, bridleways and footpaths
INF3 Highways safety and access

INF6 Protection of existing and proposed infrastructure
INF9 Utilities
INF10 Canals and mooring facilities

National Planning Policy Framework 2021 (NPPF)
National Planning Practice Guidance
Trees and Development SPD
Section 106/ Planning Obligations SPD (S016 SPD)

Consultation external to planning on revised scheme

Canal and River Trust – no objections subject to securing of a detailed Construction Environmental Management Plan (CEMP) via use of planning condition to ensure that the watercourse and Radcliffe Feeder will be protected from siltation and blockages during works.

CEC Highways – no objections - no additional comments beyond previous comments provided – updated layout plans are acceptable and include EV charging and cycle parking spaces.

Natural England – no objection subject to securing CEMP and surface and foul water management plans via use of planning conditions to ensure that appropriate mitigation is secured to prevent damage or destroy the interest features of Danes Moss Site of Special Scientific Interest.

Nature Conservation Officer – 24th November 2022 – made observations – whilst offset of buildings is less than 15m as per Natural England criteria given the existing hardstanding has been in place for many years less than the ancient woodland boundary shown on the inventory that the offset proposed is sufficient considering the existing nature of the stie. Concern is raised that the proposed water treatment plant is proposed on M2689-PA-02 V3 and in the Ecological Addendum Report as being located within hardstanding by the Drainage Scheme 20-4395 DR01 shows the treatment works located within what may be either ancient/priority woodland or the on-site landscaped bund as such clarification of the location of the proposed water treatment tank is required. If the treatment tank is not located within existing hard standing, clarification will be required as to whether it is located within ancient woodland or the landscaped bund as if the tank is proposed within the ancient woodland area this is likely to result in an adverse impact on this irreplaceable habitat. A CEMP by condition would be required to ensure any indirect impacts on the woodland from dust or intrusion during the construction phase are minimised. The external lighting scheme does not result in any significant light-spill onto the adjacent woodland and as such can be conditioned for execution in accordance with the submitted scheme. A protection for breeding season for nesting birds condition is also requested.

LLFA - comments sought however no response provided at the time of the report. May be reflected in committee updates.

Cheshire Wildlife Trust – comments sought however no response provided at the time of the report. May be reflected in committee updates.

Woodlands Trust - comments sought however no response provided at the time of the report. May be reflected in committee updates.

Sutton Parish Council – no objections.

Consultation external to planning on original scheme

CEC Highways – no objections. May 2022 and August 2022.

LLFA – no objections – noted no issue with principle to diversion of the culverted watercourse on site but requests further detail on the proposed diversion. They note for example manhole 7 appears to be on 90 degree angle and that hydraulic modelling should be provided to show that the development does not exacerbate upstream flooding with perhaps more direct routes between manholes 6 and 8 if feasible with required 8 metre easement. Drainage scheme also needs assessment against national hierarchy with relevant ground investigation and percolation testing. Seek inclusion of a prior to commencement style detailed drainage strategy/design/management scheme and informatives covering infiltration and works to ordinary watercourses.

Canal and River Trust – no objections – May 2022 Macclesfield Canal is located approximately 230m to the west of the site and the Radcliffe Feeder lies to the south of the site. The Radcliffe Feeder is managed by the Canal and River Trust and feeds into Bosley Reservoir. Noted that the drainage plan indicates that surface water would drain to a new culverted watercourse included as part of the proposal that would run around the south boundary of the site. They note that the Radcliffe Feeder channel is upstream of the new culverted watercourse and the development site is at a lower level than the feeder channel as such they consider there would be limited risk to the feeder during construction however care should be taken that the existing culvert is not blocked/silted during works as this could block or back up water and affect water levels in the feeder channel. They note that the culverted watercourse through the site feeds into the Radcliffe Feeder where a sluice-mechanism controls flows leading off the brook course, which should not take uncontrolled or excessive flows. The Canal and River Trust state that it is expected that the new culverted route would be constructed before the existing culvert is no longer in use, however it is advisable, during the construction phase, to not have the brook course fed into the feeder in its entirety.

Natural England - 9th May 2022 – object on basis of insufficient information – they state that the application could have potential significant effects on Danes Moss Site of Special Scientific Interest (SSSI) and further information as follows is required to determine the significance of these impacts and the scope for mitigation: further clarification regarding foul water/drainage management and potential impacts on a prior to determination basis and a Construction Environmental Management Plan which may be secured on a prior to commencement style planning condition basis with regards to ensuring the protection of the SSSI relating to hydrological links.

Environmental Protection – Contaminated Land – April 2022 - no objections to the development subject to the use of planning conditions to secure: Conceptual Model, Phase II ground investigations and a Remediation Strategy on a prior to commencement basis; verification report submission on a prior to occupation basis; soil importation testing on a prior to importation basis (if applicable) and previously undiscovered contamination. Informatives

covering the Environmental Protection Act are also sought for inclusion on any decision notice approving the development.

Environmental Protection Officer – Amenity - no objections subject to the use of planning conditions and informatives to cover construction hours (informative); prior to commencement submission of pile foundations scheme (if applicable); prior to commencement floor floating scheme submission (if applicable); 5% of new parking spaces to have electric vehicle chargers scheme submission on a prior to installation basis and chargers installed on a prior to first use of the development basis.

Woodland Trust – object to the development for the following reasons – February 2022 – deterioration and potential loss of Ratcliff Wood an Ancient Semi Natural Woodland designated on Natural England’s Ancient Woodland Inventory.

