

Application No: 20/0113M

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

Proposal: Hybrid application comprising: Full planning permission for the development of the upper quarry including, improvements to site access, the erection of 8 no. industrial / storage units, proposed landscaping and ecological mitigation works. Outline planning permission for the development of the lower quarry to provide up to 13 no. of additional units.

Applicant: A M Bell (Proeprties) Ltd

Expiry Date: 30-Apr-2020

SUMMARY

As an employment proposal, the development will create a number of new jobs (approximately 21) within the surrounding area. In isolation, this is a material consideration that attracts moderate weight. The proposal also raises no significant concerns that cannot be mitigated through the use of planning conditions regarding the impact upon the living conditions of nearby properties, design and impact upon the character of the area, and the impact upon the wider Peak Fringe Local Landscape Designation Area (formerly Area of Special County Value). Neutral weight is therefore given to these matters.

Given the rural location of the site, vehicular access is along relatively quiet rural lanes, which do not immediately appear suitable for commercial traffic including HGVs. However, the lower site has an established employment use, which involves HGV vehicle movements to and from the site. There is also evidence of HGVs (or certainly their trailers) accessing the upper site. The view of the Highways Authority is that there would be no significant impact upon the local highway network arising from the proposed development, given the existing use of the site. Neutral weight is therefore afforded to the vehicular traffic generation aspect of the proposal.

However, the application site is located outside of any designated centre in the CELPS where new employment development is directed towards. It is located in the open countryside with poor access to means of transport other than a car, such as buses, cycling and walking. Conflict with policies SD1, SD2 and CO1 of the CELPS can be identified on this basis.

The proposed development is not identified as one of the exceptions of development types permitted in the open countryside listed under policy PG6 of the CELPS. Policy EG2 sets out specific requirements for rural economic development outside the Principal Towns, Key Service Centres and Local Service Centres, and the proposal also does not accord with any of the development types listed under that policy either.

The Council's nature conservation officer has identified that there will be some loss of unimproved grassland top the north of the application site, and also an area of immature

woodland on the western boundary, that would be lost to the development. This would result in significant harm to Gawsforth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site (LWS). Whilst compensation proposals have been put forward, there appears to be no reason why the harm cannot be avoided, in accordance with paragraph 175 of the Framework, through a redesign of the layout. Accordingly there is considered to be conflict with policy SE3 of the CELPS. Furthermore, the detail within submitted Arboricultural Impact Assessment (AIA) is vague in parts and does not give confidence that the full impact of the development upon proximate trees has been identified. In addition, the AIA suggests that no mitigation is required for the loss of immature woodland and relies on gaps and other areas within the site for natural regeneration. Given the loss of trees within the site, the reliance on natural regeneration cannot be guaranteed and would not provide the degree of mitigation required by policy SE5.

Overall whilst some employment would be created by the proposed development, there is conflict with a number of local plan policies, specifically policies PG6, EG2, CO1, SD1, SD2, SE3 and SE5 of the CELPS, and the development results in harm to the objectives of these policies. It is not considered that the modest job creation would outweigh the conflict with the development plan in this case. The proposal is not considered to be a sustainable form of development and accordingly the application is recommended for refusal.

SUMMARY RECOMMENDATION

Refuse

REASON FOR REFERRAL

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.

Members at Northern Planning Committee considered the impact upon the local economy through job creation and that the removal of HGV movements would benefit the local road network and found these matters to weigh in favour of the application.

DESCRIPTION OF SITE AND CONTEXT

Hawkshead Quarry lies within Countryside Beyond the Green Belt and an Area of Special County Value for landscape quality. The upper and lower Quarry lies within the Gawsforth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site.

It comprises of two distinct areas. The lower area which gains access off Radcliffe Road/Leek Old Road (referred to as the lower quarry) and the upper area 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 access to the upper quarry is 600m northeast and is accessed off a narrow and steep country lane.

Although in close proximity to each other, there is a significant difference in height between the two sites.

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 upper quarry contains no buildings but is a partially hard-surfaced area interspersed with green areas and appears to be currently used for parking of trailers for articulated lorries.

There is a dwelling house located adjacent into the access into the lower site occupied by the applicant.

DETAILS OF PROPOSAL

The application is submitted under one application number but is broken into two distinct parts relating to the upper and lower quarries. The lower quarry is an outline application with access only for consideration. This element seeks outline planning permission for the development of the lower quarry to provide up to 13 no. of additional units.

Full planning permission is sought for the upper quarry to erect 8 industrial starter units with proposed landscaping and ecological mitigation works. The 8 units would comprise 7no units measuring 8m by 4m and one unit measuring 8m by 8m. They would be located around the perimeter of the site. Two of the units would be located to the northern area of the site within a separate courtyard arrangement. The remaining 6 would be located to the southern end of the site. Each unit would have 2 dedicated parking bays and units 3 - 8 would be located around a central turning circle. Unit 1 will be 5.5m in height, and that Units 2-8 will be 6.5m in height. They would be constructed of dark grey corrugated metal.

The units are aimed at small scale local businesses as start up units and it is envisaged that they would accommodate 21 employees.

