

**DCNC2009/0166/F - RETROSPECTIVE APPLICATION  
TO RETAIN PRIVATE PACKAGE SEWAGE  
TREATMENT PLANT ON LAND AT BRIERLEY COURT  
FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE,  
HR6 0NU**

**For: S & A Produce (UK) Limited per Antony Aspbury  
Associates 20 Park Lane Business Centre Park Lane  
Basford Nottingham NG6 0DW**

**Date Received: 30th January 2009    Ward: Leominster South    Grid Ref: 48961, 56283**

**Expiry Date: 27th March 2009**

Local Member:    Councillor R Hunt

**1.    Site Description and Proposal**

- 1.1    The application relates to an area of land to the west of the village of Brierley. The site lies to the south side of the u/c 93600 road, being immediately behind a mature roadside hedgerow.
- 1.2    The site does not benefit from any special landscape designation and the Landscape Character Assessment defines the site as lying within an area of Principal Settled Farmlands, a landscape that is resilient to change.
- 1.3    The application is for the retention of a sewage treatment plant. Whilst the majority of the plant is housed underground, its existence is evident from a raised grassed bund and small dark green monitoring cabin.

**2.    Policies**

Herefordshire Unitary Development Plan

DR4 - Environment

LA2 - Landscape character and areas least resilient to change

CF2 - Foul drainage

**3.    Planning History**

- 3.1    This is one of three applications currently being considered. The other two are for the erection of fixed Spanish polytunnels (DCNC2009/0167/F) and for the provision of seasonal workers accommodation (DCNC2009/0168/F).
- 3.2    NC2004/0902/F - Proposed sewage treatment plant and pumping station - Refused 12/05/2004 and dismissed on appeal. In dismissing the appeal the Inspector concluded that, in the absence of permission for workers accommodation at Brierley Court Farm, there was no need for the sewage treatment plant and therefore its visual impact was unwarranted.

3.3 The same appeal also encompassed an enforcement notice that was served requiring the removal of the sewage treatment works. In dismissing the appeal the Inspector corrected the notice, but the fundamental requirement to remove the development remained. The notice is still valid.

3.4 DCNC2008/0167/F - Retention of sewage treatment plant - Refused 14/05/08

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 None required

##### Internal Council Consultations

4.2 Transportation Manager - No objection

4.3 Environmental Protection Manager - No objection

#### **5. Representations**

5.1 Leominster Town Council - Recommend approval subject to the Environment Agency monitoring outflows

5.2 Arrow Valley Residents Association (AVRA) - Object to the application on the basis that it is only required in connection with the accommodation for seasonal workers, to which they also object. As such it represents unnecessary development in the open countryside and should be removed.

5.3 Leominster Civic Society - Object as there is no need for the sewage plant and its retention has previously been dismissed on appeal.

5.4 CPRE - Object to the proposal. The reasons previously given in refusal of earlier applications remain valid.

5.5 Twenty six letters of objection have been received. These highlight the fact that the treatment plant is only required in connection with the provision of accommodation, which is also considered to be unacceptable. Letters also highlight the fact that its retention has been dismissed on appeal and that it is subject to a valid enforcement notice.

5.6 Three letters of support have been received. These highlight the need for the applicant to provide accommodation for workers on site, and hence the need for appropriate service provision.

5.7 One non-committal letter has also been received. It asks that if the committee is minded to grant permission, that it thinks carefully about the conditions that it imposes and ensures that they are monitored and robustly enforced.

5.8 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 assessment of this proposal depends entirely upon the view taken on the need for on site seasonal workers accommodation. A recommendation to approve that application (DCNC2009/0168/F) has been made. If that proposal is granted planning permission there is clearly a requirement to deal with foul sewage. The proposed scheme does appear to be the most suitable method for this.
- 6.2 It has a limited visual impact that, in conjunction with the applicant's other proposals, is negligible, and matters relating to discharges from it are dealt with under separate legislation, the responsibility for which falls to the Environment Agency. Although they have not commented specifically on this proposal, their comments in relation to the application for the accommodation have been made on the basis that the retention of the sewage treatment works is integral to it.
- 6.3 The application is therefore considered to be acceptable and, subject to a condition requiring its removal, is recommended for approval.

