

9 DCNC2008/2165/N - CHANGE OF USE OF AGRICULTURAL LAND TO INDUSTRIAL, ERECTION OF EFFLUENT TREATMENT PLANT, ACCESS ROAD AND OFFICE/CONTROL BUILDING. THE HORTONS, THORNBURY, BROMYARD, HEREFORDSHIRE, HR7 4NF.

For: Mr C Maiden per Mr J Parry, 33 York Road, Bromyard, Herefordshire, HR7 4BE.

Date Received: 19 August 2008

Ward: Bringsty

Grid Ref: 63278, 58128

Expiry Date: 18 November 2008

Local Member: Councillor TW Hunt

1. Site Description and Proposal

- 1.1 The proposal site lies on the C1061 approximately 3.5 km northeast of Bromyard. The nearest residential properties are Horton Bank, Upper Horton and Horton Mews.
- 1.2 The applicant is a registered waste collector emptying septic tanks in the Bromyard area, operating two vacuum tanker vehicles. Collected effluent is currently taken to municipal sewage treatment works (STW) at Kidderminster, Worcester or Hereford. Fuel costs and difficulties in finding capacity at these public facilities have prompted the applicant to seek an alternative solution.
- 1.3 The proposal is to construct a small purpose-built sewage treatment facility on the applicant's own land, comprising:
 - Office/control building, 4.75m x 10m x 4.25m high to the ridge (2.5m to eaves);
 - 2 initial settlement tanks (dia 2.75m x ht 4m), balancing tank, aeration tank and final settlement tank (each dia 6m x ht 2.2m) and optional sand filter (dia 4m x ht 2.2m);
 - Reception area consisting of a concrete apron, screen and skip;
 - Access track (about 160m long) from an existing field entrance off the C1061, along the side of the field, widening out at the end to a turning area
- 1.4 The proposed plant would treat approximately 23 m³ of effluent per week day, with occasional emergency call-outs at other times, estimated at around 1 per month. The process would be conventional Activated Sludge treatment, used at most municipal treatment works, using bacteria to break down and clean the effluent. Final discharge would be to a watercourse, subject to the appropriate licence, via an underground pipe to a small headwall on the River Frome. The applicant has already been granted a Consent to Discharge by the Environment Agency and has stated that a formal agreement with the landowner is being finalised.
- 1.5 The application was publicised as follows: Hereford Times 11 September 2008; site notice 15 September 2008, and letters to adjoining neighbours on 29 August 2008.

2. Policies

2.1 Government guidance:

- PPS1 - Delivering sustainable development
- PPS7 - Sustainable development in rural areas
- PPS10 - Sustainable waste management
- PPS23 - Planning and Pollution Control
- DETR - Circular 03/99 Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development

2.2 Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable Development
- S2 - Development requirements
- S10 - Waste
- S11 - Community facilities and services
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR4 - Environment
- DR6 - Water resources
- DR9 - Air quality
- DR13 - Noise
- DR14 - Lighting
- E12 - Farm diversification
- E15 - Protection of greenfield land
- T8 - Road hierarchy
- LA2 - Landscape character
- LA5 - Protection of trees, woodlands and hedgerows
- LA6 - Landscaping schemes
- NC8 - Habitat creation, restoration and enhancement
- W1 - New waste management facilities
- CF1 - Utility services and infrastructure

3. Planning History

None affecting the site

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection in principle, subject to the appropriate consents and exemptions under the Environmental Permitting regime being in place.

Internal Council Advice

- 4.2 Head of Environmental Health and Trading Standards: No objection in principle. Final discharge and site operation would be regulated by the Environment Agency, but the local authority has further enforcement powers on statutory nuisances such as odour. Submitted evidence indicates low background noise levels. Agree that vacuum tanker pumping would be the noisiest part of the operation but of short duration, unlikely to cause a nuisance. Again, the Council has enforcement powers however.

- 4.3 County Archaeologist: No objections
- 4.5 Transport Manager: no objections in principle, recommendation for conditions to set back the gateway, and to approve final details in advance, including surfacing and drainage.
- 4.6 Conservation Manager: Landscape Officer - The applicant has heeded pre-application advice on siting, utilising the existing topography. Small-scale development is capable of assimilation into the landscape without detriment. Conditions recommended to ensure adequate separation of the access road from the existing hedgerow and mature trees.