RELEVANT HISTORY

18680P

Storage shed for 2 no vehicles

Approved 30.5.1979

22449PB

Storage & maintenance shed for 2 vehicles

Refused 28.5.1980

29142P

Access to field

Approved 26.2.1982

CY/5/33936

Reclamation of part of disused part of Hawkshead Quarry using rubble and other inert solid waste

Approved 04.11.1983

33936P

Reclamation of part of disused quarry part for grazing

Approved 04.11.1983

56642P

Container for storage purposes

Refused 25.1.1989

CY/5/55826

Continuation of reclamation of part of disused quarry in accordance with planning permission 5/33936

Approved 09.2.1989

55826P

Continuation of reclamation of part of disused quarry in accordance with planning permission no. 5/33936

Approved 09.2.1989

65210P

Amendment of existing planning permission for light industrial use to incorporate storage on open land

Refused 12.12.1990

97/1266P

Single-storey side extension to office building

Approved 07.8.1997

99/2105P

Certificate of Lawful use HGV repair and maintenance centre

Positive 22-Jan-2002

01/1837P

Replacement industrial building

Approved 19.9.2001

04/1513P

Commercial vehicle (classes 5 & 7) testing bay

Approved

03.8.2004

5/5/6126

COU of Hawkshead Quarry for light industrial purposes

Approved 1.9.1963

5/5/11161 (possibly 5/5/11181)
Dwelling
Approved 1.8.1972

5/5/11386
Renewal of caravan permission
Approved 1.8.1972

23111P
Extension to existing building
Approved 23.7.1980

63854P
Steel Framed building
Approved 25.7.19190

01/1337P
Replacement Industrial building
Withdrawn
6.7.2001

CONSULTATIONS

Strategic Infrastructure Manager – No objection subject to condition for the provision of cycle parking

Environmental Health – No objection subject to conditions relating to a Staff Travel Information Pack, contaminated land, electric vehicle infrastructure, hours of operation and deliveries, and for the occupation of Hawkshead House to remain associated with the operation of Hawkshead Quarry.

United Utilities - No objection subject to conditions regarding drainage proposals as submitted in the flood risk assessment

LLFA – Raise concerns with the proposed layout in the lower quarry in respect of an easement.

Canals and River Trust - No comment

PROW – No objection subject to an advice note to keep PROW clear

Sutton Parish Council - No objection

Since Northern Planning Committee a letter of support has been submitted from Sutton Parish Council and is as follows;

- Sutton Parish Council fully support this application.
- The obscured nature of the site lends itself to light industrial use which, would be of benefit to the community.

- The proposal will enable the growth and expansion of business in the area supporting our rural economy.
- The area would benefit from the removal of heavy transport to light industrial works.
- The area is a scruffy unattractive piece of land and this development would enhance and improve the site.
- There will be an improvement to the site access.
- There are transport links available for employees.
- The development will provide a means of securing biodiversity and ongoing habitat management.

Gawsworth Parish Council - Request that a full traffic/highways assessment is undertaken to assess the impact of the development, screening and effect on the landscape.

OTHER REPRESENTATIONS

One objection has been received raising the following concerns;

- Several inaccuracies and misleading statements, as well as several deficiencies in the submitted plans and documentation
- Croker Lane is a narrow substandard single-track lane which joins Leek Old Road on a steep bend. It does not meet the highway standards for an employment access. It forms part of a Definitive Footpath System that links to the Gritstone Trail.
- The access sign to Lee Hills Quarries is opposite the proposed site entrance to the Upper Quarry at Hawkshead, & the HGV Licences back in the 1980/90s specifically limited the access of Parvey Lane to agricultural traffic associated with Lee Farm. The sign at the entrance off Parvey Lane makes it clear that it is the access to Lee Farm.
- The Planning Statements refer to the site being Previously Developed Land. The definition of PDL in the Glossary of the NPPF excludes land that has been developed for minerals extraction, and land that was previously-developed, but where the remains of any permanent or fixed surface structures have blended into the landscape in the process of time. The regeneration of the trees in and around the edge of this part of the quarry, illustrates this particular point.
- Unsubstantiated statements relating to the importance of the existing site as an employment site, for example how many local firms, how many people do they employ, and how do they get to the site. What other employment sites are there in Sutton Parish?
- The Transport Statement states there is a realistic opportunity for prospective staff to travel by cycle and public transport” to the site as there is a Bus Route (109) close by. The Statement does not provide the details in terms of the service ie that it only operates on school days, and there are only 5 buses a day in each direction (Macclesfield to Leek). The Statement fails to indicate that the walk from the bus stop to the Upper Quarry, which is to provide small employment units for local people, is over 1 km up a long and steep hill.
- There is also a suggestion that all the HGVs which park on the Lower Quarry will be removed. How could this be enforced ? Their Licensing Centre will be the Lower Quarry site. It is, of course quite likely that the parking of HGVs and their trailers will be relocated to the large area where they continue to park opposite the entrance to the Upper Quarry or within the quarry itself.
- Hawkshead Quarry is sited on a steep hillside. No topographical survey, is submitted

