

10 DCCW2008/2647/F - THE CONSTRUCTION OF A CLEAN WATER ATTENUATION POND FOR THE RECYCLING OF STORM WATER WARHAM COURT FARM, BREINTON, HEREFORD, HEREFORDSHIRE, HR4 7PF

For: Mr. K. Hammett, ATSS Ltd, Bourne Works, The High Street, Collingbourne, Ducis, Wiltshire, SN8 3EQ

Date Received: 24 October 2008

Ward: Credenhill

Grid Ref: 48519, 39264

Expiry Date: 23 January 2009

Local Member: Councillor RI Matthews

1. Site Description and Proposal

- 1.1 Warham Court Farm, Breinton is located on the northern side of the unclassified 73023 road approximately 1km west of the edge of Hereford City.
- 1.2 Nos 1 & 2 Warham Court Cottages are located to the north together with Warham Farmhouse. Warham Cottage and Old House are located to the west with open fields to the south and Warham Court Farmhouse to the east.
- 1.3 The proposal is to construct a 395,000 gallon clean water pond measuring approximately 42.5m by 15m and a depth of 3.5m. It will be sited to the west of the existing complex of buildings in the adjoining pasture. All clean surface water from the farm buildings will be collected and directed into the pond. The overflow pipe will direct water underneath the adjoining road to a field hedge where it will drain. This leads down to the River Wye and no residential property is affected.
- 1.4 The pond has been resited by approximately 4.5m to the west during the processing of the application as a result of the applicant revising the requirements for the size of the dung midden provision.

2. Policies

2.1 Planning Policy Guidance:

PPS7 - Sustainable development in rural areas

2.2 Herefordshire Unitary Development Plan 2007:

DR1 - Design
 DR2 - Land use and activity
 DR4 - Environment
 E13 - Agricultural and forestry development
 E16 - Intensive livestock units
 LA2 - Landscape character and areas least resilient to change
 LA6 - Landscaping scheme

- HBA4 - Setting of listed buildings
- DR7 - Flood risk
- DR6 - Water retention

3. Planning History

- 3.1 CW1999/0361/F - Steel framed portal building to cover existing building. Approved 10 June, 1999.
- 3.2 CW2001/2260/F - Change of use to site for a horse walker. Approved 18 October, 2001.
- 3.3 CW2008/0335/F - Two new sheep/feed barns for beef cattle, new straw barn and new silage barn. Approved 14 May, 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No comment as site is below size level for consultation.

Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Conservation Manager (Landscape): Firstly, I would draw your attention to the comments I made on a previous application on this site, relating to agricultural buildings, etc. (DCCW2008/0355/F) where I identified both the nature of the site and surrounding landscape and the likely impact of the proposed development. The previous application consisted of much larger, upstanding structures in the landscape and I concluded that, whilst there would be some negative visual consequences resulting from the development, the scale of the landscape and the context of the development (agricultural structures in relation to an established farm and agricultural landscape) resulted in some capacity to accommodate the proposals. In the case of this additional application, even allowing for some inevitable cumulative impact, I do not feel that the capacity of the landscape to accommodate change has been exhausted.

However, I would also draw your attention to my comments concerning the visibility of the site from the west; although the '...site is well screened by the surrounding topography, existing vegetation and buildings...the western boundary is ill defined and partially visible from a number of vantage points...'. I would therefore reiterate my view that '...substantial landscaping, in the form of a hedge and tree planting, should be provided to the western and northern boundaries of the site...'. I previously noted that the 'red line' had been drawn tight around the application site and that we should seek to ensure that planting extended into land in the applicant's ownership to ring about an extensive improvement in the general character and condition of the landscape; I believe this approach to be in line with both policies contained in the Herefordshire UDP and the recent 'Developer Contributions' SPD.

5. Representations

- 5.1 Breinton Parish Council:

Original Submission

No objections but conditions requested.

The Parish Council has no objection to an attenuation pond in this location but it has serious concerns about the efficacy of the proposed drainage of storm water once it cannot be contained in the pond. Question 13 on the application states that there is no increase to flood risk with this proposal, which members feel is incorrect. Furthermore, it is stated that the proposed development cannot be seen from the road, which is also incorrect. The fencing shown around the pond is no doubt a requirement of Health and Safety and an important component of the safety of this site, which the Parish Council would endorse and expect to be carried out as per the plan.