-potential direct loss of ancient woodland via the removal of boundary trees

- noise, light and dust pollution.

-adverse hydrological impacts.

-cumulative effect of the above impacts resulting in long-term deterioration.

-Development is contrary to policy 180 of the NPPF as there is no wholly exceptional reason for the development in this location and as such as it would fail to protect an ancient woodland including some loss of trees the development should therefore be refused.

-Ancient woodland is an irreplaceable habitat, once lost it is gone forever and any development resulting in loss or deterioration of ancient woodland must consider all possible measures to ensure avoidance of adverse impact. It is also noted that once land use is further intensified such as in this situation, woodland plant and animal populations are exposed to environmental impacts from the outside of a woodland. In particular the habitats become more vulnerable to the outside influences, or edge effects that result from the adjacent lands change of use. These can impact cumulatively on ancient woodland – this is much more damaging than individual effects.

Cheshire Wildlife Trust – object to the proposals for the following summarised reasons – 10th May 2022 following on from February 2022 feedback

- The current proposals include tree removals within an area designated as an ancient woodland and Local Wildlife Site (LWS). There is no precedent for the justification of identifying the areas of ‘early or recent colonisers’ on site as being of negligible value in an ancient or priority woodland and there is no reference in Natural England’s standing advice to buffers being measured from the nearest mature trees. Many best examples of irreplaceable woodlands include transitional edge habitats that have expanded and regenerated as a result of natural dispersal, with edges providing support to a range of species while also providing buffer to more mature habitats, helping to reduce any negative anthropogenic effects that may arise in proximity to a woodland (such as increase noise, light or disturbance etc.)
- Notwithstanding this they note the site is an existing commercial operation and it is considered likely there would not be significant residual effects to the ancient woodland and LWS and as such seek the proposals embed environmental design within the scheme (as per the CE Nature Conservation Officers comments) to include: redesigned scheme to remove the need for any removal of trees from the ancient woodland/LWS (apart from the non-native planting on the bund which is likely to be acceptable with compensatory planting); mitigation measures for the effects of lighting and dust on the adjacent woodland; full details of the drainage scheme for the site; buildings should be

offset from the boundary of the ancient woodland by 5m and treatment plan should be relocated to ensure impacts on the ancient woodland/LWS are avoided.

Nature Conservation Officer – awaiting revised arboricultural assessment; ecological assessment; CEMP; foul/surface water drainage scheme and management; detailed planting plans showing native species for those lost on the bund and further information on lighting.

Public Rights of Way Officer – no objections subject to PROW informatives attached to any approval decision notice for the development.

United Utilities – no objections.

Sutton Parish Council – no objections.

Public representations on original scheme

3no. letters of support from the public/interested parties were received summarised as follows:

- The development would provide necessary enhanced warehouse space and business space for existing businesses/local employers such as Cheshire Cheese Company and Fruits of the Forage and would keep Macclesfield/Cheshire East base businesses within the area.
- The development would not result in detrimental impacts on the local environment despite the concerns raised by the Woodland Trust and Cheshire Wildlife Trust.
- Any trees felled within the boundary of the ancient woodland to the north area of the site are of little ecological value of non-native conifers and self-seeded birch which would not impact the ancient woodland as a whole with trees planted elsewhere to counter any loss. The ancient woodland has been abused for 200 years such as losses of mature oaks during the Industrial Revolution and mosses introduced damp causing wild garlic, greater celandine and lady's smock. The proposed development presents an opportunity to re-introduce native species and bring the ancient woodland into a more natural state and re-wild it. Without the development these projects to plant new area of native woodland in the pasture to the north will not go ahead.
- Other trees near to proposed culverting would not be impacted as they are at a higher level and already starved of nutrients due to presence of existing development as such a buffer zone to protect mature trees near to the culvert area is not required.
- There will not be detrimental impacts on light or noise pollution as a result of the development as the surrounding woodland shields neighbouring use from this.
- The development would represent the efficient use of underutilised brownfield land in a suitable area with existing industrial/employment development that would support employment/business/manufacturing in Macclesfield area.

1no. Letters of objection were received summarised as follows:

- There are existing issues with haulage traffic turning in neighbouring residential properties yards causing damage.
- There are existing traffic issues up the lane causing detrimental impacts to residential amenity as a result of vehicular trips/movements/turning.
- Radcliffe Road is not fit for the amount of heavy traffic that the existing use has as such further development will be detrimental to the surrounding highways network and the physical condition of the highways.

- The existing site entrance is not suitable and is dangerous causing vehicles to wait on the surrounding highways network which includes a blind corner, further development would cause detrimental impacts to highways safety.

OFFICER APPRAISAL

The following appraisal is based on the revised scheme as received in October 2022.

Principle of the development – the erection of 3no. industrial units within the Open Countryside beyond the Green Belt

The site comprises an existing employment site within the open countryside beyond the Green Belt. The proposals seek to expand the existing offer and construct 3no. additional units of Class E (g) (ii) and (g) (iii) (formerly B1c) Use Class at the site with associated parking, drainage infrastructure and landscaping. In respect of the principle of the development the most applicable policies and guidance to consider are MP1, PG1, PG2, PG6, EG1, EG2, EG3, EG5 and SE2 of the CELPS and PG9 and RUR10 of the SADPD.

PG1 Overall Development Strategy of the CELPS states ‘1. Provision will be made for a minimum of 380 hectares of land for business, general industrial and storage and distribution uses over the period 2010 to 2030, to support growth of the local economy.’