- It is alleged that the Lower Quarry site provides a great deal of local employment. But no details of this are submitted, nor are other employment sites in Sutton Parish, and within 2/3 miles of the site.
- Main concerns are the impact of the proposed developments on the Open Countryside, the impact on the Peak Fringe Local Landscape Designation Area, the adequacy of the immediate highway network to safely accommodate the proposed development, and the impact on the Rural Economy.
- In respect of the Lower Quarry the growth of the development of the activities on the site has been incremental, but the proposal is a significant increase.
- The Upper Quarry Site is characterised by natural regeneration is well hidden from the surrounding area.
- The area within which it is located has a long history of quarrying activity, as i.e. Lee Hills Quarries, Rough Heyes Quarry, Gawsorth Common, Whitemoor and many similar small regenerated quarries, all within 2 miles of the Upper Quarry Site. Therefore consent to the use of the Upper Quarry for employment uses would establish a dangerous precedent.
- Policy PG6 of the CELPS (2017) is very restrictive in terms of development in the Open Countryside. Policy SE4 of the CELPS states all development should conserve the landscape character and quality. It is considered that the proposed development will have an adverse impact on the Peak Fringe, Local Landscape Designation Area
- The proposed development will have an adverse impact on a substandard highway network, particularly Crocker Lane as the access to the Lower Quarry Site is substandard, as it is situated on a right-angle bend on a steeply sloping road, which is used by heavy goods vehicles, cyclists and walkers. The road has no footpaths, and the access to the Lower Quarry is too narrow for 2 HGVs to enter and leave the site at the same time. The junction from the site onto the A523 has poor visibility.
- The access to the Upper Quarry Site is substandard, and is onto Croker Lane which is the sole access to Lee Hills Quarries. A variety of HGVs use this lane to access the quarries and the variety of activities which take place on the site. The Quarries Site is very extensive, and has permission for stone quarrying till 2042. Crocker Lane is not wide enough for 2 HGVs to pass, and there is no scope to widen it. It is a country lane, less than 7.3m wide with no footpath, although it provides a Definitive Footpath link to the Gritstone Trail. Croker Lane joins the Leek Old Road on a steep bend with poor visibility from either direction.
- Leek Old Road forms part of the well-used Cheshire Cycleway, and provides a link to Sutton Reservoir, which provides a series of walks around the reservoir and to the canal towpath and to Sutton village. The area as a whole is heavily used for outdoor recreation.
- Both quarry sites are in unsustainable locations with no ready access to satisfactory public transport, very limited opportunities for cycling, and very isolated in terms of walking.
- There is no scope for access to the sites by public transport, cycling or walking.
- No evidence has been provided to justify the need for isolated development in the countryside on the basis there is a need to support the Rural Economy.

APPLICANTS SUBMISSION

A supporting letter has been received from the applicant's agent since Northern Planning Committee:

- There is a very strong material consideration that the parent consent (5/5/6126) has established commercial use for the whole site and envisaged the ability to erect buildings at the upper level. The consent is extant because its implementation was not reliant upon the erection of any new buildings, rather simply that the site was occupied as it was by the Buchans – the applicant company. Buchans later obtained approval in 1968 for a “maintenance workshop and drainage works” so there is no doubt that both the original consent was implemented, and buildings approved on the back of this.
- The proposal is not contrary to the Development plan as the CELPS the Adopted Local Plan Strategy of July 2017 predates the latest iteration of the National Planning Policy Framework (March 2019). Both the previous and current NPPF and commercial development can be acceptable in rural areas as a means of ensuring sustainable communities
- The Local Plan is out of date and does not reflect current government policy which is far more permissive of new buildings for the expansion of existing rural businesses in recognition of their important role in serving the rural economy on a sustainable basis.
- The Local Plan Strategy does seek to prioritise a presumption in favour of sustainable development. However, sustainable development is well established as being more than simply locational factors.
- Strategic Priority 1 of CELP promotes economic prosperity by creating conditions for business growth and point 4 supports the improvement of the economy in rural areas by supporting the development of rural enterprises and diversification of the rural economy.
- Policy PG6 – Open Countryside restricts development to certain categories but with the exception under point 3v *“for development that is essential for the expansion or redevelopment of an existing business”* Extensive information was submitted and also an explanation how potential businesses due to relocate from Rieter Scraggs in Langley (effectively the same rural area), had to then seek alternative premises (ultimately relocating to Stockport) because of the delays in the application being determined.
- The Framework does not require new development for a rural business to be “essential” but in the case of Hawkshead Quarry, this site used to generate nearly 100 jobs in the 1970s and 1980s which in recent years has reduced significantly to 32 jobs. There is no explanation as to what would constitute “essential” but this application proposes new buildings on a long established employment site involving a considerable investment.
- The development will generate a significant number of 53 new jobs of a high quality. Five of the proposed new units are pre-let to existing companies on the site.
- Four of the others are subject to letters of intent but these companies may seek to go elsewhere without the grant of the planning permission. Policy SD1 – sustainable development in Cheshire East - seeks that new developments should, wherever possible: “1. *Contribute to creating a strong, responsive and competitive economy for*

Cheshire East” and “*Point 15. Make efficient use of land and make best use of previously developed land where possible*”.