5. Representations

- 5.1 Thornbury Group Parish Council: Objects, after much debate, on visual impact, odour and noise. The parish Council notes the applicant's valued and reliable service.
- 5.2 Bromyard Town Council: have been consulted because the underground discharge pipe would cross the parish boundary. Any comments will be reported to the Sub-Committee at the meeting.
- 5.3 Twelve letters of support have been received following the applicant's explanation of the project to his neighbours.
- 5.4 Eleven letters of objection have been received from local residents in Edwyn Ralph, Upper Horton and Horton Mews, expressing concerns about the proposal. In summary the letters raise the following points:
- Mr Maiden runs a good local business.
 - What might be the impact of any wind-borne gas on local residents?
 - We would be disturbed by the industrialisation of our neighbourhood.
 - The site is open farmland in a very rural quiet area.
 - It would be a scar on the landscape.
 - It would be visible from the road to Butterley.
 - It should be on a brownfield site such as the trading estate at Bromyard.
 - No attempt has been made to use other existing premises at Collington.
 - Altering the road layout would alter the feel of the area.
 - Additional heavy traffic would increase the likelihood of an accident.
 - The access is on a blind bend.
 - We are not happy about the change of use from agricultural to industrial.
 - The unloading process and the anaerobic tanks would smell.
 - I object if the smell would reach as far as Wood Lane.
 - Sewage plants have a history of being extremely odorous.
 - We object to the smell of septic tank waste from a 30 mile radius of Bromyard.
 - Any noise must comply with the 2008/3250 Environmental Noise Regulations.
 - No noise readings are presented and the pump noise will be a nuisance at night.

The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The key issues are:

- The need for the development.
- Site choice.
- Land use.
- Visual impact.
- Air quality and noise.
- Traffic.
- Sustainability.

The need for the development

6.2 The applicant has highlighted increasing difficulties in finding capacity at municipal sewage treatment works for septic tank waste disposal and the increasing necessity for making longer journeys at high cost. The many Herefordshire householders without mains sewerage rely on a handful of local firms offering a convenient tank emptying service which is not a council function. The applicant wishes to reduce journey lengths and ensure available capacity. Independent local effluent treatment would also reduce pressure on municipal treatment works by around 5,800 cubic metres per annum, thus providing the community with a valuable service in its own right.

Site choice

6.3 Objectors have suggested the proposal should be on an industrial estate or at other premises nearby but, as the applicant and his agent have pointed out, treatment works need viable access to an acceptable final discharge point. In this case, this has already been arranged in principle. The other locations suggested do not meet these requirements. The site has been chosen for its minimal visual impact, which would be more difficult to achieve elsewhere. The applicant has consulted the Senior Landscape Officer throughout, and the advice given has been heeded. The site is not affected by any landscape, flood risk, heritage or biodiversity designations and does not conflict with policies S2, S10, S11, or W1 of the Herefordshire Unitary Development Plan 2007.

Land use

6.4 In land-use terms, waste treatment is classified as 'industrial' activity, prompting objectors' concerns about a perceived industrialisation of the countryside, citing the existence of 'two large commercial dairy farms and a chicken farm around the village' as evidence of a lack of industrialisation. However, farm equipment, livestock housing, process and storage buildings are commonly on a much larger scale than that proposed. In the context of slurry storage, feed silos and farming paraphernalia, the proposed tanks and processes could be regarded as kindred. The majority of the site area comprises the proposed access track as a strip down the side of an arable field, the remainder of which would continue to be farmed. The proposed treatment compound is indicated in the application as covering 680 m², considerably less area than most single farm buildings occupy. This does not represent a significant loss of agricultural land and the proposal does not conflict with policies DR2, E12 or E15 of the Herefordshire Unitary Development Plan 2007. The project would contribute to sustainable communities and facilities in rural areas and in this context accords with PPS7.

Visual impact

- 6.5 Few houses can be seen from the site, and Edwyn Ralph village is approximately 1 km away. The nearest property to the site belongs to the applicant. Upper Horton and Horton Mews are 450-480m away and screened from the site. Horton Bank is 360m away and distantly visible, but the occupiers have not objected. The slope is south-facing, away from Upper Horton and Horton Mews, and the track would drop by about 11.5 metres from the highway to the facility. The tallest tank would be 4.5m high and set down into the hillside. Due to the slope its top would be slightly lower than the top of arriving delivery tankers. The functional service building would be brick-built with a slate roof, also 4.5m high but further down the slope. No part of the development would break the skyline or be significantly visible from any public viewpoint, and the siting accords with pre-application advice. A planting scheme would soften any impact. There are no landscape designations nearby, and the application demonstrates that the topography has influenced design in accordance with policies DR1 and LA2 of the Herefordshire Unitary Development Plan 2007.