PG6 Open Countryside of the CELPS states ‘2. 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. 3. Exceptions may be made: v. for development that is essential for the expansion or redevelopment of an existing business. 4. The retention of gaps between settlements is important, in order to maintain the definition and separation of existing communities and the individual characters of such settlements. 5. The acceptability of such development will be subject to compliance with all other relevant policies in the Local Plan. In this regards, particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.’

PG7 Spatial Distribution of Development of the CELPS relates to the spatial distribution of development and advises rural areas are expected to accommodate a percentage of employment land. It is expected that the principal towns and key service centres will accommodate the largest areas of new employment land. Other settlements and rural areas are to accommodate 69 hectares of new employment land (61 hectares of this will be an employment improvement area in Wardle).

EG1 Economic Prosperity of the CELPS states ‘1. Proposals for employment development (Use Classes B1, B2 or B8) will be supported in principle within the Principal Towns, Key Service Centres and Local Service Centres as well as on employment land allocated in the Development Plan. 2. Proposals for employment development on non-allocated sites will be supported where they are in the right location and support the strategy, role and function of the town as identified in Settlement Hierarchy, Spatial Distribution of Development and in any future plans, including Neighbourhood Plans, where applicable.’

EG2 Rural Economy of the CELPS states ‘Outside the Principal Towns, Key Service Centres and Local Service Centres, developments that.

1. Provide opportunities for local rural employment development that supports the vitality of rural settlements;

3. Encourage the retention and expansion of existing businesses, particularly through the conversion of existing buildings and farm diversification;

4. Encourage the creation and expansion of sustainable farming and food production businesses and allow for the adaptation of modern agricultural practices;

5. Are considered essential to the wider strategic interest of the economic development of Cheshire East, as determined by the Council.

Will be supported where the development:

i. meets sustainable development objectives as set out in policies MP1, SD1 and SD2 of the Local Plan Strategy;

ii. supports the rural economy and could not reasonably be expected to locate within a designated centre by reason of their products sold ⁴²;

iii. would not undermine the delivery of strategic employment allocations;

iv. is supported by adequate infrastructure;

v. is consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity;

vi. is well sited and design in order to conserve and where possible enhance the character and quality of the landscape and built form; and

vii. does not conflict with Policies PG3, PG4, PG6, PG7, SE3, SE4, SE5, SE6 and SE7 of the Local Plan Strategy.’

Footnote 42 states ‘the majority of goods sold should be produced on site’.

EG3 Existing and Allocated Employment Sites states ‘1. Existing employment sites will be protected for employment use unless:

i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or

ii. The site is no longer suitable or viable for employment use; and

a. There is no potential for modernisation or alternate employment uses; and

b. no other occupiers can be found ⁴³.

2. Where it can be demonstrated that there is a case for alternative development on existing employment sites, these will be expected to meet sustainable development objectives as set out in Policies MP1, SD2 and SD2 of the Local Plan Strategy. All opportunities must be explored to incorporate an element of employment development as part of a mixed-use scheme.

3. Subject to regular review, allocated employment sites will be protected for employment use in order to maintain an adequate and flexible supply of employment land to attract new and innovative businesses, to enable existing businesses to grow and to create new and retain existing jobs.’

RUR10 Employment development in the open countryside of the SADPD states ‘1. Under LPS policy PG6 ‘Open Countryside’, development that is essential for uses appropriate to a rural area will be permitted in the open countryside. Certain types of small scale employment development may be appropriate to a rural area where the nature of the business means that a countryside location is essential and the proposals provide local employment opportunities that support the vitality of rural settlements.

2. Where it is demonstrated that the proposal is appropriate to a rural area, small scale employment development will be supported where it accords with other policies in the development plan and:

i. the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;

ii. additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the existing or planned operation of the business; are well-related to each other and existing buildings and do not form isolated or scattered development;

iii. the proposal does not unacceptably affect the amenity and character of the surrounding area of landscape (including visual impacts, noise, odour, design and appearance) either on its own or cumulatively with other developments; and

iv. appropriate landscaping and screening is provided.

3. The design of any new building for employment purposes in the open countryside must be appropriate to its intended function and must not be designed to be easily converted to residential use in the future.'

As part of the Inspectors main modifications to this policy the reference to 'small scale' is to be deleted for soundness and consistency with the NPPF (paragraph 84) noting it was also deemed not to be justified to other regard.

As written in the Officer Report supporting ref:20/0113M it is notable that 5ha of allocated employment land exists approximately 2km to the north of the application site at site LPS 13 South Macclesfield Development Area (CELPS), with a further 10ha at site LPS 12 Land at Congleton Road Macclesfield (CELPS), slightly further beyond that. Both of which could accommodate businesses which do not require a countryside location. In this regard, the proposal appears to run counter to wider strategic interest of the economic development of Cheshire East. These points were re-iterated to the applicants during the course of this application and in addition it was questioned why the uses were required to be in such a rural location noting that Fruits of the Forage, one of the intended users presently operates from a Macclesfield Principal Town, town centre location off Churchill Way, Macclesfield i.e. within a settlement. Following these comments a Client Letter M2689-E-22.09.09 was submitted to support the application.

