

AGENDA MANAGEMENT SHEET

Name of Committee Regulatory Committee

Date of Committee 2nd May 2006

Report Title **Manor Farm, Upper Brailes - Deposit and Retention of Waste Soil and Rubble Prior to Levelling and Tree Planting**

Summary This application seeks permission for the retention of previously deposited waste soil and rubble prior to levelling and then tree planting on land at Manor Farm, Upper Brailes, Banbury.

For further information please contact Lucy Hill
Planning Officer
Tel. 01926 412643
lucyhill@warwickshire.gov.uk

Would the recommended decision be contrary to the Budget and Policy Framework? Yes/No

Background Papers Planning application registered on 7th February 2006.
Letter from Museum Field Services dated 9/3/2006 regarding the site ecological value.
Letter from a local resident dated 14/3/2006.
Letter from the Environment Agency dated 16/3/2006.

CONSULTATION ALREADY UNDERTAKEN:- *Details to be specified*

- Other Committees
- Local Member(s)
(With brief comments, if appropriate)
- Other Elected Members Councillor C Saint – no comments received.
- Cabinet Member
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
- Chief Executive
- Legal I Marriott – comments incorporated.

- Finance
- Other Chief Officers
- District Councils Stratford on Avon District Council – no comments received.
- Health Authority
- Police
- Other Bodies/Individuals Brailes Parish Council – no comments received.
Environment Agency – no objections.

FINAL DECISION **YES/NO** *(If 'No' complete Suggested Next Steps)*

SUGGESTED NEXT STEPS :

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Regulatory Committee - 2nd May 2006

Manor Farm, Upper Brailes - Deposit and Retention of Waste Soil and Rubble Prior to Levelling and Tree Planting

Report of the Strategic Director of Environment and Economy

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the retention of previously deposited waste soil and rubble prior to levelling and then tree planting on land at Manor Farm, Upper Brailes subject to the conditions and for the reasons detailed at **Appendix B** of the report of the Strategic Director of Environment and Economy.

APPLICATION NO: S4681/06CM003.

RECEIVED BY COUNTY: 25/1/2006.

ADVERTISED DATE: 9/2/2006.

APPLICANT (S): Mr I C Manley, 9 Castle Hill, Upper Brailes, Banbury.

THE PROPOSAL: The deposit and retention of waste soil and rubble prior to levelling and then tree planting.

SITE AND LOCATION: 0.5 ha of agricultural land at Manor Farm, Upper Brailes, Warwickshire.

See plan at **Appendix A**.

1. Application Details

- 1.1 Retrospective planning permission is sought for the deposition and retention of waste soil and rubble prior to levelling and then tree planting on approximately 0.5 hectares of land located at Manor Farm, Upper Brailes.
- 1.2 The material was deposited on the site over a period of approximately one week during August 2005. It is estimated that up to 1000 tonnes of material was deposited on the site during this period. Tipping operations resulted a maximum of seven heavy goods vehicle movements entering and leaving the site daily.

- 1.3 Material deposited on the site comprises approximately 90% waste soil and 10% rubble. The material currently remains in its as tipped form.
- 1.4 The applicant proposes to level the waste material and cover with existing top soils. It is then proposed to seed the site with grass and plant deciduous trees, to create woodland and livestock grazing.

2. Consultations

- 2.1 **Stratford on Avon District Council** – No comments received.
- 2.2 **Councillor C Saint** – No comments received as of 18/4/2006.
- 2.3 **Brailes Parish Council** – No comments received.
- 2.4 **Environment Agency** – No objections.
- 2.5 **County Museum** – comment that the application site is designated Ecosite 22/34 Brailes Old Brickyard. The site immediately adjoins two ponds, one large one small. Both ponds provide suitable habitat for Great Crested Newts. In addition the deposited soils and rubble also potentially provide suitable over wintering opportunities for Great Crested Newts. It is therefore suggested that prior to determination of the application a newt survey should be carried out at an appropriate time of year by a suitably qualified expert. It is also suggested that conditions should be imposed on any permission granted requiring the approval of a landscaping scheme and implementation of measures to protect the ponds during works.

3. Representations

- 3.1 One written representation has been received from a local resident raising an objection to the proposal on the following grounds:-
 - (i) The impact of a high level of vehicle movements over a short period of time on the local road network and amenity of the area.
 - (ii) The impact of the activity on the ecological value of the site particularly in relation to amphibians.

4. Observations

Site and Surroundings

- 4.1 The application site is understood to be that of a former brick works which ceased operation in the 1920s. The 0.5 hectare site has been used in recent years in connection with farming activities – ie. storage of machinery and bales, etc. The site is approximately 300m to the north of the village of Upper Brailes.

- 4.2 Adjacent to the northern boundary of the application site is a relatively large pond, beyond which is a residential dwelling. Castle Hill Lane runs along the eastern boundary of the site with the southern and western edges of the site bounded by a combination of hedgerow and wooden fencing beyond which is agricultural land owned by the applicant. A smaller pond is located to the south west of the site.
- 4.3 The site currently comprises of tipped mounds of soil and rubble no more than approximately 1.5m in height which are located generally adjacent to the northern and western perimeter of the application area. Since the material was deposited last August it is understood that no further levelling has taken place and all trees located within the site have been retained.