The drawing shows that the overflow from the pond will drain under the road into a ditch. At present, this ditch merely ends in a soakaway which members feel will not be adequate for the job and needs to be extended down the road and piped into an existing stream. As members have no technical experience in this regard, they request a condition that measures are put in place to ensure that excess water is drained away efficiently and that those measures are clearly outlined in the permission.

The Parish Council would also like to see a condition that the landscaping already proposed on the western side is extended to screen the whole development and the pond from that direction

Furthermore, in the drawing supplied for this application, the landscaping proposed for the original site of the pond (to the north) has been removed. The Parish Council seeks assurances that the landscaping originally planned for this area will remain as part of the original permission.

Revised Submission

Preface

Members of the Parish Council feel that this is piecemeal development, a negation of the proper planning process. Since the original application for the barns, showing a dung midden as a small area to the west of Unit 1, members have been presented with landscape plans and two alternative sites for the attenuation pond, with the dung midden being shown larger as time goes on. At no time has the Parish Council been given a complete picture of the development envisaged by the applicant. Had they been given such detail, and in particular the true size of the dung midden which has already been built, as yet without planning permission, they feel that decisions made as to where the attenuation pond would be sited might well have differed from the situation as it now is. They always felt that the original application plans for the barns were incomplete and said so at the time. They have now been informed that a (retrospective) planning application for a dung midden has recently been requested. When originally consulted on the barns The Parish Council asked for the drainage plans, which are dependent upon an attenuation pond. Condition 6 required a drainage plan before development of the site began. The barns have been built and occupied for some weeks since, yet the attenuation pond and attendant drainage are still to be agreed.

To summarise, the siting of the pond in the proposed position has been imposed by the demands of the size of a dung midden which has been built, far larger than on the original plans, but which, as yet, does not have planning permission.

Submission

The Parish Council objects to this proposal.

The proposed (and existing) development does not conform to Policy E13 of the UDP, as the (proposed) dung midden and pond fall outside the building boundary formed by Units 1, 2 and 3 and are not 'readily assimilated into the landscape'. (Indeed, at present the walls of the (proposed) dung midden are an eyesore and very much out of place with the surrounding area).

When in November 2008, the Parish Council agreed to site the pond to the west of the original dung midden, no-one in the Parish Council had any idea of the actual and existing size of the midden, as no reference had previously been made to it, and they assumed, wrongly as it turns out, that the buildings were being constructed to plan, where the dung middens were originally shown as two small areas to the west of the development site. In the view of members, the proposed midden and concrete track should be reduced in size, in order to be able to move the pond back to its originally agreed position, and its undoubted impact on the surrounding area softened by landscaping and tree planting and that same landscaping and planting extended to the whole of the western boundary, as previously requested at the time of that application. The Parish Council notes that mention is made on the plan supplied, in Section "D-D", that the overflow will be piped to an existing ditch. There is no ditch. This would have to be constructed, as per the aerial photograph in the attenuation pond calculations. No plans show provision for overflow from the slurry pit/brown water pond. In view of the size of the development and the increased concrete footprint, members feel that consideration should be given to this. The Parish Council is also concerned about the contamination of the attenuation pond with the effluent from the dung midden, given their proximity with one another (should the midden remain as it is) and feels, albeit acknowledging their lack of expertise in this area, that a Land Drainage engineer should be giving advice about this. Indeed, with the size of the development, increased since the original application, members are surprised that the Environment Agency has not been involved.

The Parish Council would draw planners' attention to Policy ED16 which not only refers to the need to minimise the impact of a development on the surrounding area but also the need to make adequate provision for the management and disposal of waste materials.

It is assumed, given that there is no plan of any elevation of the pond, that it will not be raised and that a pump will be needed to move the water to where it is required. Members are querying the position of a pump house which could also be required.

If planners decide that, despite the concerns stated above, the pond should still be built on the proposed site, the Parish Council would like to see appropriate landscaping and planting to screen the area. Again, as above, members feel that the landscaping should be continued from the attenuation pond northwards in order to effectively screen the slurry pit and the whole of the western boundary of the development.

