

Application No: 11/4110M

Location: DISLEY TISSUE LTD, WATERSIDE ROAD, DISLEY, STOCKPORT, CHESHIRE, SK12 2HW

Proposal: Proposed Paper Manufacturing Building, Extension of Existing Manufacturing Building, Raw Materials Stores, Finished Goods Stores, Offices, Co-generation Plant, Electricity Transformer, Boiler House, Compressor House, Sprinkler Building, Car Parking, Demolition of Some Existing Buildings and Ancillary Works.

Applicant: Disley Tissue Limited

Expiry Date: 02-Mar-2012

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Applicant:	Disley Tissues Limited, Kruger Tissue Group (UK) Ltd, Waterside Road, Disley, Stockport, Cheshire, SK12 2HW
Application Type:	Full
Grid Reference:	398058 385335
Ward:	Disley

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Whether the development represents inappropriate development, and if so, whether there are any “*Very Special Circumstances*” that clearly outweigh the harm caused by inappropriateness and any other harm
- Impact on landscape character and visual amenity
- Whether the proposal would result in sustainable economic growth
- Residential amenity
- Highway implications
- Ecological implications

REASON FOR REPORT

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council’s constitution such applications are required to be considered by Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site is situated on Factory Lane, which is accessed from Strines Road to the north, and Redhouse Lane to the south. All delivery and service vehicles to the site use Strines Road.

The application site extends to 3.5ha, and is located within the Green Belt. The land is predominantly previously developed, containing a number of buildings that are used in association with paper manufacturing, specifically tissue paper, including offices, and storage buildings.

There is a staff/visitor car park located to the east of the mill, which provides approximately 100 car parking spaces, and a further visitor car park adjacent to the site entrance which provides an additional 8 spaces.

The site is surrounded by open countryside. The river Goyt runs around the northern perimeter of the site. There are industrial uses along the river Goyt, and some residential properties.

Factory Lane used to be called “Waterside”, it is understood the name was changed about 15 years ago. There are references within the application to “Waterside” which relate to the site.

BACKGROUND

The Mill building was built in the early 19th century, and was used as a cotton mill, following the opening of the Peak Forest Canal, which brought bulk transport to Disley. By 1890 the cotton mill had ceased production, and in its place a paper mill opened, which is still in place today.

The site was purchased from Kruger tissues in 2009, and is one of only three privately owned manufacturing companies in the UK. Disley Tissues manufacture high quality recycled tissue products, from tissue paper to cardboard, and many grades in between, which they sell to the UK and European market.

Disley tissue is capable of producing 24,500 tonnes of recycled tissue paper and 33,000 tonnes of de-inked pulp made from waste paper per year.

The new owners have an ambition to develop Disley Tissues so it can compete in the worldwide market. They aspire to create *“a world class tissue manufacturing operation at the Waterside site; making the highest quality paper with a low carbon and water footprint from sustainable raw materials, whilst minimising its impact on the local environment and communities.”*

Three companies operate from the site: Disley Tissues Ltd (the applicant), Connect Hygiene Products Ltd and Ashley Paper Sales Ltd, the company’s waste purchasing agent.

DETAILS OF PROPOSAL

Full Planning Permission is sought for the extension of the paper mill to add a 220 tonne/day wood pulp based mill / machine to the existing 70 tonne/day recycled paper based mill, with ancillary operations.

A number of unused buildings would be demolished to allow for the new development. The existing site has a built floor space of 13,048m². The proposed development would result in a built floor space of 16,318m², which is a net increase of 3270m².

The majority of the additional floor space is from the extension of the reel store, and the building to house the co-generation plant.

The overall built area of the site, (that is the area of hard standing and buildings) will expand by 1800m².