Within the Client Letter in terms of Fruits of the Forage the proposed move out of town centre is stated to be for 'strategic business reasons' to enable the local company to have a bespoke purpose-built unit for their specific processes with the room for the planned expansion. The letter goes on to say that as a foraging-based business they wish to be in an appropriate rural location which has benefitted the existing Cheshire Cheese company on the site who also seek an expanded unit with both companies recovering from the effects of Covid and Brexit. It goes on to say that the buildings would also not be capable of residential use conversion with regards to RUR10 SADPD policy due to the heavy HGV and industrial estate presence. It is stated that developing the site which is presently used for HGV's will reduce the number of HGV's on the road which is a positive benefit in favour of permitting the proposed B2/E new uses. It is also stated that as a result of the previous refusal and delays due to the appearance at 2no. committees, 3no. businesses who wished to move to the site have been lost and that they are now struggling to survive with the existing HGV and commercial use elements. In the supporting Design and Access Statement it describes that Fruits of the Forage would benefit from this location as it would offer opportunity for foraging on the doorstep and surrounding countryside with areas identified within the woodland for management to provide foraging of native understory plants like wild garlic, nuts and berries.

The Client Letter also cites paragraphs 84 and 85 of the NPPF that states *'Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural area, both through conversion of existing buildings and well-designed new buildings'* and that *'Planning policies and decisions should recognise that sites to meet local business and community needs in rural area may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'*

Further to this within the Client Letter it is stated that the context of and benefits of approving the development are:

- The proposed site comprises all existing hardstanding.
- The proposals safeguard the ancient and non-ancient woodland with minor removal of non-native species and proposed replacement with indigenous species.
- The proposals will result in the removal of disturbances from HGV's which is operational 24/7, 365 days a year with movements between 3am and 10pm which face into surrounding woodlands causing noise, light and dust disturbance. The proposals are designed to be inward-looking and result in a natural impact with quiet faces directed towards the surrounding woodland most relevant to units 1 and 2, with limited private vehicle parking movements to the western edge with reduced start-ups comparing cars/vans with HGV's.
- There are therefore ecological benefits from approving the scheme due to a less intensive development than the HGV usage and that drainage of surface water and fould following cleansing in modern tanks will guarantee drinking quality water.

Notwithstanding these comments whilst the proposed development would be built over an area predominantly used for HGV parking, it cannot be said outright that this would result in fewer HGV movements onto the highway noting the operations of existing companies at the site.

In addition, notwithstanding the argument presented in respect of the 2no. interested occupiers (1no. would be a relocated occupier already on site) whilst it may be their preference to be located in this rural, outside of settlement, location and that the applicant has worked with them to design units specific to their needs, this is not part of the tests of policy compliance which overall seeks that development is sustainable. The relevant policies seek that for these types of uses outside of settlement boundaries in rural, open countryside locations, that development be limited to businesses where the nature of that business means a countryside location is essential and provides local employment opportunities that support the vitality of rural settlements. From the evidence provided neither business is directly required to be in this rural area, simply only their preference to be. In addition, aside from the units the named businesses seek to occupy the rest of the development is speculative i.e. with no specific occupier in mind, therefore with regards to policy RUR10 if a countryside location had been established as being essential for the named occupants, the rest of the development could not be said to comprises buildings, structures and ancillary development restricted to the minimum level reasonably required for the existing or planned operation of business. How could it be said that the

speculative units will have businesses operating from them that by their nature require a countryside location?

To this end as indicated in the other listed relevant policies and as with the Officer Recommendation supporting ref: 20/0113M the type of development proposed could be located elsewhere, of which as per the Council's strategic priorities for employment and industrial development are directed towards allocated sites and other sites within settlement boundary locations where infrastructure such as public transport is already in place to support new development or facilities otherwise in place to secure that. This site could not be said to be sustainable in terms of transport options given there are no public transport options within a reasonable distance of the site. There is no particular need for the proposed development to be located within the application site. It is therefore considered that the proposals run contrary to the wider strategic interests of the economic development of Cheshire East. It is considered that the principle of the development is not acceptable, and the proposals are not considered to represent sustainable development. It is not considered that moderate job creation would outweigh issues surrounding the principle of the development. The proposal is therefore contrary to the requirements of policies MP1, PG2, PG6, SD1, SD2, EG1, EG2, EG5, SE2 and CO1 of the CELPS and RUR10 of the SADPD.

Impact of the development on design, local character and designated heritage assets

Between them the listed policies and guidance seek that new development is of an appropriate size, scale and design that is commensurate to the character of the area in which it would be situated, whilst championing higher quality design to enhance and improve the wider borough. They also seek the consideration of the significance of heritage assets and the impact of development on them, seeking the protection and enhancement of the asset.

The site itself has an existing industrial aesthetic albeit screened mostly from wider public vantage points by the topography, valley location and woodland slopes. The building on site are typical industrial warehouses/buildings in style with ergonomic, utilitarian style executed in brick, concrete block and metal profile cladding. The proposed buildings are utilitarian in style also with brick, metal cladding and matching roofs/roller shutters/doors planned which are considered to present an acceptable overall aesthetic akin to the buildings in situ and of a size, scale and location that would not be prominent from public viewpoints. It is also not considered that there would be any detrimental impacts on the setting of designated heritage assets as a result of the location, scale and size of the development.

As with the previous Officer Report for 20/0113M policy SE9 of the CELPS seeks that for non-residential development over 1000sqm are to secure at least 10% of predicted energy requirements from decentralised renewable low carbon sources, unless the applicant can demonstrate this is not feasible. As this development exceed 1000sqm a condition will be attached to any approval to detail how 10% of the energy requirements will be obtained from decentralised renewable resources.