They would also request, whatever the outcome, that the landscaping planned around the original site for the attenuation pond, to the north, should be reinstated, in order to screen neighbouring properties in that area from the development.

5.2 Two letters of objection have been received from:

- Ivor Rees, Old House, Warham, Breinton;
- Mr & Mrs A Morawiecki, Warham Farmhouse, Breinton.

The main points raised are:

1. The amended position moves the pond closer to residential property which could overflow and flood.
2. The development is now sprawling into the open countryside contrary to Policies ED13 and ED16 of the Herefordshire Unitary Development Plan.
3. Potential contamination from the adjoining dung midden.
4. No indication of pump housing to re-cycle water or detour of any associated noise.
5. Since development at Warham Court Farm has started drainage has been an increasing problem in the area and concerns of the water table rising and potential floods of dwellings.
6. Surface water on roads has frozen causing dangerous driving conditions.
7. Drainage should have been resolved prior to the new buildings being erected in accordance with Condition No. 6.
8. Animals are already installed in the buildings.
9. If the dung midden was moved we would withdraw our objection to the pond subject to it being closer to the building.

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

6. Officer's Appraisal

6.1 Extensive new agricultural development at Warham Court Farm approved in May 2008 was conditioned subject to a surface water drainage strategy. The formulation of this strategy has identified the need for a clean water attenuation pond subject of this planning application. Dirty water from the concrete yards will be directed to the existing brown water pond and will be spread in a low volume dirty water system as per the Good Farming Protective Guide. The clean water attenuation pond will collect all the roof water from the buildings and will be used to provide livestock drinking water through appropriate hygiene requirements. The pond has been designed with a multi-stage overflow system to manage excessive rain conditions and to prevent overflowing. The overflow system will control the release of water through a system of various sized pipe outlets to maintain the water level within the pond. The overflow will be directed south underneath the road to a perforated drainage pipe laid alongside a field edge running down towards the River Wye. Therefore no residential property will be impacted upon by any potential overflow.

6.2 The pond is proposed to be located adjacent to the dung midden at the south western end of the buildings. The position has been amended during the processing of the application by moving it 4.5m further away from the submitted position. This still keeps the pond visually within the complex at Warham Court Farm and therefore in compliance with Policy ED13 of the Herefordshire Unitary Development Plan. The pond will be dug into the ground by approximately 3.5m and will be fenced off from the

adjoining pasture field. In accordance with the Conservation Manager's comments a landscaping condition will be recommended to provide a new hedge with trees to be define the boundary of the new farmstead.

- 6.3 The pond will hold 395,000 gallons of water when full but has additional capacity to the overflow pipes to take an additional 232,000 gallons before any potential bank failure giving a hold capacity of 627,000 gallons. The applicant's drainage consultant has calculated the coverage of the roofs together with average maximum rainfall periods. The calculations identify that pond capacity exceeds highest recorded daily storm water collection figures. This together with estimated daily usage of 8,000 gallons of recycled water mean that it will be unusual for even the lowest of the overflow pipes to be in use. Your Officers are satisfied therefore from the information submitted that the pond will meet the water and drainage needs of this farm and should not impact on any residential property.
- 6.4 Finally there is no impact on the Listed Building Warham Court. The proposal is therefore considered to be acceptable and fully comply with the Herefordshire Unitary Development Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)) Three months.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **The clean water attenuation pond hereby permitted shall be completed and available for use within six months of the date of this permission.**

Reason: In order to ensure that a suitable surface water drainage system is operated to serve the development and to comply with Policy E16 of Herefordshire Unitary Development Plan.

3. **Notwithstanding the details shown on the approved plans and prior to the commencement of development, details of the precise route and specification for the disposal of the water from the overflow shall be submitted for approval in writing of the local planning authority. The dispersal shall be undertaken in strict accordance with the approved details.**

Reason: Insufficient detail was shown on the submitted plans and to ensure that the development accords with the requirements of Policies DR6 and E13 of the Herefordshire Unitary Development Plan.

4. **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.

5. **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.

- 6. **Prior to the commencement of the development details of any pumping system to be installed for the operation of the development shall be submitted for any approval in writing by the local planning authority.**

Reason: In order to ensure that a suitable surface water drainage system is operated to serve the development and to comply with Policy E16 of the Herefordshire Unitary Development Plan.