The development consists of:

- Extension to the existing stock preparation area
- New Fibre storage area
- New waste storage area
- New paper mill building

- Transformer pens
- Extension of the existing Reel Store to accommodate 10 days of soft Tissue reels
- Co-generation building
- Building for boiler system
- Provision of 4 chimneys
- Two storey office building
- New drainage systems
- Building to house compressor system
- Landscaping proposals
- Internal access and car parking proposals, including pedestrian footways and lighting

The new mill building will be 5 metres taller than the existing buildings. This is due to the size of the new paper mill machine, and the operation processes. The building has 3 levels: the below machine floor area, the paper mill machine level, and the overhead travelling crane (required for maintaining and servicing the paper mill machine). The building cannot be lowered into the ground level any further, due to the underlying geology and the water table.

The existing mill building (PM1 – Paper Mill 1) measures 17 metres in height. The proposed mill building (PM2) will measure 22 metres in height. Three of the chimneys are 8 metres taller than PM2; one is 13 metres taller than PM2.

The new buildings are to be fabricated in a dark green colour (to be agreed with the Local Planning Authority). The existing Mill building is to remain in the pale grey/green colour, as it is not financially viable to close the factory to allow for the existing buildings to be re-clad. Painting the building is not an option either, as due to the extremes in temperature, the paint would start peel off the building approximately every two years, which would require regular re-painting, which is not practical or viable.

RELEVANT HISTORY

62689P	Paper Manufacturing Building Approved 10 July 1990
65910P	Effluent treatment plant Approved 1 May 1991
79204P	Paper Manufacturing Building Approved 7 November 1994
81564P	22m High Chimney 12 July 1995
96/1023P	Gatehouse Approved 7 August 1997

The new commercial access to Strines Road was approved by High Peak Borough Council in November 1994.

POLICIES

Regional Spatial Strategy

DP1 - Spatial Principles
DP3 – Sustainable Economic Development
DP7 - Promoting Environmental Quality
EM1 - Integrated Enhancement and Protection of the Region's Environmental Assets
RDF4 - Maintenance of the Green Belt

Local Plan Policy

GC1 –Green Belt
GC4 – Major Development sites in the Green Belt
(N.B this site is not allocated as a Major Development site, but the policy requires consideration)
E1 – Retention of Existing Employment Areas
NE2 –Protection of Local Landscapes
NE9 – River Corridors
NE11 – Nature Conservation
NE16 – Nature Conservation Priority Area
NE17 – Major developments in the countryside
BE1 – Design
DC1- Scale and design
DC3 –Amenity
DC6 - Circulation and Access
DC8 - Landscaping
DC9 – Tree Protection
DC13 – Noise creation
DC18, 19, 20 – Protection of watercourses
DC63 – Contaminated land

Other Material Considerations

PPS1 – Delivering Sustainable Development
PPG2 – Green Belts
PPS4 – Planning for Sustainable Economic Growth
PPG13 – Transport
PPG23 – Planning and Pollution Control
PPG25 – Development and Flood Risk

Written Ministerial Statement: Planning for Growth June 2011
Draft National Planning Policy Framework
Localism Bill

CONSULTATIONS

Archaeology - Recommend condition for watching brief

British Waterways - No comment

Derbyshire County Council (Highways Dept) – Awaited.

Environmental Health - Recommendations and conditions in respect of:

- Hours of construction/demolition, pile driving and floor floating
- Implementation measures to control dust during construction
- Land remediation statement & site completion report

Environment Agency –recommend additional site investigation works and a number of conditions

Forestry – No objection, subject to conditions

High Peak Borough Council (HPBC) - raise no objection to the proposals and consider there would be no significant detrimental impact to the visual amenity of the borough and welcomes the possibility of the creation of jobs and economic growth for the local area. There is no objection relating to highway safety provided that the Highway Authority (being Derbyshire County Council) raises no objections to the increased traffic movements at the junction of Strines Road and that consideration has been given to the increase in regards to potential amenity disturbances on residents within the locality of Hague Bar, New Mills.

HPBC's Arboricultural Officer has raised no objections on landscaping grounds as the proposed expansion of the site is contained within the existing footprint which will limit the visual impact of the expansion of the site. It was noted that there are plans to plant a belt of native trees along the north eastern boundary of the site, which will further integrate the industrial site in to the open countryside surrounding it.