Subject to conditions to secure materials as per application, no issues are raised as to the design, character and impacts of the development on designated heritage assets.

Impact of the development on amenity, contaminated land and pollution control

Between them the listed policies and guidance seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. Developers will be expected to minimise and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (including additional traffic) during both the construction and the life of the development. Where adequate mitigation cannot be provided, development will not normally be permitted.

The application site and immediate surrounding area has a history of gravel pit, quarry, depot, garage and landfill use and present uses of industry, haulage depot, concrete batching plant and saw-mill and as such the land may be contaminated, as may be the case for the wider environment. The site is on and within 250m of a known landfill site or area of ground that has the potential to create gas. The application is supported by a Phase I Preliminary Risk Assessment Report Ref: CL101, EnviroSolution Ltd 24 March 2022. This assessment recommends a Phase II report be undertaken to further assess identified potential contaminant linkages. The application has been reviewed by Environmental Health Officers who raise no objections to the development subject to the use of planning conditions to secure: Conceptual Model, Phase II ground investigations and a Remediation Strategy on a prior to commencement basis; verification report submission on a prior to occupation basis; soil importation testing on a prior to importation basis (if applicable) and previously undiscovered contamination.

The Environmental Health Officers covering amenity raised no objection to the proposals subject to the use of planning conditions and informatives to cover construction hours (informative); prior to commencement submission of pile foundations scheme (if applicable); prior to commencement floor floating scheme submission (if applicable); 5% of new parking spaces to have electric vehicle chargers scheme submission on a prior to installation basis and chargers installed on a prior to first use of the development basis. Notwithstanding the request to condition electric vehicle charging points should the development be approved, the provision of them is now covered under Building Regulations and therefore to attach a condition would no longer meet the tests for the use of planning conditions to allow overall compliance with local policies and guidance and as such will not be attached. Given the distance of the development to nearest residential properties and due to its enclosure in a wooded valley it is not considered there would be significant detrimental impacts on noise or light on amenity of residential properties. As the development is proposed as light industrial Class E/B2 in terms of Use Class as other elements of Class E which covers a wider variety of Commercial, Business and Service uses such as shops, cafes, restaurants, nurseries, retail etc. which may have higher intensity usage of the site and as a result additional noise/fumes etc generated as a result planning conditions to restrict the usage of the site to Class E (g) (ii) 'the research and development of produces or processes' or (iii) 'any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area) and B2 General Industry, so as to the reserve the right to further control of other development at this rural, countryside and out of settlement location. This is also with regards to highways and parking considerations. PD rights are also recommended for removal with regards to change of use to residential, flats, storage and distribution and state funded schools for these reasons.

Taking these points into account and subject to the use of conditions and informatives it is considered that the development is in compliance with policies and guidance covering amenity and pollution protection.

Impact of the development on highways safety, parking and Public Rights of Way

Between them these policies within the development plan seek to deliver safe, sustainable, high quality, integrated transport systems that encourage a modal shift away from car travel to public transport, cycling and walking; supportive of the needs of residents and businesses and preparing for carbon free modes of transport. They also seek to protect and maintain public rights of way and enhance them where detrimental impacts require mitigation or allocations indicate.

The site is served by a private road (unadopted) off Leek Old Road (adopted) with current parking arrangements for the existing uses executed on an adhoc informal basis with various loading and turning areas. The proposed uses will have 37no. parking bays for cars, 15no. motorcycle parking spaces and 25no. cycle parking spaces with various loading areas to the frontage of each unit close to the proposed roller doors. The proposals have been reviewed by the Highways Officer who raises no objections to the development. Conditions will be attached to any approval of the development to secure details of secure cycle parking in the locations shown on the site plan and to ensure that all the indicated parking is provided on a prior to first occupation of each unit basis and retained thereafter in the interests of highways safety.

The site is adjacent to public footpath Gawsworth FP36 and is in close proximity to Gawsworth FP31 and FP33. The proposals have been reviewed by the PROW officer who raises no objection subject to an informative being attached to any approval of the application to ensure PROW protection during the construction of the development.

Subject to conditions and informatives it is considered that the proposals are in compliance with the policies and guidance covering highways safety, parking and Public Rights of Way.

Impact of the development on biodiversity and nature conservation, trees and landscape character

The listed policies of the development plan and guidance seek that all development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests, instead planning for net gains. Where appropriate, conditions will be put in place to make sure appropriate monitoring is undertaken and make sure mitigation, compensation and offsetting is effective. Between them the listed policies and guidance also seek to protect the continued health and life expectancy of trees, hedgerows or woodlands and where loss of or threat to them is proposed development will not normally be permitted unless there are clear overriding reasons for allowing development and that there are no suitable alternatives. These policies and guidance also seek to protect and enhance landscape character. Where such impacts are unavoidable, development proposals must satisfactorily demonstrate a new environmental gain by appropriate mitigation, compensation or offsetting.

The lower quarry site lies within the Gawsworth Common, Whitemoor Hill and Ratcliffe (often referred to as Radcliffe) Wood Land Wildlife Site, an ancient woodland and priority woodland habitat. Ancient woodlands receive specific protection through paragraph 175 of the NPPF. The site is also located close to Danes Moss Site of Special Scientific Interest (Danes Moss SSSI). Danes Moss is the largest example in Cheshire of a cut-over raised mire and its

topographical location is particularly unusual. Active restoration efforts have increased peat forming processes and there is a varied plant and invertebrate community. The meres and mosses of north-west Midlands form a nationally important species of open water and peatland sites not represented elsewhere in lowland Britain, as such the impacts on this site on a result of any proposed new development forms an important consideration.