Informatives:

- 1. **N19 - Avoidance of doubt - Approved Plans**
- 2. **N15 - Reason(s) for the Grant of PP/LBC/CAC**

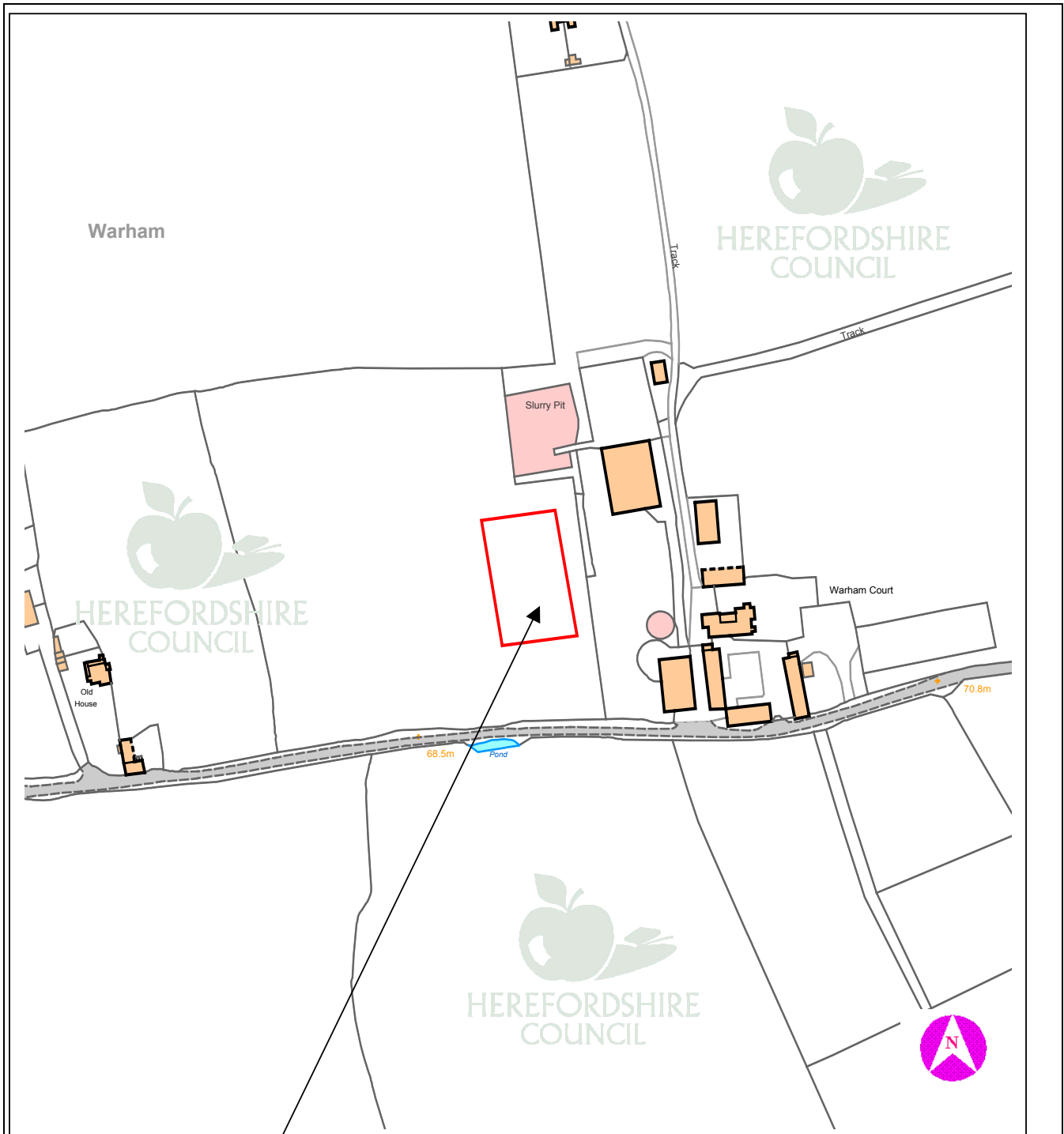
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW/2008/2647/F

SCALE : 1 : 2500

SITE ADDRESS : Warham Court Farm, Breinton, Hereford, Herefordshire, HR4 7PF

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