- The existing Committee Report makes no reference to the strong policy support for new employment development in the open countryside as set out in the 2019 Framework. Given the extent of the rural area within Cheshire East and the number of businesses that operate within it, that is a surprising omission given that is a fundamental component part of the Cheshire East economy. For the Strategic Planning Board, I would ask that you set out the relevant sections of the Framework of February 2019.
- Para 11 at sub paragraph D requires applications to be determined in accordance with the Framework if the Local Plan is out of date (which we say it must be if officers are sticking to the position that the proposals are contrary to the development plan). If the plan is out of date that has potentially significant implications and paragraph 38 (decision making) asks decision makers at every level to seek to approve applications for sustainable development where possible.
- The Framework also recognises the importance of pre application engagement which we did, receiving a positive response to the proposals to expand the development at Hawkshead Quarry.
- The most relevant section in the Framework is 6 – building a strong, competitive economy. Paragraph 83 – supporting a prosperous rural economy sets out that: - *“planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings;”*, Paragraph 84 – *““planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent 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 of 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. This policy approach is not found in the Adopted Local Plan.
- The application in proposing buildings at the upper level has recognised that an area of semi improved grassland will be removed, albeit that this could be removed at any time by the applicant, just through the use for the site for the parking of HGVs and storing of equipment.
- In recognition of this “loss”, the application has included an extensive new area of semi-improved grassland to be provided outside of the application site but within the ownership of the applicant. This approach is fully in accord with Para. 118 of the Framework which encourages multiple benefits from both rural and urban land... and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside.

- In respect of biodiversity and ecology, the Framework recognises the role that offsetting can achieve and the aim of net biodiversity gain. Policy SE3 in the Local Plan at Paragraph 4 allows the loss of elements of a site of local importance where the reasons for or benefits of the proposed development outweigh the impact of the development.
- The officer presenting the item to Northern Planning committee advised members that if the consent was still extant, then one would have expected to see applications made on the back of it. The consent is extant because its implementation was not reliant upon the erection of any new buildings, rather simply that the site was occupied as it was by the Buchans – the applicant company. Buchans later obtained approval in 1968 for a “maintenance workshop and drainage works” so there is no doubt that both the original consent was implemented, and buildings approved on the back of this. The conditions on that consent did envisage further buildings coming forward in the future and it could be open to our client to secure buildings through discharge of that condition as an alternate. This unusual provision only came to light after investigation of the planning history, the second application possibly being incorrectly archived as it was referenced and indexed differently as 5/5/8905 dated the 14/5/1968 Byelaw Regulation 972 (Gawsworth) NOT Sutton.
- Even if there was not a parent consent, the total site has a 50 year long commercial use with no distinction between the upper and lower levels in terms of that use. The site is clearly in lawful use.
- There is no bar to having buildings off the Croker Lane site as the reclamation consents, which are set out in the Committee Report, were never implemented.
- Those members who sought to approve the application recognise that sustainability is not simply about accessibility – it is about protecting and helping deliver vital new and supporting existing businesses in rural areas to serve, to support the local community with employment and economic opportunities and also achieve the overarching Strategic Policy priority 1 of providing a viable and flexible supply of quality employment, land and premises, which this application will do.
- In terms of planning conditions on the use of Croker Lane the mineral extraction planning permission for Rathbones (and adjacent site) as granted under 5/97/1502P requires the only means of access for HGV’s to be to Leek Old Road (i.e. using Croker Lane).

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG6 Open countryside

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

EG1 Economic prosperity

EG2 Rural Economy
EG3 Existing and allocated employment sites
IN1 Infrastructure
SE1 Design
SE2 Efficient Use of Land
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE12 Pollution, Land Contamination and Land Instability
Appendix C – Parking Standards

Macclesfield Borough Local Plan - saved policies

Policy DC3 – Protection of the amenities of nearby residential properties
Policy DC6 - Circulation and access
Policy DC8 - Landscaping
Policy DC9 - Tree protection
Policy NE1- ASCV

Neighbourhood Plans

The site lies outside the Gawsforth Neighbourhood Plan boundary
There is currently no Sutton Neighbourhood Plan

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)
Revised Publication Draft SADPD (September 2020)
Cheshire East Design Guide

OFFICER APPRAISAL

Principle of Development

This is a split application with the lower quarry site being an outline application and the upper quarry being a full application. Both are for proposed employment uses.

The lower quarry is an established employment use in the open countryside, whereas the upper quarry appears to not have an established employment use, although it does appear to have been used for occasional parking of trailers. The planning history reveals the upper quarry had been the subject of quarry reclamation permissions in 1989. The upper quarry was included in the site edge red for applications for previous development in the lower quarry but there appears to be no planning history for actual development on the upper quarry. Therefore it would appear that the lower quarry can be classed as an existing employment site. But the upper quarry, although being in the same ownership, is not an existing employment site in planning terms. The planning history suggests its last known use was as a quarry.

Policy PG6 relates to the Open Countryside and states;

1. *The Open Countryside is defined as the area outside of any settlement with a defined settlement boundary.*

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:*

i. where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere; affordable housing, in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs' or where the dwelling is exceptional in design and sustainable development terms;

ii. for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension

iii. for the replacement of existing buildings (including dwellings) by new buildings not materially larger than the buildings they replace;

iv. for extensions to existing dwellings where the extension is not disproportionate to the original dwelling;

v. for development that is essential for the expansion or redevelopment of an existing business;

vi. For development that is essential for the conservation and enhancement of a heritage asset.

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 regard, particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.*

The only potentially relevant exception in point 3 above would be development that is essential for the expansion or redevelopment of an existing business. In this regard, the applicant's agent has verbally indicated that the applicant wishes to develop the upper quarry in order to be able to invest funds in the lower quarry. However no formal or detailed information has been submitted to indicate that this is essential for the business to expand or redevelop. Therefore none of the exceptions listed in Policy PG6 are considered to apply.