The application is supported by: Extended Phase 1 Habitat Survey by Rachel Hacking Ecology dated July 2021; Arboricultural Report PM/FULL/06/09/22 by Murray Tree Consultancy dated September 2022; Ecological Addendum by Rachel Hacking Ecology dated 12th September 2022 and revised plans dated 6th October 2022 and a variety of drawings showing the changes to the ancient woodland over time as listed on the Document Issue Sheet as received 4th October 2022.

The Extended Phase 1 Habitat Survey noted that during the survey works there to be no further survey efforts required with regards to bats, great crested newts, badgers and nesting birds noting foraging potential for bats and birds from the woodland areas. This Survey notes that as the site lies within an SNCI that this should be protected from impact from the development by a CEMP. It was also noted that there is *Montbretia Crocosmia x crocosmiiflore* and *Cotoneaster* on the site and that this should be removed via an approved eradication methodology. In order to improve and provide biodiversity gains appropriate to the immediate area and the ancient woodland it is recommended that planting of native and non-native flowering perennial, annual and shrub species for pollination and nectar sources is provided, bat/bird boxes erected and additional native tree planting secured.

Originally concerns were raised by consultees that the development in particular the section closest to Unit 1 would be encroaching on the ancient woodland and thus result in loss of, or adverse pressures on it contrary to paragraph 180 of the NPPF and SE3(4) of the CELPS. In addition, concern was raised by the Woodlands Trust that intensified development in close proximity to the woodland and as a result pollutants and activities related to the proposals may have a detrimental cumulative effect on the ancient woodland and its long-term protection which may result in long term loss or damage to what it an irreplaceable natural asset. The Woodland Trust also raised concern regarding the impacts of the development on hydrology. The Cheshire Wildlife Trust also commented that the scheme should be re-designed to ensure no losses of trees from the ancient woodland whether early/recent colonisers on the transitionary edge (as originally proposed) and that the scheme include mitigation measures for lighting and dust, a full drainage scheme and that buildings should be offset by 5m with the treatment plant relocated to ensure impacts on the ancient woodland/LWS are avoided. During the course of the application in May 2022 Natural England provided consultation feedback where they objected to the proposals, in the absence of further clarification regarding foul water/drainage management and potential impacts, and a Construction Environmental Management Plan (CEMP) and the potential impacts upon Danes Moss SSSI and the scope for mitigation. The information requested related to foul water/drainage management and the provision of a Construction Environmental Management Plan via the use of a prior to commencement style planning condition with regards to ensuring the protection of the SSSI relating to hydrological links during the construction period of the development. This information was requested by Natural England due to the proposed culvert modification and spillway into an existing watercourse with unknown information as to how this is to be executed or managed noting the impacts the development may have on the hydrological connectivity of the proposed development site via a brook to the north-west and the SSSI. The drainage information

requested would also need to cover surface water and ground water drainage in relation to SSSI hydrology links and impacts to the SSSI during construction and operation phases of the development.

During the course of the application the scheme has been amended to move Unit 1 away from the established edge of the ancient woodland with the extent of existing hardstanding at a buffer distance of 5m. In addition the only trees set for removal are a group of Cypress and Pine closest to Unit 2. Further to this a detailed lighting scheme with associated plan and amended drainage layout was submitted for consideration prepared by Ansell Lighting alongside the Ecological Addendum by Rachel Hacking Ecology. The lighting scheme submitted proposes warm white LED lighting to face the buildings only to prevent impacts to nature conservation efforts relating to bat foraging within the woodland areas with lightspill contours showing 1lux lightspill onto surrounding existing vegetation. The drainage scheme shows pipe work and water treatment now to areas within hardstanding more than 5m from the woodland edge with piped routes along existing tracks/hardstanding to the south side. The applicants ecologist notes the proposals would be of some benefit as they would result in HGV parking no longer immediately adjacent the woodland edge with a CEMP to be used to protect Biodiversity Zones and the woodland edge. The Arboricultural Report notes that only G3 comprising mixed Cypress and Pine are to be removed which are located on a bund close to Unit 2 with all other trees and groups to be retained including those indicated as low quality. Other supporting documents show the change to the edge of the ancient woodland over time and that the development would be wholly located on existing hardstanding. Mitigation planting is shown on the Supplementary Information to support Murray Tree Consultancy Report M2689-PA-09-V2 and M2689-PA-14-V1 Planting Plan.

The Nature Conservation Officer has reviewed the revised scheme. They note that the woodland is adjacent to existing hard standing areas on the site. The Nature Conservation Officer notes that the standing advice by Natural England and the Forestry commission, which is material consideration, states that buffer zones of at least 15m are required to safeguard ancient woodlands. They note that while the development does encroach within the boundary of the ancient woodland as shown on the national inventory, the area of encroachment is hard standing that is understood to have been in place for a number of years together with bund supporting non-native ornamental planting. The Officer notes that the proposed buildings are located on existing hard standing are set back a distance from the edge of the woodland and whilst this is offset is less than the 15m as per standing advice that this is sufficient considering the nature of the site. The Nature Conservation Officer notes however the proposed water treatment tank for foul drainage is shown in an area of hardstanding on one plan and on the other shown within an area of the ancient/priority woodland or on the on-site landscaped bund. Therefore, at this time due to the conflicting information it is not certain whether this part of the development would cause adverse impacts on irreplaceable habitats. They do note however that assuming the treatment tank is to be located within the existing area of hardstanding, the only habitat lost to the proposed development is an area of ornamental planting of negligible nature conservation value which may be replaced with more appropriate native planting as part of the submitted plan. Notwithstanding this the Nature Conservation officer sought the use of conditions to secure a CEMP to ensure indirect impacts on the woodland in the form of dust/intrusion during the construction phase are minimised and to secure the external lighting as per the submitted details. They also requested that a condition be attached to any approval to secure demolition/construction works outside of breeding season for nesting birds.