Highways - No objection

Joint Cheshire Emergency Planning Service – No objection

Landscape – No objections, subject to the following comments and conditions:

In order to mitigate the visual impact of the development on the Valley in the longer-term it is proposed to plant a new woodland belt on the northern side of the River Goyt on land in the applicant's ownership. It is recommended that a width of 20 metres is approved as the minimum width for this woodland belt.

A woodland management plan was not submitted with the application. It is recommend that a woodland management plan for a period of at least 20 years is secured. The management plan should include replacement planting, selective thinning etc.

Leisure – Recommendation for a commuted sum in lieu of on site Open Space and Recreation/Outdoor Sports, which would be used to make additions, enhancements and improvements at Arnold Rhodes playing Field.

Manchester Airport - No objection

Ministry of Defence – No safeguarding objections to this application provided the flue stack is fitted with an obstacle warning light for the purposes of aviation safety. The light should have a minimum intensity of 25 candela and should be placed at the highest practicable point.

Nature Conservation – No objection. It is recommend that the management plan be treated as being indicative at this stage and that a condition be attached requiring the submission of a final management plan within 3 months of the grant of planning consent.

Peak District National Park – No comment received

Public Rights of Way - No objection, subject to informative advising:

- No building materials must be stored on the right of way
- Vehicle movements must be arranged so as not to interfere with the public's use of the way
- The safety of members of the public using the right of way must be ensured at all times
- No additional barriers (e.g. gates) are to be placed across the right of way
- There must be no diminution in the width of the right of way available for use by members of the public
- No damage or alteration must be caused to the surface of the right of way
- Wildlife mitigation fencing must not be placed across the right of way

Stockport Metropolitan Borough Council - No objection. The proposal is considered appropriate, and would not have any significant detrimental impacts on Stockport MBC.

With respect to impacts on the local highway network (and notably roads within Stockport MBC), the Transport Statement submitted in support of the application outlines that vehicular movements to the site are predicted to increase by 88% each day, with a peak time increase of 65%. Having assessed the routing of these HGVs and the predicted increase in vehicles travelling to/from Marple and New Mills, it is considered that the increase would not be material and consequently an objection on grounds of traffic generation could not be justified.

VEWS OF THE PARISH COUNCIL / ADJOINING TOWN COUNCIL

Disley Parish Council - Support the application

New Mills Town Council - No comment

OTHER REPRESENTATIONS

10 representations have been received to date, 2 supporting the application, 8 raising objections to it. In summary, the following comments have been made:

Support

- Expansion of Disley Tissues is generally supported
- Increase in number of jobs in the area is a significant benefit
- Disley Tissues has always been helpful and responsive to complaints about noise
- There can be no building works without extra traffic, everyone accepts that

Objections

Residential Amenity

- Increase in traffic will affect residential amenity, from noise and vibrations
- Additional noise will drain residents well-being
- HGVs access the site at 5.30am every morning, waking residents

Noise

- Unrelenting noise and disturbance a “24/7 droning”
- Noise from machinery, HGVs arriving and leaving the site and vehicles manoeuvring within the site throughout the day and night
- Sound insulation is recommended

Pollution

- Development will increase noise, steam generation, dust, obnoxious smells from waste and light pollution from the factory

Highway issues

- Waterside Road is not suitable for 49 additional HGV movements per day.
- The road is not wide enough for a HGV and a car
- The junction at Shrines Road is already congested. The proposal will exacerbate the situation
- The proposal will result in congestion in Hague Bar, Lower Hague, and the surrounding areas
- A traffic management plan is recommended
- Additional traffic by employees will result in congestion on Shrines Road
- River crossing can not support the weight of a HGV
- Recommendation for signage to reduce speed limits for pedestrian safety
- Waterside Road (Factory Lane) is in need of repair. Any construction traffic using Waterside would be unacceptable
- Traffic calming measures on Red house Lane, Factory Lane and Waterside Road are recommended
- Recommend small trucks use the A6, so Disley takes some of the burden