Air quality and noise

- 6.6 PPS10 and PPS23 both make it clear that it is not the function of the planning system to 'control processes which are a matter for the pollution control authorities' or to duplicate requirements under legislation other than planning. The proposal, if permitted, would be controlled by environmental protection legislation, and consideration of the planning application is therefore primarily concerned with land use matters. Nevertheless, it is necessary to establish that the proposal is capable of being thus controlled. In this instance, in addition to the already-granted Consent to Discharge, the applicant would be required to register the site with the Environment Agency under new Environmental Permitting Regulations. Registration would limit the volume of effluent that could be treated and therefore the extent of operational activity. The Agency's view is that the proposal is acceptable and capable of compliance.
- 6.7 The Head of Environmental Health and Trading Standards also has no objections to the proposal. He has commented that although there would be a potential for odour emissions, problems would not be inevitable since, in his professional view, the proposal is small-scale and separation distances from residents are adequate. In the event of a complaint however, Environmental Health Officers would initially investigate under the Environmental Protection Act 1990, referring any established statutory nuisance to the Environment Agency. The Agency have confirmed that they would be the regulatory body for the site and would take appropriate enforcement action to secure odour abatement if necessary. Consultees and Government advice agree that a well-managed site should not cause problems and powers exist to control offenders. In support of this, the application refers to failsafe contingencies and an automated warning system to be installed, which would halt pumping and send automatic text messages to the applicant and his manager in the event of a breakdown. The application also includes a method statement regarding regular inspections and maintenance of the plant. Several objection letters acknowledge the applicant's good credentials whilst raising concerns and fears about odour. Since the chosen system is a tried and tested treatment method and regulation of the site would fall under legislation other than planning, consideration of this application should not seek to duplicate other controls.
- 6.8 The site would generate some noise from pumps and compressors, although utilising gravity fall where possible. The application identifies sludge removal as the noisiest part of the operation, involving transfer from holding tank to tanker every other day, for

about 15 minutes. Also, a capacity pump would lift incoming waste from the reception tank to the initial settlement tanks about twice a day, again for 15 minutes. Except in an emergency, this activity would routinely take place during the daytime not at night. Other smaller pumps would be submerged and the noise-insulated generator and compressor would be housed within the proposed building. These would not be audible outside the site. There should be no noise nuisance due to the distance from dwellings and the short duration of use for the larger pumps, but again the Council has powers under the Environmental Protection Act 1990 to require abatement if a statutory nuisance occurred.

- 6.9 On balance therefore, the environmental aspects of the project would be controlled by legislation other than planning and the appropriate bodies are satisfied that compliance is achievable in accordance with policies DR4, DR9, DR13 and DR14 of the Herefordshire Unitary Development Plan 2007.

Traffic

- 6.10 Objectors have expressed concerns about increases in traffic. The applicant states he has two tankers, with no intention to increase numbers. Each vehicle would routinely make one visit in and out per day, with an occasional need for a second trip. There would be a net reduction in mileage on the wider highway network compared with the present situation, as noted below. Environment Agency consent requirements would limit capacity, which would in turn restrict the number of vehicle movements possible. In this context the proposal does not represent a significant increase in local traffic and would improve capacity elsewhere. The Transportation Manager has no objections and considers visibility at the access point is adequate subject to appropriate conditions. The applicant has enthusiastically agreed to translocate the section of hedge by the gate and infill any gaps with new planting, in consultation Conservation staff.

Sustainability

- 6.11 Mains sewerage provision remains sparse in the county and reliable septic tank services are in demand while populations rise, environmental standards tighten and municipal treatment works operate under increasing pressure. The applicant has calculated that local effluent treatment provision would reduce his total mileage by about 14,500 miles per annum on the wider road network and annually save nearly 1500 gallons of diesel, or 17.66 tonnes of CO₂. As noted, it would also reduce demands on municipal sewage treatment works where capacity is increasingly critical. He employs three workers and this project would secure those jobs. Consultation responses have established that the proposal is small-scale and appropriate for its setting in a carefully chosen location, would enable the applicant to continue to provide a good quality community service, and is capable of meeting environmental requirements. There are no overriding reasons for refusal and the application is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions

- 1 A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning.