Policy

- 4.4 The application site immediately adjoins the Cotswolds Area of Outstanding Natural Beauty (AONB) where Policy ENV11 of the adopted Stratford on Avon District Local Plan states that permission will not be permitted which has a detrimental impact upon the natural beauty of the landscape. Policy EF.1 of the emerging replacement Local Plan continues this theme. Whilst, not within the AONB its proximity to the application site is such that impact of the proposed development needs to be taken into consideration. The partially completed works, including mounds of soils and rubble, do currently have a detrimental impact on the natural beauty of the landscape. However, it is considered that the completed graded and planted development would remediate a previously despoiled site and enhance the AONB.
- 4.5 The adopted Waste Local Plan for Warwickshire sets out policies relating specifically to waste related development. Policy 1 sets out the general environmental considerations, including; visual impact, amenity of local residents by way of odour and noise etc and traffic impact, which should be taken into account when considering waste applications.
- 4.6 Policy 3 of the Waste Local Plan relates to Landfilling and sets out the circumstances in which such development will be permitted. This includes where; 'the proposal would secure the reclamation of contaminated or otherwise damaged land which the relevant District Local Plan has identified for a beneficial use, or for the restoration of a mineral working'. Whilst, it is some years since the brickworks ceased operation the site has remained un-restored and the proposed development effectively amounts to the reclamation of former mineral workings. It is therefore considered that the proposal broadly accords with Policy 3.

Environment and Amenity Visual Impact

- 4.7 The partially completed development is currently visually detrimental to the area. However, it is considered that the completed graded and planted development would remediate a previously despoiled site and result in an improvement to the landscape.

Residential Amenity

- 4.8 The application site lies in close proximity to a residential property. In terms of impact upon residential amenity the greatest cause of impact is likely to have been caused by the works undertaken to date, including importation and deposit of waste materials. No further material is to be imported to the site. Works required to complete that works on site, including levelling of deposited materials, seeding/planting are unlikely to generate any greater impact than agricultural operations that take place on the site.

Access and Traffic

- 4.9 Concern has been raised regarding the level of traffic generated by the development. Whilst there was a relatively intensive number of vehicle movements associated with the importation of waste materials, in reality this was over a short period of time and relates to what is a relatively small scale development. The importation phase of the development has now been completed so only a limited number of vehicle movements associated with levelling and seeding/planting of the site are now required to complete the development. It is therefore considered that completion of the development is unlikely to have an adverse traffic impact.

Ecological Interest

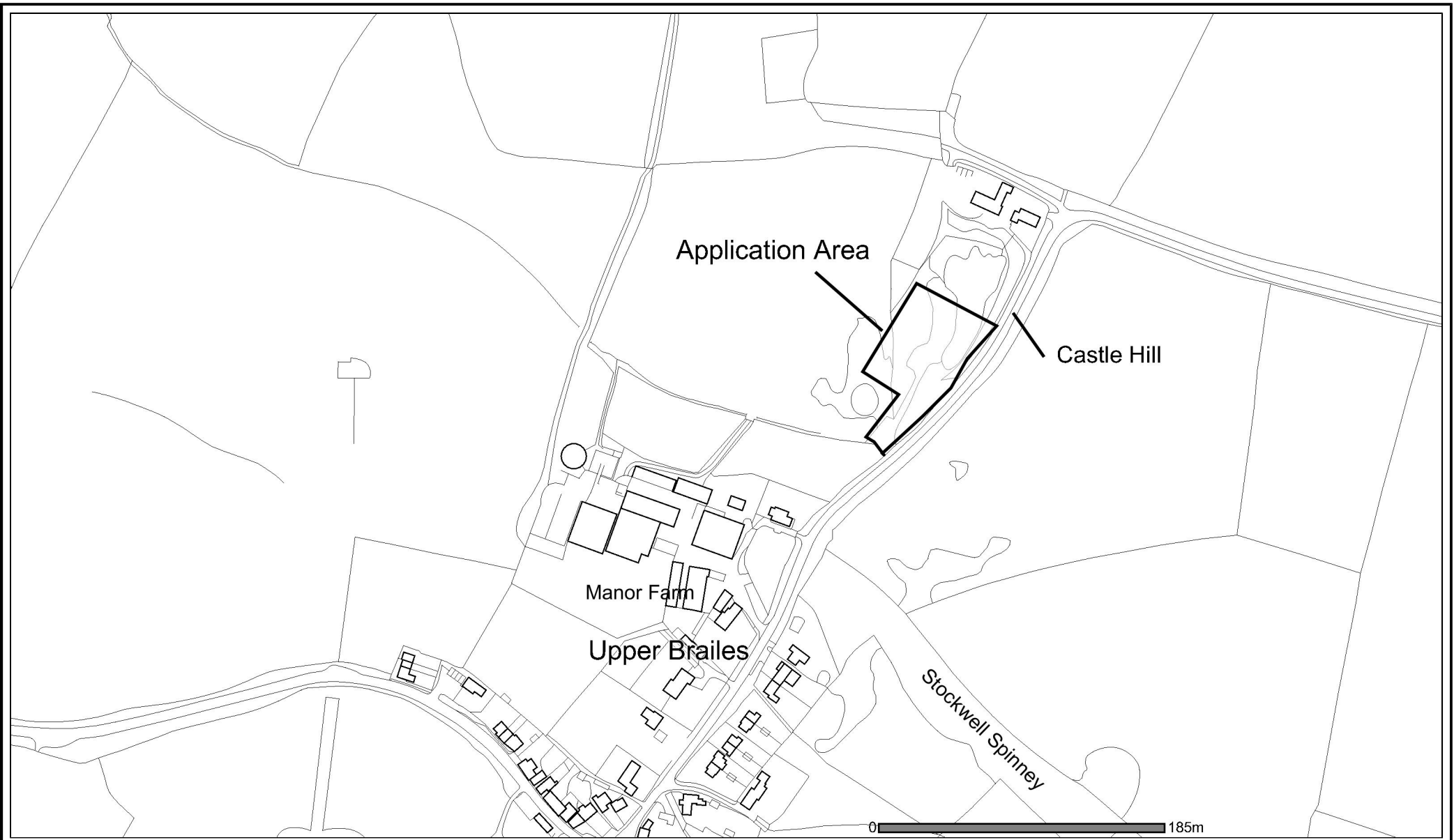
- 4.10 The site is designated Ecosite 22/34 - Brailes Old Brickyard and is considered to potentially be of ecological value. The County Ecologist indicates that ponds adjoining the site, together with the existing rubble and soil on site, have the potential to support Great Crested Newts.
- 4.11 Great Crested Newts are a European Protected Species and are protected in the UK under the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000. The County Ecologist recommends that prior to determination of the application a newt survey should be carried out at an appropriate time of year by a suitably qualified expert.
- 4.12 The application is to a large degree retrospective with only levelling and seeding/planting remaining to be completed. However, it is considered that the presence of Great Crested Newts should be determined prior to the commencement of any further levelling or landscaping works on site. A suitably worded condition is suggested.

