

Application No: 10/3872W

Location: HILLMOOR FARM, MACCLESFIELD ROAD, EATON, CW12 2NH

Proposal: Retention of Deposited Construction Waste on Site

Applicant: Mr P Moss

Expiry Date: 30-May-2011

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.

2. DESCRIPTION AND SITE CONTEXT

The application site comprises an area of land 1,800sqm in size, to the north east of the farm complex known as Hillmoor Farm. There are several trees on the site and the waste has been deposited within their root protection zones. The site is designated as being an area of countryside beyond the green belt in the Macclesfield Borough Local Plan.

3. DETAILS OF PROPOSAL

As stated above, this retrospective application is for the retention of deposited construction waste which has been used to raise and level the land. The materials used to level the land are described as construction waste and a Geo-Environmental Assessment Report has been submitted with the application showing the results of testing of the materials that have been imported.

4. RELEVANT HISTORY

10/1138M – Creation of field track – Withdrawn- 2010

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

Macclesfield Borough Local Plan 2011 (MBCLP)

NE3: Landscape Conservation

NE7: Woodland Management

NE11: Nature Conservation

GC5: Countryside Beyond the Green Belt

DC19: Groundwater Resources

DC20: Quality of Watercourses

6. OBSERVATIONS OF CONSULTEES

Environmental Health:

Environmental Protection has no comments to make on this planning application given the remote location of the site and the inert nature of the materials.

Environment Agency:

No objections.

7. VIEWS OF TOWN/PARISH COUNCIL

The Council has received and inspected the plans and documents relating to the above. On the understanding that Cheshire East will be monitoring any possible adverse effects on the environment from this waste, then the Council have no objections to its retention.

8. OTHER REPRESENTATIONS

None received at the time of report writing.

9. OFFICER APPRAISAL

Principle of the Development

Policy GC5 of the Macclesfield Borough Local Plan states that development in the open countryside beyond the Green Belt will not normally be permitted unless it is essential for agriculture, forestry, outdoor recreation or for other uses appropriate to a rural area. In addition, PPS7 is broadly supportive of equestrian activities within the open countryside.

The material was imported in order to create a gentler slope to the land which previously had what was described as a 'sheer drop' to the east. The applicant breeds shire horses which had suffered injuries due to accidents relating to this 'sheer drop'. 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 GC5 and the guidance given in PPS7. The development is therefore considered to be acceptable in principle.

Landscape and Trees

The site contains several mature trees, which have had material deposited around them. It should be noted that the trees are not subject to Tree Protection Orders.

A BS 5837 Tree Report has been submitted with the application which gives an analysis of the impact that the deposited waste has had on the trees. The report states that a large amount of waste has been placed within the root protection areas of a number of trees, which appear to be coping well with the level changes. However, the report questions their long term viability. The report concludes that a number of trees will be affected in the long term, but that the wider landscape will be largely unaffected due to the presence of intervening farm buildings and other mature trees in the surrounding area. It is recommended that the trees are left in situ as they offer significant habitat contribution to the site and the surrounding area. Replacement tree planting is also recommended and this should be secured by condition as the species put forward in the Tree Report are not considered to be appropriate and should consist of Oak, Ash and Holly. A condition should also be imposed requiring the submission and approval of a full landscaping scheme for the site.

Ecology

This application is retrospective and no ecological surveys were submitted with it. Nevertheless, the Council's Nature Conservation Officer has stated that it is not anticipated that there would be any significant ecological issues associated with the retention of this material at Hill Moor Farm and that the original deposition of this material may potentially have posed a risk to protected species (if present). However, the retention of the material on site is unlikely to pose a risk to protected species.

Visual Amenity

Due to its isolated position, the application site is not visible from the public realm. It is considered that, subject to a satisfactory landscaping scheme being implemented at the site, the visual amenity of the area would not suffer any significant adverse effects. The development is therefore considered to be in compliance with Policy NR3 of the Macclesfield Borough Local Plan.

Contamination

A geo-Environmental Assessment Report has been submitted with the application which details the methods of investigation and reaches conclusions as to the nature of the materials imported on to the site. Six trial pits were excavated within the site and samples were taken for testing. Following the testing of the samples, it was concluded that no source of contamination had been identified at the site and therefore there is no significant risk posed to the nearby receptors of the underlying minor aquifer, nearby surface water watercourse or the human health of people using the site. The Environment Agency has stated that they have no objections to the development.

11. CONCLUSIONS

In conclusion, the materials deposited on the site are inert and therefore will not cause contamination to the land or nearby watercourses. With appropriate landscaping the visual amenity of the area will not suffer significant adverse impacts and the retention of the materials on site will not have an adverse impact on protected species. Therefore, the application is recommended for approval.

12. RECOMMENDATION:

Approve subject to the following condition:

1. **Submission of a detailed landscaping scheme within 2 months of the date of permission**
2. **Implementation of landscaping scheme**

Location Plan