Act 1990.

2 B01 (Development in accordance with the approved plans)

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

Pre-commencement requirements

3 C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

4 No development shall commence until details of the proposed means of final discharge have been submitted to and agreed in writing by the local planning authority. The details shall be implemented as approved and include the following in particular:

- i) A method statement as to the construction of the pipeline;**
- ii) A plan showing the precise route of the pipeline;**
- iii) A large-scale diagram of the headwall arrangements, control mechanisms and pipe;**
- iv) An estimate of the quantity of any waste soils arising from the works and the means of disposal of such materials.**

Reason: To ensure a satisfactory form of development and safeguard the amenity of the area in accordance with policies S1, S2, DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

5 G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

6 G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

7 No development shall take place until a scheme for the translocation and extension of the section of hedge adjoining the highway, as indicated on the submitted plan date stamped 23 Oct 2008, has been submitted to and approved in writing the local planning authority. The scheme shall be implemented as approved and include in particular:

- i) An evaluation of the existing hedge by an appropriate qualified person**
- ii) Method statement for the translocation process**
- iii) Details of additional planting to extend the length of the hedge and fill any gaps, including species, numbers, sizes and location**
- iv) Aftercare and maintenance of the translocated and replanted hedge, including provision for replace any plants that die**

v) **Timescales for each phase**

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA5 & LA6 of Herefordshire Unitary Development Plan.

8 I33 (External lighting)

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

9 I09 (Sound insulation of plant and machinery)

Reason: To safeguard the amenity of the area and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

10 G04 (Protection of trees/hedgerows that are to be retained)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

11 H06 (Vehicular access construction)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 OF THE Herefordshire Unitary Development Plan.

12 H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

Restrictions

13 H05 (Access gates)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

14 G02 (Retention of trees and hedgerows)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

15 Notwithstanding the submitted plans, no development shall take place within 10 metres of any established hedgerow or tree except such as is necessary to alter the access where it joins the public highway in accordance with the requirement of this permission, unless otherwise agreed in writing in advance by the local planning authority.

Reason: To safeguard the existing hedgerow and trees, protect the amenity of the area and ensure the development conforms with policies DR1 and LA5 of the Herefordshire Unitary Development Plan 2007.

16 F06 (Restriction on Use)

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

17 F02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

18 Prior to being discharged into any watercourse or soakaway system, all surface water drainage from parking areas and associated hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained unless otherwise agreed in writing in advance by the local planning authority.

Reason: To prevent pollution of the water environment and to comply with policies SR2, DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

19 F14 – Removal of permitted development rights

Notwithstanding the provisions of paragraph 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Schedule 2, shall be carried out.

Reason: To safeguard the amenity of the area, because any other development on the site would require further consideration by the local planning authority, and to comply with policies S1, S2, DR1 and DR4 of the Herefordshire Unitary Development Plan 2007.

20 In connection with the development hereby permitted, no excavated materials shall be removed from the applicant's landholding unless otherwise agreed in writing in advance by the local planning authority.

Reason: In order to minimise waste and ensure a satisfactory form of development securing the sustainable use of natural resources, in accordance with policies S1, S10, S11 and DR11 of the Herefordshire Unitary Development Plan 2007.

Informatives

- 1 Any discharge to controlled waters requires discharge consent under the Water Resources Act 1991.**
- 2 To ensure the development is capable of complying with a Consent to Discharge granted by the Environment Agency in accordance with DETR Circular 03/99, no development should begin until the applicants, their assignees or successors have secured a legal agreement with the adjoining landowner for an easement or licence to install, maintain and utilise a discharge pipe and any necessary associated equipment to an agreed discharge point on a suitable watercourse.**

- 3 **Developers should incorporate pollution prevention measure to protect ground and surface water. A range of advice is available including Pollution Prevention Guidance Notes (PPGN) targeted at specific activities and can be accessed at <http://www.environment-agency.gov.uk/business/444251/444731/ppg/>**
- 4 **Any waste produced as part of this development must be disposed of in accordance with all relevant waste management and environmental legislation. Where possible, the production of waste from the development should be minimised and options for the re-used or recycling of any waste produced should be utilised.**
- 5 **If it is proposed to import any waste material to the site for use in the construction of the development (e.g. in the construction of hardstandings or access tracks etc) an Environmental Permit (or Exemption from such) may be required. Please telephone 08708 506506 for further information if necessary.**
- 6 **All earthmoving and excavations should be undertaken in accordance with Defra soil-handling guidance, available at www.defra.gov.uk**

