

MEETING:	PLANNING COMMITTEE
DATE:	5 JUNE 2013
TITLE OF REPORT:	<p>130870/N - CONSTRUCTION AND THE INSTALLATION OF 2 NO. CONCEALED UNDERGROUND WATER TREATMENT TANKS IN CONNECTION WITH PROCESSING DILUTED WASTE WINE AND SOIL DRAINS FROM THE EXISTING WINE DISTILLERY BUSINESS. MINOR ADJUSTMENTS TO EXISTING LANDSCAPE MOUND TO FORM AND CONSTRUCT A RELIEF CAR PARKING AREA AT LEADON COURT FARM, FROMES HILL, HEREFORDSHIRE, HR8 1QJ</p> <p>For: Mr Morgan per Old Franklands, Sutton St Nicholas, Herefordshire, HR1 3BU</p>
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130870&NoSearch=True

Date Received: 27 March 2013

Ward: Frome

Grid Ref: 368652,246900

Expiry Date: 15 July 2013

Local Member: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 Leadon Court adjoins the A4103 Worcester road, approximately 17 kilometres east of Hereford near Fromes Hill. The farmhouse occupies an elevated position and is grade II listed. Below the house, and some 200 metres north-east of it, a large agricultural building was erected in the 1990s. The building now has other approved B2/B8 uses including wine-making and distribution, which generates a volume of waste-water effluent. In order to meet environmental standards for safe disposal of this waste, the proposal is to install a purpose-built underground treatment system. This would replace existing foul sewerage, currently comprising a septic tank and holding tank, emptied weekly by a licensed contractor and transported out from site.
- 1.2 The site proposed for the new treatment unit is on a grass field adjoining the building on the east and would consist of the following:
- Below-ground chambers: 2 no. tanks, 6 metres depth, valve chamber, final effluent and screen chamber plus other inspection pits;
 - Above ground the tanks would have access covers on a concrete plinth; and a compressor/ control kiosk, 2.2m x 1.75m x 2.2m high would be located close by;
 - Final discharge would be to watercourse or soakaway, subject to Environment Agency consents and permits.
- 1.3 Also included in this application is a proposal for additional car-parking. Current arrangements along the eastern side of the existing large building are stated to be inadequate at certain times during peak production. HGVs and fork-lifts also use the area for deliveries and distribution.

Further information on the subject of this report is available from Mrs D Klein on 01432 260136

The proposal is to cut into and re-model one side of an existing large oval earth bund, to provide 15 further car spaces. Surfacing would be a Terram permeable mat, compacted stone and washed gravel, to ensure no additional surface water drainage would necessary. A post-and-rail fence is proposed.

2. Policies

2.1 Relevant additional Legislation

Groundwater Directive (80/68/EEC)
Water Framework Directive (2000/60/EEC)
Groundwater Daughter Directive (2006/118/EC)
Environmental Permitting Regulations 2010

2.2 National Planning Policy Framework (NPPF)

The NPPF does not specifically deal with this type of facility, generally relying on legislation other than planning. However the general emphasis in the NPPF on sustainable development, rural communities, design, health, and conservation of the natural environment, are all relevant. In particular, paragraph 110 requires that 'the aim should be to minimise pollution'. Section 7 deals with good design, requiring development to 'add to the overall quality of the area' and to 'respond to local character and history'. However, the weight to be given to these points will depend on other issues and the need for the development as essential infrastructure. It is established that the planning system should not seek to duplicate the requirements of other legislation.

PPS10 - Sustainable Waste Management

2.3 Herefordshire Unitary Development Plan

S1 - Sustainable development
S2 - Development requirements
S6 - Transport
S10 - Waste
DR1 - Design
DR2 - Land use and activity
DR3 - Movement
DR4 - Environment
DR7 - Flood risk
DR14 - Lighting
E12 - Farm Diversification
T8 - Road hierarchy
T11 - Parking provision
HBA4 - Setting of listed buildings
LA2 - Landscape character
LA5 - Protection of trees, woodlands and hedgerows
LA6 - Landscaping schemes
NC1 - Biodiversity and development
W1 - New waste management facilities
CF2 - Foul drainage