Visual Amenity/Green Belt

- Increase in the height of the building will have an adverse impact on the aesthetics of the green belt valley

- A light coloured building would be harmful to the aesthetics of the valley, a dark green colour is recommended
- Scale and appearance of building is unacceptable in a rural area

Landscape/Forestry/Ecology

- Harm to the Green Belt, vegetation and wildlife species
- The tree planting may not screen the buildings
- Additional fast growing, mature evergreen trees are recommended, particularly to the north and eastern perimeters
- Public footpaths are in poor condition. It is recommended that they are widened and surfaced

Other issues raised

- Need to store waste paper more securely
- “Other business uses” are referred to in the travel plan, which raises concerns
- Lighting needs to be shrouded to prevent glare

APPLICANT'S SUPPORTING INFORMATION

- Planning Statement
- Environmental Statement
- Environmental Statement non-technical Summary
- Design and Access Statement incorporating Sustainability Statement
- Flood Risk Assessment
- Transport Assessment
- Travel Plan
- Statement of Community Involvement
- Ground Conditions report
- Arboricultural Report
- Site Waste Management Plan

OFFICER APPRAISAL

Green Belt

The site is located within the Green belt therefore policy GC1 of the Macclesfield Local Plan applies. The proposal does not fall within one of the exceptions therefore consideration must be given as to whether there are any Very Special Circumstances and other material planning consideration exist, which clearly outweigh the harm caused by reason of inappropriateness. The site is not identified as Major developed site, therefore policy GC4 is not applicable (nor is the national planning policy advice for major developed sites).

Paragraph 3.4 of Planning Policy Guidance Note 2 mirrors the advice contained within policy GC1 of the Local Plan. Paragraph 3.2 advises that

“Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very Special Circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

The applicant accepts that the proposal represents “Inappropriate Development”, and has submitted a case to demonstrate that “Very Special Circumstances”, which is discussed below.

As the proposal represents a Significant Departure from the Development Plan, should it be recommended for approval, it will need to be referred to the National Planning Casework Unit, under the Town and Country Planning (Consultation) (England) Direction 2009.

Employment

Policy E1 of the Local Plan seeks to retain existing employment areas and acknowledges that some of these sites are in the countryside/green belt. PPS4 is also relevant as the development relates to economic development. The Government’s overarching objective is for sustainable economic growth. Policy EC10 states that there should be a positive and constructive approach towards planning applications for economic development and encourages Local Authorities to treat applications for economic growth favourably.

Planning for Growth

In a Written Ministerial Statement (2011) Central Government confirmed that development proposals that can be demonstrated as “sustainable forms of development” should be considered favourably in the first instance, with a presumption of approval from the Local Planning Authority. The Statement advises that the planning system has a key role to play in rebuilding the economy, by ensuring that sustainable forms of development needed to support economic growth is able to proceed.

Draft Localism Bill

Within the draft Localism Bill, there is a presumption in favour of sustainable forms of development, which support economic growth and employment. This advice is repeated with the draft National Planning Policy Framework, which states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

Draft National Planning Policy Framework

Consideration should also be given to the Draft National Planning Policy Framework. However, this should be given limited weight because it is not adopted policy yet. Within the Draft NPPF there is a presumption in favor of sustainable development. The document attaches importance to the Green Belt, retains the purposes of the Green Belt and advises that substantial weight is given to any harm to the Green Belt. Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations.

Principle of Development

As the proposal represents inappropriate development, the following considerations have been put forward as a package to demonstrate that Very Special Circumstances exist to clearly outweigh the harm:

1. Existing Lawful Use

The site has an established lawful use for the manufacturing of paper. The buildings that are to be demolished have a lawful use for paper making.

2. Brownfield Land

PPS1 and PPS4 prioritise the re-use of brownfield land for development over Greenfield land. Paragraph EC2 advises:

“Local Planning Authorities should ensure that their development plan seeks to make the most efficient and effective use of land, prioritising previously developed land which is suitable for re-use...”