7 - **N15 - Reason(s) for the Grant of PP/LBC/CAC**

8 - **N19 - Avoidance of doubt - Approved Plans**

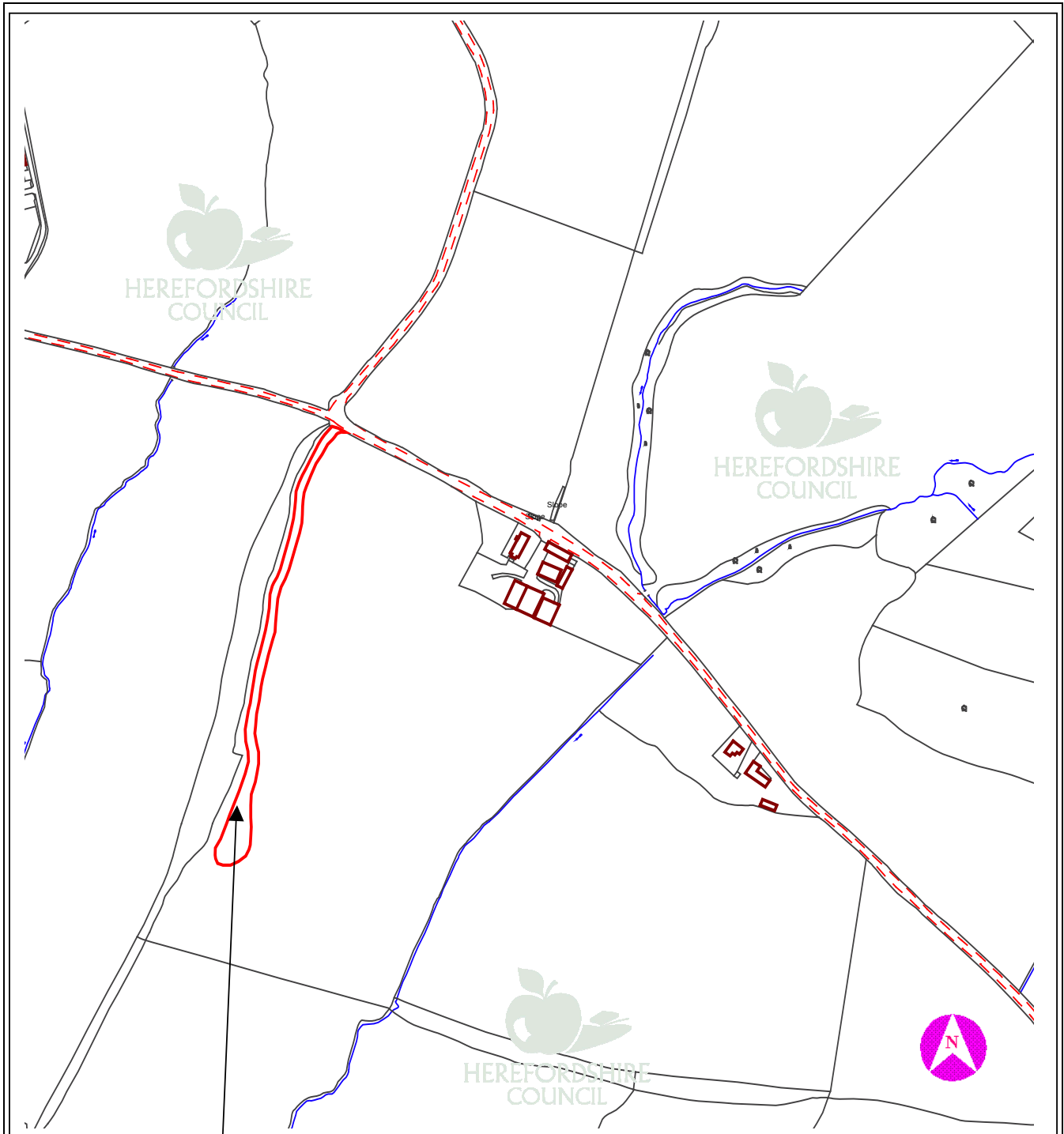
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2008/2165/N

SCALE : 1 : 4000

SITE ADDRESS : The Hortons, Thornbury, Bromyard, Herefordshire, HR7 4NF

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