Policy PG7 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).

Policy EG1 of the CELPS states that proposals for employment development outside of designated centres will be supported on employment land allocated in the Development Plan.

This policy goes on to state that employment development on non-allocated employment 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.

Policy EG3 explains how existing employment sites will be protected for employment use.

Policy EG2 relates to the rural economy outside principal towns, key services centres and local service centres and sets out the circumstances where rural economic development will be supported. In this instance, it is considered that the proposed development would not accord with the requirements of policy

EG2 as it would not provide an opportunity for local rural development that supports the vitality of rural settlements given its distance from any identified settlement; create or extend a rural base tourist attraction, visitor facility or recreational use; encourage the retention and expansion of an existing business, particularly through the conversion of existing buildings and farm diversification, as the proposal relates to new businesses that could easily be located within a designated centre; is not associated with sustainable farming or agricultural practices; or considered essential to the wider strategic interest of the economic development of Cheshire East or support the retention or delivery of community services.

Whilst only very limited weight can be given to the draft SADPD (September 2020), which is currently out to consultation, draft policy RUR 10 of this document acknowledges that 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. This policy indicates a direction of travel for the forthcoming policy document regarding rural employment development. The need for a countryside location has not been demonstrated within the current application.

Indeed 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.

Overall, there is no evidence that the proposal is necessary to retain the existing business on site. The type of development proposed could be located elsewhere. There is no particular need for the proposed employment development to be located within the application sites.

The proposal is therefore contrary to the requirements of policies PG6 and EG2 of the CELPS.

Ecology

The upper and lower quarries lie within the Gawsworth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site. Policy SE3 (4) of the CELPS relates to biodiversity and states development proposals which are to have a significant adverse impact on a local wildlife site will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the proposal.

Lower Quarry

The lower quarry area is surrounded by ancient woodland. This woodland also appears on the national inventory of Priority Habitat. Both of these habitat types are protected by CELPS policy SE3. Ancient woodlands also receive specific protection through paragraph 175 of the NPPF. These woodland habitats form part of the Gawsworth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site.

Current standing advice from Natural England in respect of ancient woodland requires the provision of a minimum 15m undeveloped buffer to safeguard ancient woodland. The outline proposals for the lower quarry are located on an existing area of hard standing therefore there would be no direct loss of woodland habitat as part of the redevelopment of the lower quarry.

The woodland is also likely to already be subject to impacts resulting from noise, light pollution and other impacts associated with human presence resulting from its existing usage so these would not be significantly increased as part of the re-development of this site.

The proposed buildings are now shown (indicatively) as being erected away from the edge of the existing hard standing area. The erection of buildings in close proximity to the woodland edge is likely to have an adverse effect on the woodland edge, and any additional lighting provided on site may have an impact on wildlife associated with the woodland unless it is designed carefully.

Therefore, if the application is approved, conditions would be required for a buffer zone to the edge of ancient woodland, and a detailed lighting scheme to be submitted.

Upper Quarry

The nature conservation officer advises that despite falling within the boundary of the *Gawsworth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site (LWS)* much of the upper quarry area is bare ground/existing hard standing of limited nature conservation value.

There is however an area of dense scrub and unimproved grassland in the north of the red line of the application and also a second area of immature woodland on the western boundary, that would be lost under the currently proposed layout.

The area of unimproved grassland lost to the development meets the Local Wildlife Site Selection criteria as undetermined species rich grassland. Its loss would therefore result in a significant loss of biodiversity from the LWS and be contrary to Local Plan policy SE3.

In accordance with policy SE3 development proposals which are likely to have a significant adverse impact on a site with one or more of the following local or regional designations (including LWS) will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development. In accordance with the mitigation hierarchy, at paragraph 175 of the Framework, development proposals must first look to avoid impacts prior to compensation measures being considered.

The scrub and immature woodland habitats whilst not of high nature conservation value do still make a notable contribution to the biodiversity value of the Local Wildlife Site. Policy SE3 requires all development proposals to seek to deliver a positive benefit for biodiversity. The

loss of the scrub and immature woodland habitats would make it difficult for the application to meet this policy requirement.

The additional information submitted in support of the application includes an outline method statement for the creation of species rich grassland habitats within other land under the control of the applicant (edged blue) to compensate for that lost. An assessment of soil conditions (including soil nutrient levels and depth of top and subsoil) for the area proposed for habitat creation has been undertaken that shows for the most part that the proposed compensation area is suitable for the creation of this habitat.

The applicant's updated Phase One habitat survey suggested that the existing area of unimproved grassland has reduced significantly within the last year or so due to encroachment by scrub. However transition to scrub is a natural process for grassland habitats in the absence of intervention. Whether the grassland habitats have reduced to the extent suggested would however require further investigation.

The development of the upper quarry, but with the grassland habitats within the site being retained would, provide an opportunity to secure the management and enhancement of the retained habitats by means of a planning condition. It is suggested that this could provide an option to secure the long term viability of the grassland habitats.

In the absence of management the grassland habitats would eventually develop into woodland habitats. Woodlands are a key interest feature of the Local Wildlife Site.

In summary, the proposed development of the upper quarry site will result in an adverse impact upon the LWS. Compensation measures to address this impact have been submitted.