3. Economic Growth

The capital investment of £50 million of largely private money into the UK and local economy, and the creation of 50 new well paid skilled jobs will only occur if there is an extension of the existing factory. The investment into pulp paper making will diversify the current waste paper operation and help secure the future of the existing business.

The new manufacturing process will also help the UK's balance of payments by reducing the need to import quality tissue paper, and increase export.

The development is sustainable, and would help support local economic growth and employment.

4. Location

The development is an extension to an existing operation. The proposal is not freestanding or self contained. It relies on existing facilities and infrastructure which will be retained at the paper mill. It also requires a significant water supply.

5. Setting

The factory is seen from the north against the backdrop of the rising valley with the factory “nestled against the foot slopes” so not breaking the skyline. Views of the site are partially screened by various tree belts and other features.

The new development is also mostly behind the existing retained buildings when viewed from public areas. As such, only the higher roofs of the new buildings will be seen from long

distance views, predominantly looking down, such that the increased height will not be significant.

6. Environmental Improvements

By extending the existing operation on site, environmental improvements to the existing operation can be delivered. These include replacing the various obsolete buildings, enclosing the external raw pulp paper store and modifications to the effluent treatment plant to reduce existing noise levels.

The tree belt on the northern bank of the River Goyt alongside the existing factory will be consolidated by filling existing gaps and providing a further line of trees to screen, filter and break up the mass of the existing and proposed buildings.

The meadowland on the bank to the south of the factory will have an ecological management plan applied to enhance the ecology of the area.

Consideration of the harm

Harm by reason of Inappropriateness

As the development does not comply with policy GC1 of the Local Plan and PPG2 (Green Belt), the development must be considered inappropriate, which by definition is harmful to the Green Belt. This should be given substantial weight.

Any other Harm?

Openness

The development is predominantly infilling within the existing site boundaries. New buildings are to be located on the footprint of the existing buildings. The exceptions to this are: the new Reel Store (adjacent to PM1), Virgin Pulp Store (adjacent to the Stock prep area) and the new offices, (adjacent to the site entrance).

As there is a net increase in overall floor space of 3270m², it has to be concluded that this would also cause significant harm to the openness of the Green Belt. As openness is the most important attribute of the Green Belt, this should be given substantial weight.

Visual Amenity

The existing Paper Mill buildings are conspicuous in views across the floodplain from Waterside and from residential properties, roads and public footpaths on the higher land around Hague Bar and Brook Bottom Road. From these areas the pale green building elevations and white roofs are prominent against the darker, wooded hillside to the south of the site.

The proposed development would substantially increase the height, mass, width and overall scale of the paper mill complex making it more prominent in the valley landscape. The applicant has proposed measures to mitigate the harm, (for example painting the buildings a

dark olive green, so they blend into the landscape better, and planting a 20 metre belt of trees to the north of the river Goyt to screen the development in the longer term). Even with these measures in place, the harm to the visual amenity of the Green Belt is considered to be significant.

Consideration of the Very Special Circumstance case

The Very Special Circumstance case that the applicant has put forward has considerable merit. The lawful use of the site is for manufacturing of paper, and the site is Previously Developed Land, in a relatively sustainable location. The majority of the new buildings will be positioned to the rear of the existing buildings, and will be viewed against the backdrop of the rising valley. They will be fabricated in a dark green colour to minimise their impact from distant views. A 20 metre tree belt will assist in minimising the impact of the development in the longer term, and the proposed landscaping will soften the site. The development will enable the external raw pulp paper store to be enclosed, and modifications to the effluent treatment plant will reduce noise levels.

The meadowland to the south of the factory will be subject to an Ecological Management Plan, which will enhance the ecology of the area.

Foreign investment into a private manufacturing company will help boost both the local and national economy and shows confidence in the manufacturing industry. The Capital investment is £50 million, and the creation of 50 skilled jobs will help support local economic growth and employment. The investment will secure the future of the business, and by expanding into waste paper operations, it will make the company more competitive in the local and overseas market, increasing exports of quality tissue paper.