2.4 Herefordshire Core Strategy Draft March 2013

This document is at the Consultation Draft stage and adoption is some way off at the time of writing and carries little weight at this time,

- 2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

- 3.1 MH90/1665 approval of a large agricultural building in relation to a dairy herd in the 1990s
- N98/0062/N approval of a Change of Use of the building to B2/B8 (industrial and storage) in 1998, since when it has been put to a variety of diversification uses
- N110776/F approval of solar panels, to be applied to the roof of the building

4. Consultation Summary

Statutory Consultees

- 4.1 The Environment Agency is generally supportive in principle. It has pointed out that the system should not be utilised until the required Environmental Permit has been granted for the final discharge. Further advice is given with regard to pollution prevention and waste minimisation.

Internal Council Consultations

- 4.2 Transportation Manager – No objections
- 4.3 Environmental Services Manager – No objections or other comments
- 4.4 Drainage Advisor - Advice at pre-application stage drew attention to the need to ensure no additional surface water run-off. Final discharge would be subject of additional consent.
- 4.5 Conservation Manager:

(Landscape) No objections. The proposed tree planting is welcomed. The proposal for 7 apple trees is supported, particularly if these were local varieties.

(Archaeology) Consulted at pre-application stage - the area is already disturbed and of low potential for archaeology. No concerns.

5. Representations

- 5.1 Bishops Frome Parish Council: Any response will be reported to the Planning Committee, as will any representations from residents.
- 5.2 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 Pre-application advice was sought in February 2013, under reference 130362/CE. Officers have identified the following key issues:

- Need and purpose of the development
- Site choice and land use
- Pollution prevention, final discharge and surface water run-off
- Access and highways
- Landscape and visual impact, including trees and hedges

Need and purpose

(a) Waste-water treatment plant

6.2. As farm diversification, the wine-making business along with other commercial activities on this site, contribute to the rural economy. The application presents the case that bespoke waste-water treatment on site is necessary and desirable. Waste-water from wine making is high in Biological Oxygen Demand (BOD), and not suitable for direct discharge to the River Leadon. Weekly tankering out of effluent from the existing holding arrangement is unsustainable in terms of cost and traffic generation.

(b) Additional car parking

6.3 Existing parking is constricted. There is a potential for conflict between parked cars and operational activities such as turning HGVs and forklift trucks. The existing landscape bund is utilitarian and would not be adversely affected by the remodelling required to achieve the proposed additional parking. There would be a benefit from segregating cars from the operational area. There is no implication that significant extra traffic would be generated. The design of the proposal is acceptable and the provision of a porous surface is noted.

6.4 The proposal is supported in principle by the National Planning Policy Framework (NPPF) in terms of sustainability, the rural economy, and the need to enhance local areas. If the wine-making business is to thrive, there is a clear need to ensure adequate provision for the liquid effluent generated, in accordance with Environment Agency requirements. There is also a need for satisfactory parking arrangements for staff, visitors and deliveries.

6.5 The UDP is consistent with the NPPF and requires sustainable efficient waste management, in policy S10. The application is directly linked to an existing B2 process and is not subject to the constraint criteria given in policy W1 for new facilities. The site is also not affected by any of the sequential constraints listed in that policy. Policy CF2 requires developments to 'make satisfactory arrangements for foul drainage'. In the absence of appropriate mains sewerage the proposal meets that policy. The existing septic tank arrangements have hitherto been adequate, but the development of the wine business has its own particular requirements due to the nature of the liquid effluent. These must be met in order to maintain the diversification project, which is supported by UDP policy E12. The proposed parking arrangements accord with policy T11.

6.6 On the basis of the above, officers recognise an overriding need to support rural business, minimise pollution, provide sustainable infrastructure and to comply with EU legislation. Officers accept there is a clear need for this development and no conflict with policy.