However, in accordance with the mitigation hierarchy this impact should be avoided through slight redesign of the proposals for the upper quarry to allow the retention of semi-natural habitats. The avoidance of these impacts has not been adequately considered in the submission in order to conclude that the proposal complies with policy SE 3 of the CELPS and the requirements of the Framework.

Reptiles

If the proposed development is restricted to the existing hard standing areas of the upper quarry, the proposals would not be likely to have an adverse impact upon reptiles. If any semi-natural habitat lost then mitigation measures for reptiles as proposed in the submitted ecological assessment must be secured by condition.

Japanese Knotweed

The applicant should be aware that Japanese Knotweed (*Fallopia japonica*) is present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause Japanese Knotweed to grow in the wild. Japanese knotweed may be spread simply by means of disturbance of its rhizome system, which extends for several meters around the visible parts of the plant and new growth can arise from even the smallest fragment of rhizome left in the soil as well as from cutting taken from the plant.

Disturbance of soil on the site may result in increased growth of Japanese Knotweed on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with

Japanese Knotweed must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste.

Nesting Birds

If planning permission is granted standard conditions would be required to safeguard nesting birds and ensure some additional provision is made for nesting bird as part of the proposed development.

Trees

Policy SE 5 of the CELPS outlines that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

Trees within an immediately adjacent to the site are currently not protected by a Tree Preservation Order or lie within a designated Conservation Area. The Lower Quarry site is also bounded by Ratcliff Wood which is designated as Ancient Woodland and registered under the National Priority Habitat Inventory.

Upper Quarry

The supporting Arboricultural Impact Assessment states a 30% area of immature woodland comprising of group of young willow and Birch (G8) within the Upper Quarry Area to the western boundary will require removal to accommodate the development. The Assessment refers to the trees (para 4.1.2) as young scrub (Willow and Birch), but to the group as a whole in the supporting data sheet as young dense woodland with good vigour. The woodland has been graded as category B2 (Moderate Category). The Assessment does not go into any detail as to the need for the removal of these trees referring only to the site layout plan at Appendix 4 which indicates the proposed removals are to accommodate hard standing and industrial/storage units.

The Assessment makes reference to proposed tree works, which include the removal of a hedgerow (H1), A 30% section of young woodland (G8 referred to above) and the pruning and removal of selected stems from a number of individual and groups of trees (G2,G3,G4,G5,G6,T4,G7,T5,and G9) to clear the proposed building line. The Forestry officer advises that the pruning recommendations are somewhat vague, and given that there is no detailed explanation in the Assessment that references what part of the development will be affected it is difficult to determine the extent of the works that are proposed.

Reference is also made in the AIA to the proximity of the development to the canopies and Root Protection Areas (RPAs) of retained trees but again does not go into detail. A revised landscape plan that has been submitted, in response to concerns raised by the Council's landscape officer, refers to the widening of the access into the site and the removal of a line of trees along the edge of a group of trees (G7). Again, reference to the widening of the access and removal of these trees is not specifically referred to in the Arboricultural Assessment.

The AIA also refers to mitigation and suggests that no mitigation is required for the loss of this immature woodland and relies on gaps and other areas within the site for natural regeneration. Given the loss of trees within the site, the reliance on natural regeneration cannot be guaranteed and would not provide the degree of mitigation required by policy SE5.

Landscape

As the site is located within the boundary of the Peak Fringe Local Landscape Designation Area (Formerly ASCV) it falls to be considered in relation to policy SE4 of the CELPS which seeks to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse effect on its character and appearance and setting. Trees within an immediately adjacent to the site are currently not protected by a Tree Preservation Order or lie within a designated Conservation Area.

Lower Quarry

This is an open area of hardstanding, surrounded by slopes with ancient woodland and there are a number of existing buildings within the site. The proposed development for the lower quarry lies within an enclosed already developed area and it is considered that there will be no significant or landscape or visual impacts associated with the proposals in the lower quarry area and therefore its development would comply with policy SE4 and saved policies DC8 and DC9 of MBLP.

Upper Quarry

This area is largely a flat area of open ground located within a shallow depression, with woodland extending up the slope immediately to the east and smaller strips of woodland to the north and west, with areas of regenerating woodland and grassland along the perimeter of the site, in particular the access track which leads from Croker Lane. The wider area to the north and west is a more open pastoral landscape.

Additional screening has been added to the western boundary during the life of the application which would help screen units 2 and 3 making the landscaping more robust and reducing the impact upon the character and appearance of the local area. Therefore, it is considered that this aspect of the proposal would also comply with relevant landscape policies.

Impact on residential amenity

The nearest residential dwelling is Hawkshead House which is located at the entrance to the lower quarry. It is occupied by the applicant and has been associated with the site for a number of years. It is located close to the entrance to the site and sits a much higher level than the access road. It is not considered that that proposed development at the upper quarry would have any impact upon the amenity of Hawkshead House, due to it being over 400 metres away.

Environmental Health recommend that Hawkshead House and gardens remain associated with the owners / operators of Hawkhead Quarry due to the fact that the proposed development will result in noise from an increased use in the number of HGV and other traffic movements together with the fact that noise from site operations may also be caused. Such noise is likely to materially impact on the residential amenity of the occupiers of Hawkshead House.