Whilst the harm by reason of inappropriateness, harm to visual amenity, and openness was found to be substantial, the benefits to the economy and employment are considered to be so great that they clearly outweigh this harm.

Highway Implications

The development is supported by Cheshire East Council's Highway department and Stockport Metropolitan Borough Council. The views of Derbyshire County Council are awaited, and are of particular importance in the determination of this application, as the majority of the additional traffic will pass over the boundary from Cheshire East to High Peak, onto their road network.

Design

The buildings are of a functional design. They are considered to reflect the design of the more modern buildings on site. As specified above, they will be fabricated in a dark green to minimise their impact in the landscape setting.

Residential Amenity

Concerns have been raised by residents in respect of noise, & disturbance from additional HGV movements and the additional noise from the factory.

The factory is located in a relatively isolated position. The closest dwelling is over 175 metres away. The new paper machine has been designed with the latest technology, and it is to be housed within a new purpose built building to limit noise from the factory. It is considered that the additional manufacturing from PM2 will not significantly increase the noise levels from the factory.

It is acknowledged that increased production will increase the number of HGVs visiting the site, however, the expected increase in HGV movements is 49 per day, which equates to 4 per hour over a 12 hour period. It is considered that this increase will not have a significant impact on residential amenity.

Our Environmental Health Officer has carefully considered the Acoustic report submitted with the application and has not raised any objections to the proposals, subject to conditions in respect of hours of operation in respect of construction/demolition, pile driving and floor floating.

Concerns have also been raised in respect of air pollution. An Air Assessment report was submitted as part of the Environmental Statement, which considers the impact of the proposed extension on local air quality. There is potential for an adverse impact on local air quality in the area by virtue of:

- Emissions from the boilers
- Odours associated with the process
- Dust generated during the construction phase

The report concludes that, with mitigation, the impact on local air quality will be negligible. In order to ensure that air quality in the area is maintained, particularly with respect to the Air Quality Management Area, conditions are attached to achieve adequate mitigation.

Ecology

Bats

It is considered that bats are not likely to be present or affected by the proposed development.

Breeding Birds

The proposed development may potentially result in the disturbance of breeding birds including the more widespread Biodiversity Action plan species which are a material consideration. A condition is recommended to protect breeding birds from the development.

Woodland

Woodlands are a local Biodiversity Action Plan priority habitat and hence a material consideration.

The implementation of the proposed new retaining wall will result in the loss of a small area of relatively young woodland on an embankment to the south of the paper mill buildings. Re-planting of the embankment is proposed, as is tree planting to the north of the River Goyt and

management of the meadow area. This work is considered to adequately compensate for the loss of the young woodland.

Proposed management of meadow/woodland/pond area

The application is supported by an Ecological Management Plan for the management of the meadow/woodland/pond area located to the south of the proposed development. The proposed management of this area is welcomed and is considered to have the potential to deliver an ecological enhancement in accordance with PPS9

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal represents inappropriate development, which, by definition is harmful to the Green Belt. A robust case has been put forward to demonstrate that Very Special Circumstances exist, which clearly outweigh the harm caused by inappropriateness, loss of openness and harm to visual amenity. The most compelling argument is that the £50 million pound investment into the manufacturing industry will have a substantial benefit to the local economy, will kick-start economic growth in the area, through the provision of 50 new skilled jobs, and by allowing the company to expand into waste paper operations, which will make Disley Tissues competitive in the local and overseas market, increasing exports of quality tissue paper.

The Government's overarching objective is for sustainable economic growth. PPS4, the Written Ministerial Statement "Planning for Growth", the draft Localism Bill, and the Draft National Planning Policy Framework all encourage Local Authorities to treat applications for economic growth and employment favourably.