**RECOMMENDATION**

**That planning permission be granted subject to the following condition:**

- 1 F20 (Temporary permission and reinstatement of land )**

**Reason: The provision of the sewage treatment works is only considered to be acceptable as a temporary expedient in conjunction with the applicant's identified need to provide on site workers accommodation and to conform to Policy CF2 of the Herefordshire Unitary Development Plan.**

**INFORMATIVES:**

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

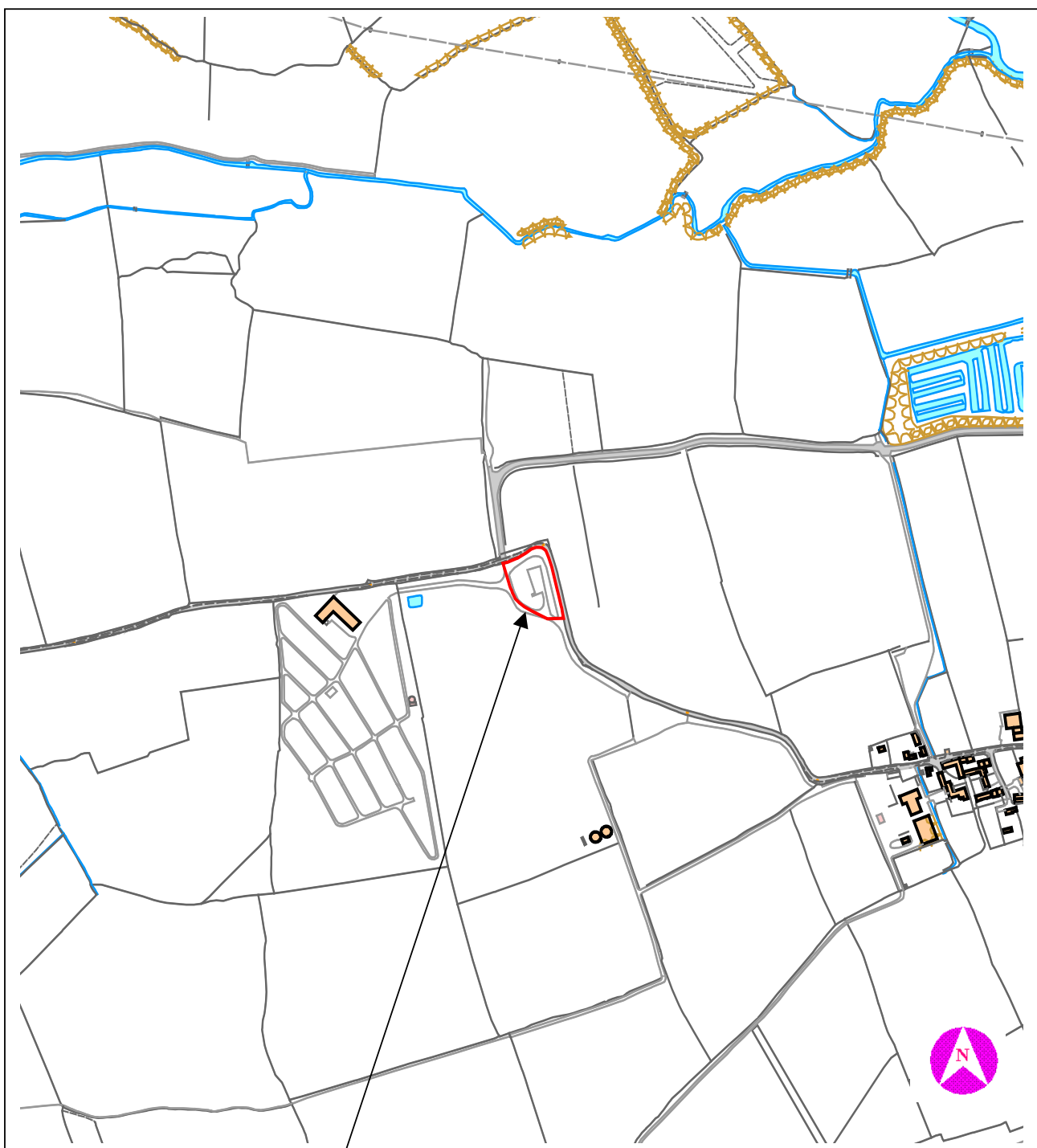
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2009/0166/F

**SCALE :** 1 : 8000

**SITE ADDRESS :** Land at Brierley Court Farm, -, Brierley, Leominster, Herefordshire, HR6 0NU

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