Subject to such a condition it is considered that it the development could comply with saved policy DC3 of MBLP.

Highway safety and parking

The total floor space of the proposed units is 2,424sq.ms across both sites. The sites have two existing access points from Leek Old Road and Croker Lane which are to be retained with an improvement to widen the junction on Croker Lane to 7.3m.

The proposed car parking accords with the CEC standards with 16 spaces for the upper quarry and 88 for the lower quarry. The proposed development would remove existing driver only bays and relocate the existing salvage dealers from the lower area to the upper area. MOT centre repair centres and other industrial units would be retained on the lower site. The existing accesses are a non standard arrangement but they have been shown to operate in a safe manner.

The existing 20 driver owner bays will be removed from site and most of these vehicles will work double shifts (day and night) but the operator confirms that only 30% of them operate in this manner. If operating at full capacity it could generate 166 movements a day. When off set against the proposed industrial units there would be a significant reduction in vehicle movements.

The Head of Strategic Transport raises no objection to the proposal and states the following; "It is clear that this site has generated industrial trips for some time that has included HGV trips and as such the types of vehicle associated with the proposed industrial units will not be new to the local road network. The likely traffic generation from the site spread over the two access points will not lead to a material detrimental impact on capacity and is considered acceptable bearing in mind that a number of HGV trips are being removed associated with the 20 HGV bays.

Whilst the comments from the Highways Authority are acknowledged, the limited width of Croker Lane does have to be noted. Croker Lane is a very narrow rural lane, which is not ideally suited to HGV movements. However, there has clearly been some historical use of the lane by such vehicles, and in the absence of an objection from the Highways Authority, and their observations that there will not be a detrimental impact upon the local road network arising from the proposed development, a reason for refusal on highways grounds cannot be justified.

Accessibility / Sustainable Development

Policy CO1 of the CELPS relates to sustainable travel and transport. Amongst other things, this policy seeks to guide development to sustainable and accessible locations, and ensure development gives priority to walking, cycling and public transport. Policy EG2 of the CELPS also expects rural economic development to meet sustainable development objectives as set out in policies MP 1, SD 1 and SD 2 of the CELPS, some of which reiterate the need to ensure that development is accessible by public transport, walking and cycling. Policy SD1 also expects development, wherever possible, to:

- Prioritise investment and growth within the Principal Towns and Key Service Centres;
- Provide access to local jobs, services and facilities, reflecting the community's needs

- Provide safe access and sufficient car parking in accordance with adopted highway standards;
- Support the achievement of vibrant and prosperous town and village centres;
- Contribute to protecting and enhancing the natural, built, historic and cultural environment;
- Prioritise the most accessible and sustainable locations.

In respect of policy CO1 of CELP, the site is in a very remote location in terms of its relationship with the majority of services, facilities and populations of Sutton, Gawsorth and Macclesfield. Whilst there is a bus route on London Road, there are no footways or street lighting to connect the site with the nearest bus route. Access would be along quite rural lanes that would not be conducive to walking, particularly in the winter months. These issues and the topography of the land leading up from London Road would also serve to deter cyclists. It is considered to be inevitable that most journeys to the site will be made by car. The development therefore does not give priority to walking, cycling and public transport, due to its location.

Given the absence of any information to demonstrate that the proposal would meet an identified need for local rural businesses that cannot be located in designated centres, it would compete against the strategic objectives of the Council and allocated, and more accessible, employment sites as identified in the CELPS. By drawing businesses and employees away from more accessible locations, the proposed development promotes a very unsustainable pattern of development, contrary to the sustainable development objectives of policies SD1 and SD2 of the CELPS and the Framework.

Design

Policy SE1 requires development proposal to make a positive contribution to their surroundings in respect of a sense of place, design quality, sustainable urban architectural and landscape design workability and safety.

The design of the units on the lower quarry would form part of a reserved matters application and therefore will be subject to consideration at that point

The units on the upper quarry would be steel portal framed buildings lined with blockwork and covered with dark grey corrugated sheeting. There would be three single units, 1 small and 2 larger and a row of three units on the eastern boundary and a row of two on the southern boundary.

They are typical of modern functional industrial buildings with flexible internal areas, making them suitable for various uses. They vary in floor areas from 64sqm to 112sqm and in height from 2.7m to 3.5m high.

It is considered that the design of the units on the upper quarry comply with policy SE1 of CELP. The design of the units on the lower quarry will be subject to a reserved matters application.

Policy SE9 requires non-residential development over a 1,000 sqm to secure at least 10% of predicted energy requirements from decentralised renewable of low carbon sources, unless the applicant can demonstrate this is not feasible. The proposed development would equate

to 2913 sqm therefore should the application be approved it would be subject to a condition requiring the submission of details to show how 10% of energy requirements would be obtained from decentralised renewable resources.

Flood Risk

The LLFA initially raised concerns with the proposed layout. Their mapping data indicates an ordinary watercourse to be situated directly under a number of proposed plots within the lower quarry development. A revised plan has been submitted to address this concern, and an easement has been shown to ensure future maintenance is achievable. Comments are awaited from the LLFA to confirm whether their concerns have been addressed and will be reported as an update.