The benefits to the economy and employment are considered to be so great, that they clearly outweigh the harm to the Green Belt. The fact that the development is on previously development land in a sustainable location; the development does not significantly encroach beyond the site boundary and mitigation measures such as tree planting are in place to minimise the impact of the development are material considerations in favour of the proposal.

Whilst concerns have been raised by local residents, particularly in respect of noise generation, air pollution and additional traffic movements, it is considered that these concerns do not warrant the refusal of the application.

The new paper mill machine (PM2), has been designed using the latest technology to be more efficient than the existing machinery, and the building proposed to house the machine is purpose built, to prevent noise emissions. The development will also enable the raw pulp paper store to be enclosed and allow for modifications to the effluent treatment plant to reduce existing noise levels. The closest dwelling is 175 metres from the factory. Therefore, any additional noise is not considered to have a significant impact on residential amenity.

An Air Assessment report has been submitted with the application, which proposes mitigation measures to minimise the impact of any air pollution. The Environmental Health Officer is satisfied with these measures, which will be secured by condition.

It is acknowledged that the additional production will require more collections and deliveries from the site by Heavy Goods Vehicles. It has been calculated that the development will only

generate an additional 4 traffic movements per hour over a 12 hour period. This is not considered to be significant and will not have a significant adverse impact on residential amenity.

It is considered that subject to appropriate conditions, the proposal is acceptable, and therefore a recommendation of approval is made, subject to the views from Derbyshire County Council Highways.

Other considerations

Commuted Sum

The Leisure Department have sought a commuted sum in lieu of on site Open Space and Recreation/Outdoor Sports. The developer has argued that the infrastructure is not necessary, as open space can be adequately accommodated on site; enhanced public access can be provided around the site and on the meadowland, and a s106 contribution will threaten the viability of the proposal, as the development is already dependant on Regional Growth Fund (RGF) funding. Any s106 contributions would have to be taken from this fund.

Officers have concerns about whether the requested contribution complies with the Community Infrastructure Levy (CIL regulations 2010)

Regulation 122 of the regulations advises:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

