

Planning Reference No:	11/0152N
Application Address:	Bank View, Long Lane, Wettenhall, CW7 4DN.
Proposal:	A retrospective planning application to level an area of land extending to 1.27ha, which has already been in filled.
Applicant:	Mr Baker
Application Type:	Full Planning
Ward:	Cholmondeley
Registration Date:	13 th January 2011
Earliest Determination Date:	15 th February 2011
Date of Officers Site Visit:	9 th February 2011
Expiry Date:	8 th April 2011
Date report Prepared:	15 th March 2011
Constraints:	Open Countryside

SUMMARY RECOMMENDATION: Approve subject to conditions.

MAIN ISSUES:

- Principle of the Development
- Landscape and Trees
- Ecology
- Visual Amenity
- Land Contamination

1. REASON FOR REFERRAL

This application has been referred to the Strategic Planning Board, as the scheme is a major waste application, being an area of 1.27 hectares.

2. DESCRIPTION AND SITE CONTEXT

The application site comprises an area of land 1.27 hectares in size, to the east of the dwelling known as Bank View. A previous application was approved in 2009 at the site. However the amount of land in filled exceeded that for which approval was granted. Therefore this amended application was required in order to regularise the situation. The site is designated as being within the open countryside in the Replacement Local Plan.

3. DETAILS OF PROPOSAL

As stated above, this retrospective application is for the in filling of an area of land 1.27 hectares in size. The original application was submitted because the owners of the land were having problems with injuries being sustained by their horses due to a steep bank and deep hole on the land and were advised by their veterinary surgeon that for safety reasons, it was imperative that the land was levelled.

The materials imported to the site consisted of approximately 2,500 cubic metres of inert subsoil, topsoil, clay and compost materials. At the request of the

Minerals and Waste Enforcement Officer, samples of the materials were taken from a trial pit and tested at Reaseheath College. The results confirmed that the materials imported on to the site were of an acceptable nature.

4. RELEVANT HISTORY

10/3358C – Retrospective application to level an area of land extending to 1.27 hectares – Withdrawn- 2010

09/0982N – Raising the profile of the land to make safe an area of land to make the ground level in order to eliminate accidents – Approved – 2009

5. POLICIES

National Guidance

PPS1 Delivering Sustainable Development
PPS7 Sustainable Development in Rural Areas
PPS9 Biodiversity and Geological Conservation
PPS 10: Planning for Sustainable Waste Management
PPS 23: Planning and Pollution Control

Regional Spatial Strategy (RSS)

Policy DP7: 'Promote Environmental Quality'
Policy EM11: 'Waste Management Principles'
Policy EM12: 'Locational Principles'

Local Plan Policy

Cheshire Replacement Waste Local Plan (CRWLP)

Policy 1: Sustainable Waste Management
Policy 12: Impact of Development Proposals
Policy 14: Landscape
Policy 17: Natural Environment

Borough of Crewe and Nantwich Adopted Local Plan 2011 (CNLP)

BE.1: Amenity
BE.4: Drainage, Utilities and Resources
NE.2: Open Countryside
NE.9: Protected Species
NE.17: Pollution Control
NE.5: Nature Conservation

6. OBSERVATIONS OF CONSULTEES

Environmental Health:

No objection subject to the submission of details of the materials imported.

Highways:

No Highway Objections

Environment Agency:

Do not wish to comment on this application.

7. VIEWS OF TOWN/PARISH COUNCIL

None received at the time of report writing.

8. OTHER REPRESENTATIONS

None received at the time of report writing.

9. OFFICER APPRAISAL

Principle of the Development

Policy NE.2 of the Replacement Local Plan stipulates that only development, which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area, will be permitted. In addition PPS7 is broadly supportive of equestrian activities within the open countryside.

The site has undergone in filling works in order to enable its safe use for equestrian activities and, following advice from the Nantwich Veterinary Group that the steep bank and depression in the land were directly contributing to the lameness of the horses. Equestrian activities do constitute outdoor recreation and a use appropriate to a rural area. As such, it is considered that the development is in compliance with Policy NE.2 and the guidance given in PPS7. The development is therefore considered to be acceptable in principle.

Landscape and Trees

The area contains mature hedgerows and trees, which give good screening to the site. A gateway has been removed from the boundary of the site and replaced with post and rail fencing and native planting, consisting of Hawthorn and Holly. This fits in with the species in the existing hedgerow and is considered to be acceptable.

There is a land drain on the eastern side of the site, which has the potential to discharge directly onto the trunk of a mature Oak tree. This was considered to be putting the future health of the tree at risk. Following discussions with the applicant, an additional plan has been submitted showing the drain being directed away from this tree and re-routed to the west, into the main drain that runs through the site. This solution is considered to be acceptable and should be secured by condition.

Ecology

The previous application (09/0982N) contained a Great Crested Newt Scoping Survey and in his consultation response, the Nature Conservation Officer did not object to the proposal. He did however comment on the fact that only the pond at Bank View had been surveyed and not the other ponds just outside the application boundary. Overall his conclusion was that development would not affect any particularly important terrestrial habitats.

Since this application is retrospective, as the in filling did not take place as approved by the previous application, a new survey of the ponds was not undertaken. The Nature Conservation Officer did however visit the site on 9th February in order to assess whether there were any issues relating to ecological

matters. He confirmed that there were none. The development is therefore considered to be in compliance with Policy NE.5 of the Replacement Local Plan.

Visual Amenity

Due to extensive screening provided by mature trees and hedgerows, the raised area of land is barely visible when approached from Long Lane and is not considered to have any adverse impact on the visual amenity of the area when viewed from the east and the south. The development is therefore considered to be acceptable in these terms and in compliance with Policies NE.2 and BE.2 of the Replacement Local Plan.

Contamination

The material imported into the site consists of inert subsoil, topsoil, clay and compost materials. A trial pit was excavated and the materials tested and found to be acceptable. The Environment Agency has stated that they do not wish to comment on this application. However, on the previously approved scheme (09/0982N), there were no objections.

10. CONCLUSIONS

The visual impact of the development is considered to be acceptable as the land still retains the appearance of open fields. The landscaping that has been undertaken is also considered to be acceptable and there are no issues relating to protected species. The materials used for the in filling consist of inert subsoil, topsoil, clay and compost materials and therefore will not cause contamination to the land or nearby watercourses. Therefore, the application is recommended for approval.

11. RECOMMENDATION:

Approve subject to the following condition:

- 1. Re-direction of the land drain as shown on the plan received on 16th February 2011.**

Location Plan: Cheshire East Council Licence No. 100049045