Conclusion

- 4.13 The partially completed development would accord with policy and once complete enhance the landscape character of the area.

JOHN DEEGAN
Strategic Director of Environment and Economy
Shire Hall
Warwick

19th April 2006



Scale 1: 3417

Ref No. S4681/06CM003

Drawn Janet Stevens

Regulatory Committee
 Subject
Manor Farm, Upper Brailes



John Deegan
 Strategic Director for
 Environment and Economy
 Shire Hall, Warwick, CV34 4SX

Reproduced from the Ordnance Survey map. With the permission of the HMSO Controller Licence No. 100018285. (c) Crown Copyright.

Regulatory Committee – 2nd May 2006

The Deposit and Retention of Waste Soil And Rubble Prior to Levelling and Then Tree Planting

Application No: S4681/06CM003

1. Prior to the recommencement of operations on site the site shall be surveyed for the existence of Great Crested Newts by a suitably qualified expert. Should evidence of Great Crested Newts be found no works have been undertaken on site unless details of mitigation measures shall be submitted to and agreed in writing by the County Planning Authority. Following approval the mitigation measures shall be implemented accordingly.

Reason: To ensure protection of Great Crested Newts.

2. Prior to the recommencement of operations on site a detailed tree planting scheme, including details of numbers, species, sizes, spacings, etc, shall be submitted to and approved in writing by the County Planning Authority. Following approval the scheme shall be implemented in the first available planting season.

Reason: To ensure a satisfactory standard of development and restoration of the site.

3. The development hereby permitted shall not be carried out other than in accordance with the details provided with application reference S4681/06CM003.

Reason: To ensure a satisfactory standard of development.

4. Unless otherwise agreed in writing by the County Planning Authority no further waste materials or soils shall be imported to or deposited on the site.

Reason: To ensure a satisfactory standard of development and in the interests of highway and residential amenity.

Development Plan Policies Relevant to this Decision

Regional Spatial Strategy June 2004 – **Policies WD1, WD2 and WD3.**

Warwickshire Structure Plan 1996 – 2011 – **Policies GD3, ER2, ER3, ER4, ER5, ER7 and ER9.**

Waste Local Plan of Warwickshire – **Policies 1, 2 and 3.**

Stratford on Avon District Local Plan – May 2000 – **Policies ENV1, ENV11.**

Stratford on Avon District Local Plan Review – January 2003 – **Policies PR1, PR4, PR11, EF1, EF9, DEV2.**

Reasons for the Decision to Grant Permission

The development hereby permitted is in accordance with the relevant provisions of the development plan and there are no contrary material considerations sufficient to require refusal.

Note: The policies, proposals and reasons given above are only summaries of the considerations set out more fully in the application report and minutes of the Regulatory Committee.