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

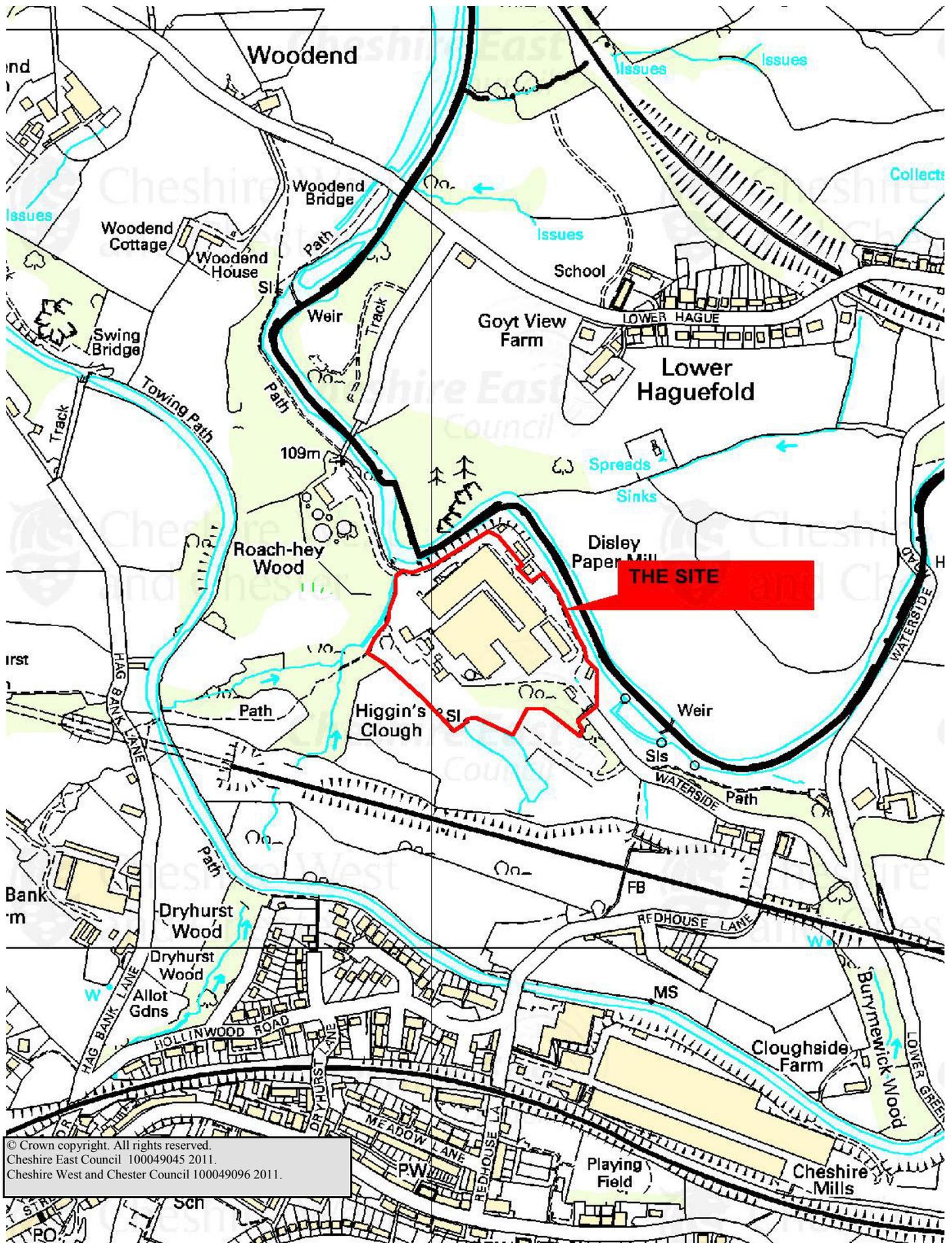
Officers consider that the over-riding benefits of the proposal make it acceptable in planning terms. A commuted sum is not considered necessary, since the enhancements proposed at Arnold Rhodes Playing field are some distance from the application site, as such, they are not directly related to the development. A planning obligation is therefore not considered to be fair and reasonable in scale and kind.

For these reasons, it is recommended that the commuted sum be waived.

Referral to the National Planning Casework Unit

As the proposal represents a significant departure from the Development Plan, if Members make a resolution to approve the development, it will need to be referred to the National Planning Casework Unit, under the Town and Country Planning (Consultation) (England) Direction 2009.

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01TR - Tree retention
4. A02TR - Tree protection
5. A04TR - Tree pruning / felling specification
6. A01LS - Landscaping - revision to include woodland belt and replacement woodland planting area
7. A04LS - Landscaping (implementation)
8. A17LS - Submission of landscape management plan
9. A16LS - Submission of landscape/woodland management plan
10. Colour and materials for the building elevations and roofs shall be agreed prior to the commencement of development with the Local Planning Authority
11. Programme of archaeological work in accordance with written scheme of investigation
12. Protection from noise during construction/ Demolition (hours of construction)
13. Hours of construction for Pile Foundations limited
14. Hours of construction for Floor Floating (polishing large surface wet concrete floors) to be agreed
15. Deliveries to the site may follow weighbridge hours- subject to using Lower Hague Road only
16. Compliance monitoring of acoustic amelioration in accordance with Acoustic Report
17. Air quality mitigation measures to be carried out in accordance with the Environmental Statement
18. Submission and implementation of approved Remediation Statement and associated works
19. Prevention of contamination into watercourse
20. Verification of remediation strategy, to prevent contamination of watercourse
21. The flue stack shall be fitted with an obstacle warning light for the purposes of aviation safety
22. Ecological Management Plan to be agreed and finalised within 3 months of granting of planning permission
23. Protection of breeding birds
24. Development shall be carried out in full accordance with the Site Waste Management Plan recommendations
25. Development shall be carried out in full accordance with the Flood Risk Assessment recommendations
26. Development shall be carried out in full accordance with the Travel Plan recommendations



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