Whilst the Woodland Trust, Tree Officers and Cheshire Wildlife Trust were consulted on the revised proposals, at the time of this report responses were not received in respect of them. Notwithstanding this, aside from the query regarding placement of drainage in respect of the ancient woodland boundary contrasted against the national archive and site situation, it is considered that the revised scheme overall would not encroach on or result in loss of ancient woodland. The scheme is now planned with an appropriate buffers from the woodland and located on existing hardstanding with the limited group trees on the bund closest to unit 2 proposed to be replaced with more suitable species. It is considered that with regards to the placement of treatment plants to handle foul drainage to the north of unit 2 and to the east of unit 1, that other arrangements can be secured and submitted via use of suitably worded planning condition with prior to commencement style triggers to ensure that the position of these is re-considered and only provided within existing areas of hardstanding and not within any existing woodland, landscaping or bunding buffers at least 5m from the boundary with the edge of the woodland. Suitable conditions would also be used to ensure the protection of the woodland during clearance and construction works to follow on from the supporting arboricultural information contained within the application.

In respect of the impact of the development on landscape character, whilst located in the Peak Fringe Local Landscape Designation (formerly ASCV), due to the siting of the development within a sloped valley surrounded by ancient woodland, subject to the replacement and enhancement tree and ecological mitigation planting no adverse impacts on landscape character or setting are expected as a result of the proposals.

Subject to conditions and informatives it is considered that the development is in compliance with listed policies and guidance regarding trees, hedgerows and landscape character.

Impact of the development on flood risk and water management

Between them the listed policies and guidance seek that developments must integrate measures for sustainable water management to reduce flood risk, avoid an impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation. New development must be designed to be safe, taking into account the lifetime of the development and the need to adapt to climate change, seeking improvements to current surface water drainage network and be designed to manage surface water noting it is not sustainable to drain surface water to public sewers. New development should incorporate water efficiency measures.

The application is supported by a Flood Risk Assessment ref: BEK-19653-1 Rev A (FRA) by bEk Enviro Ltd, Proposed Site Plan Indicating Proposed Drainage Layout by STL projects Ltd and H1 Boundary Offset M2689-PA-03-V2. The FRA states the site to be located within Flood Zone 1 according to the Environment Agency Flood Map with the proposed development a 'less vulnerable' type of development according to the Flood Risk Vulnerability Classification tables in the NPPF. The FRA notes the site to be in very low or low risk flood zones for reservoir, pluvial, surface water, groundwater or as a result from blockages due to infrastructure failure from bridges and culverts. Macclesfield Canal is located approximately 230m to the west of the site and the Radcliffe Feeder lies to the south of the site. The Radcliffe Feeder is managed by the Canal and River Trust (CRT) and feeds into Bosley Reservoir. There is an existing culverted watercourse running through the site, also an ordinary watercourse. It is noted that the drainage

plan indicates that surface water would drain to a new culverted watercourse included as part of the proposal that would run around the south boundary of the site.

The LLFA has reviewed the original proposals and commented to say they had no issue with the principle of the diversion of the culverted watercourse on site but requested further details on the proposed diversion. They noted for example manhole 7 appears to be on 90 degree angle and that hydraulic modelling should be provided to show that the development does not exacerbate upstream flooding with perhaps more direct routes between manholes 6 and 8 if feasible with required 8 metre easement. They also noted that the drainage scheme also needs assessment against national hierarchy with relevant ground investigation and percolation testing and therefore sought the inclusion of a prior to commencement style detailed drainage strategy/design/management scheme and informatives covering infiltration and works to ordinary watercourses.

The CRT noted that the Radcliffe Feeder channel is upstream of the new culverted watercourse and the development site is at a lower level than the feeder channel as such they consider there would be limited risk to the feeder during construction however care should be taken that the existing culvert is not blocked/silted during works as this could block or back up water and affect water levels in the feeder channel. They noted that the culverted watercourse through the site feeds into the Radcliffe Feeder where a sluice-mechanism controls flows leading off the brook course, which should not take uncontrolled or excessive flows. The CRT stated that it is expected that the new culverted route would be constructed before the existing culvert is no longer in use, however it is advisable, during the construction phase, to not have the brook course fed into the feeder in its entirety. In their original comments the CRT sought the use of conditions on a prior to commencement basis to secure a CEMP (Construction Environmental Management Plan) to ensure that the reservoir nor the feeder were detrimentally impacted as a result of the construction and operation of the culverted watercourse with regards to silting and blockages. During the course of the application a CEMP was provided by the applicants however in draft form showing location of heras protective fencing and brief notes on enabling works, as such in their revised comments the CRT still seek the use of prior to commencement style detailed CEMP condition to ensure the protection of the waterways. Taking this into account it is considered that planning conditions should be applied in the instance of an approval to secure a phased drainage plan for the construction period of the development also taking into account the need to ensure the Radcliffe Feeder is not impacted during culverting works in the interests of flood risk and water management.