Planning Balance

As an employment proposal, the development will create a number of new jobs (approximately 21) within the surrounding area. In isolation, this is a material consideration that attracts moderate weight. The proposal also raises no significant concerns that cannot be mitigated through the use of planning conditions regarding the impact upon the living conditions of nearby properties, design and impact upon the character of the area, and the impact upon the wider Peak Fringe Local Landscape Designation Area (formerly Area of Special County Value). Neutral weight is therefore given to these matters.

Given the rural location of the site, vehicular access is along relatively quiet rural lanes, which do not immediately appear suitable for commercial traffic including HGVs. However, the lower site has an established employment use, which involves HGV vehicle movements to and from the site. There is also evidence of HGVs (or certainly their trailers) accessing the upper site. The view of the Highways Authority is that there would be no significant impact upon the local highway network arising from the proposed development, given the existing use of the site. Neutral weight is therefore afforded to the vehicular traffic generation aspect of the proposal.

However, the application site is located outside of any designated centre in the CELPS where new employment development is directed towards. It is located in the open countryside with poor access to means of transport other than a car, such as buses, cycling and walking. Conflict with policies SD1, SD2 and CO1 of the CELPS can be identified on this basis.

The proposed development is not identified as one of the exceptions of development types permitted in the open countryside listed under policy PG6 of the CELPS. Policy EG2 sets out specific requirements for rural economic development outside the Principal Towns, Key Service Centres and Local Service Centres, and the proposal also does not accord with any of the development types listed under that policy either.

The Council's nature conservation officer has identified that there will be some loss of unimproved grassland to the north of the application site, and also an area of immature woodland on the western boundary, that would be lost to the development. This would result in significant harm to Gawsforth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site (LWS). Whilst compensation proposals have been put forward, there appears to be no reason why the harm cannot be avoided, in accordance with paragraph 175 of the

Framework, through a redesign of the layout. Accordingly there is considered to be conflict with policy SE3 of the CELPS. Furthermore, the detail within submitted Arboricultural Impact Assessment (AIA) is vague in parts and does not give confidence that the full impact of the development upon proximate trees has been identified. In addition, the AIA suggests that no mitigation is required for the loss of immature woodland and relies on gaps and other areas within the site for natural regeneration. Given the loss of trees within the site, the reliance on natural regeneration cannot be guaranteed and would not provide the degree of mitigation required by policy SE5.

Overall whilst some employment would be created by the proposed development, there is conflict with a number of local plan policies, specifically policies PG6, EG2, CO1, SD1, SD2, SE3 and SE5 of the CELPS, and the development results in harm to the objectives of these policies.

Notwithstanding the resolution from Northern Planning Committee it is considered that the above policy conflicts are significant and are not outweighed by the modest job creation and removal of HGV traffic. The proposal is not considered to be a sustainable form of development and accordingly the application is recommended for refusal.

RECOMMENDATION

Refuse for the following reasons:

- 1. The application site is located with the Open Countryside, which is defined as the area outside of any settlement with a defined settlement boundary. The proposed development is not for one of the permitted types of development within the Open Countryside listed under policy PG6 of the CELPS, and is not for one of the specified exceptions to these development types. Policy EG2 sets out the circumstances where rural economic development proposals (outside the Principal Towns, Key Service Centres and Local Service Centres) will be supported. From the information provided with the application, the proposed development does not meet any of the identified circumstances for the development to be supported. The proposal is therefore contrary to policies PG6 and EG2 of the CELPS.**
- 2. By reason of the nature and location of the development, the application is not a sustainable form of development, and conflicts with policies SD1, SD2 and CO1 of the CELPS, and the objectives of the NPPF.**
- 3. The proposed development of the upper quarry site will result in significant harm to the Gawsworth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site, and does not provide adequate detail relating to the impact of the development upon proximate trees or appropriate mitigation. The proposal is therefore contrary to policies SE3 and SE3 of the CELPS and the provisions of the NPPF.**

Should members be **minded 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. Samples of building materials shall be submitted
4. Works on the upper quarry shall be undertaken in accordance with Landscaping Proposals Plan (Drawing No: M2689-PA-07-V4
5. Further landscaping details shall be submitted to include details of boundary treatment.
6. No buildings or other development in the lower quarry to be sited closer than 5m from the edge of the ancient woodland.
- 7 Reserved matters application to be supported by a detailed lighting scheme designed to minimise any impacts upon wildlife
- 8 Grassland translocation and habitat creation method statement for the upper quarry
- 9 Submission of 25 year management plan for the upper quarry and ecological mitigation area.
- 10 Safeguarding of nesting birds.
- 11 Submission of proposals for nesting birds
- 12 Submission of lighting scheme
- 13 Implementation of reptile mitigation measures
- 14 Odour control management details to be submitted
- 15 Hours of operation to be restricted to protect the occupants of Hawkhead House from intrusive noise..
- 16.Piling restriction on hours
- 17 Dust management details to be submitted
18. Floor floating restriction on hours
19. Travel plan to be submitted
- 20 Details of cycle parking to be submitted
- 21 Electric vehicle points shall be installed
22. Phase I and II contamination reports to be submitted and agreed
23. Verification report to be submitted
24. Steps to be taken in event of unidentified contamination
- 25 Drainage works shall be carried out in accordance Flood Risk Assessment (Ref No. BEK-19653-1, Dated December 2019) to prevent surface water run off
- 26 A sustainable drainage management and maintenance plan for the lifetime of the development to be submitted
- 27.Hours of construction 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 Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

