

**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, Councillor P McCaull

**Introduction**

This application was deferred on Counsel's advice at the previous meeting in order to allow time to consider the additional representations received. The report has been updated to take account of these matters.

**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 unclassified 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. Storage tanks are all buried underground and the area is surrounded by a raised grassed bund at 1.3 metres in height. The area is enclosed with a timber post and rail fence. The only equipment evident above ground are three monitoring kiosks. These are dark green in colour and 1.2 metres in height.
- 1.4 Amendments have been made to both the application for polytunnels (DCNC2009/0166/F) and for the accommodation (DCNC2009/0168/F) as set out elsewhere on this agenda. For the avoidance of doubt this application remains unchanged.

**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 but has not been enforced given the ongoing discussions between the applicant and the Council, leading to the submission of this latest application.
- 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 The area surrounding the treatment works, including the bund, is neatly mown and maintained. It is this which draws the eye in an otherwise rural location. Glimpses can be gained from the road through the hedgerow, but it is not considered to cause demonstrable visual harm, particularly when viewed in conjunction with the applicant's other proposals. Matters relating to discharges from the sewage treatment works are dealt with under separate legislation, the responsibility for which falls to the Environment Agency. Although that Agency have not commented specifically on this proposal, its 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 its operation.
- 6.3 The application is therefore considered to be acceptable and, subject to a condition requiring its removal, is recommended for approval.
- 6.4 In the event that the application for the seasonal workers accommodation is refused by the Committee the justification for this application is removed, and a revised recommendation will be made at the meeting.

## **RECOMMENDATION**

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

### **1 F20 (Temporary permission and reinstatement of land ) (10 years)**

**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 Planning Permission**

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

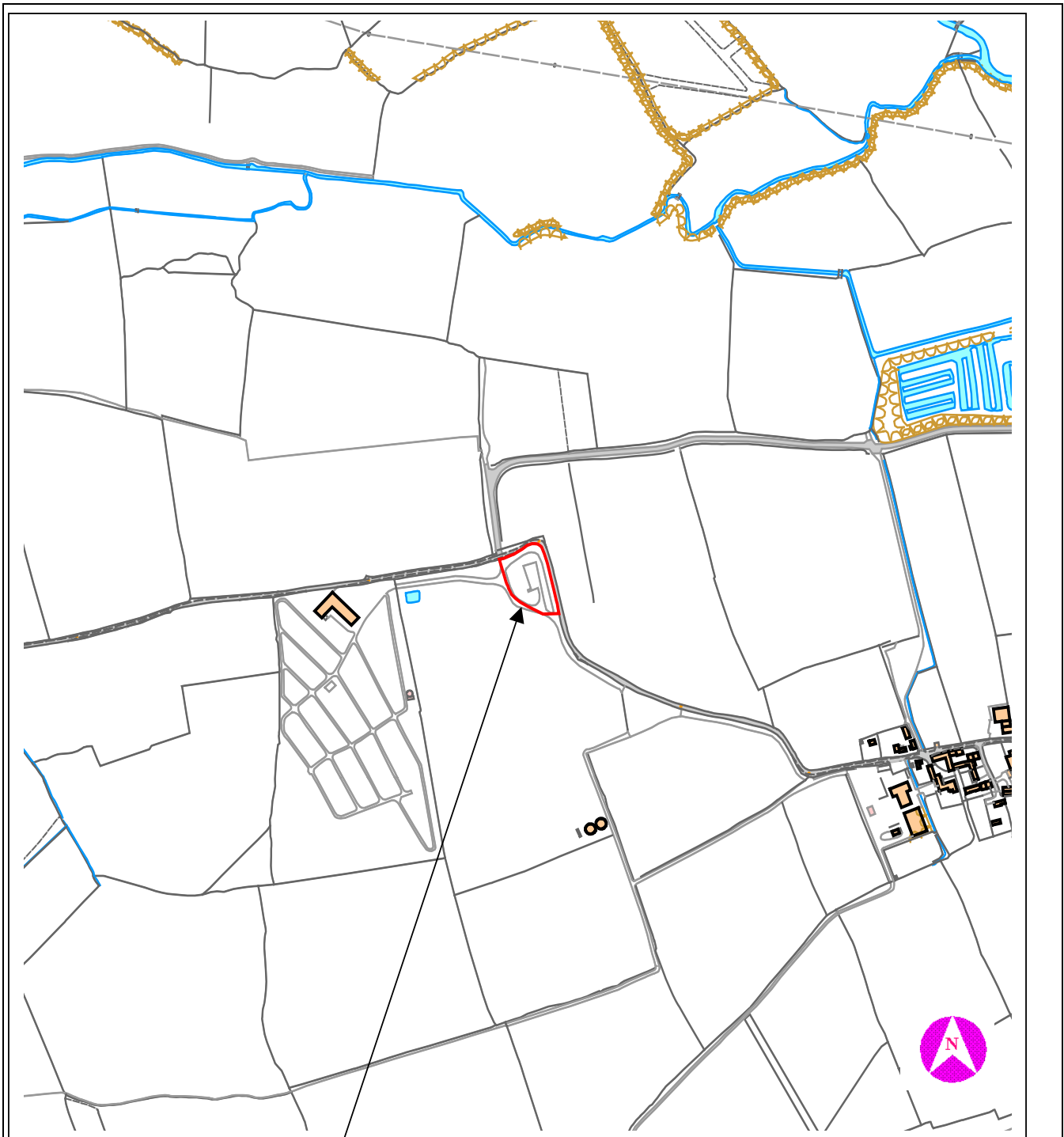
Decision: .....

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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