Further to these comments the applicants submitted a revised detailed drainage layout for consideration. The revised Drainage Layout has a series of notes on the existing on-site drainage situation and that proposed to support the development. On the Drainage Layout it is stated that *'the existing site is drained by precast concrete channels alongside the main buildings of which the existing surface is of loose gravel which allows percolation into the cohesive soils beneath, which tends to flood under heaving and prolonged rainfall.'* The proposals therefore include surface water designed to drain/discharge into a replacement culvert running along the southern boundary, designed to take a flow rate of 1m³ per second from the existing stream to the south east corner. It is stated that additional surface water from the roofs of the new buildings equate to an additional 14 l/s distributed over the length of the culvert. On the Drainage Layout foul drainage is indicated as to be handled via specialist sewage treatment tanks 1no. for Unit 1 and a larger tank for Units 2-3 with both tanks to meet guidelines set by the EA to allow treating of the waste water and discharging of the 'clean' run

off into new culverts. A maintenance plan for the foulds is also noted on the drawing. It is stated that there will be no impact on the hydrology of Bosley Reservoir, the ancient woodland, Danes Moss and adjacent wildlife site. Notwithstanding this as noted by the Nature Conservation Officer in their comments the Proposed Situation M2689-PA-02-V3 shows a different layout for the culverting and the positioning of the foul treatment plant/tank as such it is not certain which is proposed.

With regard to the updated Drainage Scheme the LLFA was approached for comment however at the time of report no updated response has been received and therefore may be provided by way of committee update. Notwithstanding this they did not raise immediate concerns as to the ability to appropriately manage flood risk and water management overall for the site and in their previous comments considered it appropriate to address drainage for the site via the use of carefully worded planning conditions on a prior to commencement basis. Taking this into account and that 2no. versions of drainage schemes have been submitted for consideration and the queries raised by the Nature Conservation Officer regarding placement of tanks/pipes in relation to ensuring the protection and longevity of the woodland and habitat surrounding the site, that in this instance conditions are appropriate for use to secure these details and that otherwise the development would be in compliance with policies and guidance covering flood risk and water management.

Conclusion

The application site is located outside of designated settlement boundaries and is not an allocated employment site where new employment and industrial development is directed towards as per the CELPS and SADPD. The site is located in the open countryside with poor access to means of a variety of transport such as buses, cycling, walking or trains and is reliant on private vehicles such as cars/vans in which to reach it. The principle of the development is not accepted as the proposals are not identified as an exceptional form of development permitted within the open countryside and do not present employment uses that by the nature of the business proposed is essential for it to be located in a countryside and out of settlement location, noting also only 2no. units have earmarked occupants with the remaining units proposed on a speculative basis. It is considered therefore that the proposals are contrary to policies MP1, PG2, PG6, SD1, SD2, EG1, EG2, EG5, SE2 and CO1 of the CELPS, and RUR10 of the SADPD. It is not considered that job creation and nature conservation and forestry mitigation and improvements described within the submission outweigh the conflict with the development plan in this instance. The proposal is considered not to represent sustainable development when considered on the whole and as such the application is recommended to be refused approval.

RECOMMENDATION:

Refuse for the following reasons:

- 1. The application site is located outside of designated settlement boundaries in the Open Countryside and is not an allocated employment site where new employment and industrial development is directed towards as per the Cheshire East Local Plan Strategy (CELPS) and Site Allocations and Development Policies Document (SADPD). The principle of the development is not accepted as the**

proposals are not identified as an exceptional form of development permitted within the open countryside and do not present employment uses that by the nature of the business proposed where known (noting many are proposed on a speculative basis) are essential for them to be located in a countryside and out of settlement location. Due to the site's location there is poor access to a means of a variety of transport such as buses, cycling, walking or trains and the development would be reliant on private vehicles such as cars/vans and as such is not considered to be a sustainable location. It is not considered that job creation and nature conservation and forestry mitigation and improvements described within the submission outweigh the conflict with the development plan in this instance. It is considered therefore that the proposals are contrary to policies MP1, PG2, PG6, SD1, SD2, EG1, EG2, EG5, SE2 and CO1 of the CELPS and RUR10 of the SADPD.

Should members be **mindful to approve** the application the following conditions are suggested:

1. Commencement of development (3 years)
2. Development shall be in accord with approved plans
3. Materials as application
4. Water tank not to be located in ancient woodland or landscaped bund – details to be submitted
5. Construction Environmental Management Plan to be submitted
6. Lighting to be in accordance with submitted scheme
7. Nesting birds survey to be submitted
8. Surface Water and Foul Water Management Plan to be submitted
9. Updated conceptual model to be submitted, and Phase II investigation / remediation strategy if required
10. Verification report to be submitted
11. Imported soil to be tested for contamination
12. Steps to be taken in event of unidentified contamination
13. Implementation of landscape scheme
14. Car and cycle parking to be provided prior to occupation
15. Details of secure cycle parking to be submitted on prior to installation basis
16. Staff travel plan to be submitted
17. Protection of living conditions of occupiers of Hawkshead House (hours of operation or occupation linked to site operator)
18. Details how 10% of the energy requirements will be obtained from decentralised or renewable sources
19. Use of buildings restricted to Class E (g) (ii) research and development of produces or processes, (iii) any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area) and B2 General Industry
20. Tree protection details to be submitted

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 Head of Planning 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.