Site choice and land use

6.7 The site for the water treatment plant has been chosen so as to be unobtrusively located behind the existing earth bund. It would not be visible from the A4103. The majority of the plant would be underground with only the plinth, inspection covers and control kiosk above ground. The site is within an existing grass field, but its presence would not preclude the continuation of

agricultural use. The addition parking could be effectively achieved with minor alterations to the earth bund. Both elements of the proposal constitute a change of use to small areas of current grass pasture, effectively extending the industrial use. However the amount of land is minimal and officers do not consider there to be any likely detriment. The site choice would not jeopardise any other land uses or affect amenity; there are no visible residential neighbours. The applicant's listed buildings at Leadon Court are also not visible at the site, being at a higher level and screened by vegetation. In terms of site choice and land use, officers consider the proposal would not conflict with any policy issues including UDP policies S2, DR1, DR2 and HBA4

6.8 Pollution prevention, final discharge and surface water run-off

6.8.1 The purpose of the proposal is to prevent pollution by treating effluent on site, with final discharge being to a quality which would be compliant with the necessary Environment Agency consent in parallel to the planning process. In operational terms the installation would be regulated by other bodies under legislation other than planning and the range of policy issues relevant is therefore generally restricted to land use, siting, design and environmental amenity.

6.8.2 The site is within Flood Risk Zone 1 (low risk) and is considerably less than 1 hectare in size (including the car parking proposal). No Flood Risk Assessment is necessary, and the provision of a sealed water treatment plant of this type is regarded as 'water compatible'. Although surface water flooding can occur further downstream, the small size of the treatment plant, and the permeable surfacing for the car parking would minimise any risk of additional flow from this site. The parking area is in any case small, occupying less than 600 square metres.

6.8.3 The Environment Agency offers general support, and has not asked for any further information at this time. Arrangements for final discharge of treated effluent from the plant would be regulated by the Agency through an Environmental Permit. The applicant has confirmed that the Permit has been applied for and is close to being issued. Compliance may be secured by planning condition, to ensure the plant would not be brought into use until such a Permit had been issued. On that basis there is no conflict with UDP policies S2, DR4, or DR7.

6.9 Access and highways

6.9.1 The proposal would remove the need for weekly tankers to empty the effluent holding tanks, representing a modest reduction in HGV traffic to and from the site. The additional car parking would rationalise existing constrictions on site and improve safety. The site has a modern access to the A4103 with good visibility.

The Transportation Manager has no objections and there is no conflict with UDP policy T8.

6.10 Landscape and visual impact including trees and hedges

In terms of actual above-ground development, there would be minimal visual and landscape impact. The site is already industrialised, and the adjoining field contains the oval earth bund, behind which the treatment plant would be located. The car parking would be in keeping with the existing arrangements around the building. There are no near neighbours and the site is not especially obtrusive from the busy A4103. Officers do not consider there would be any conflict with UDP policy LA2.

6.10.1 The application confirms that no trees or hedges would be removed as a result of this development. There is existing screen planting to the east of the bund, and hedgerow trees in the boundaries to the wider field within which the bund and treatment plant site are located. These and the hedgerows are to be retained. A new mixed-species hedge to the eastern boundary of the field is proposed, and a clump of seven apple trees to be planted between the

southern end of the bund and the A4103. Following remodelling, the bund would be re-seeded for grass and would remain within the pasture.

6.10.2 The Senior Landscape Officer accepts the planting proposals as in accordance with UDP policies LA2, LA5 and LA6. The tree planting proposals are particularly welcomed and regarded as appropriate. The development would be utilitarian in nature, but on a small scale, with low fencing and the majority of the infrastructure located below ground. The site is not affected by any designated area. Officers take the view that any potential impact has been minimised and the need for the development is an over-riding factor in this case.

Conclusion

6.11 Planning law requires that planning applications be determined in accordance with adopted policy unless material considerations dictate otherwise. The NPPF presumes in favour of sustainable development (as defined), and the nature of the proposal has been accepted as necessary development. Careful consideration of all policy issues has not found any conflict, and no concerns have been raised.

6.12 In this case, the conclusion has been that the scheme as proposed is a viable option which would meet the legal requirements and be capable of compliance. In terms of site choice, any visual impact has been minimised as far as possible.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. The external surface of the above-ground kiosk shall be coloured Midnight Green (BS4800 12B29) or a similar dark colour to be approved in writing in advance by the local planning authority.**

Reason: To protect the visual amenity of the area and to ensure the development complies with policy DR1 of the Herefordshire Unitary Development Plan.

- 4. G02 Retention of trees and hedgerows**
- 5. G09 Details of Boundary treatments**
- 6. The waste-water treatment plant hereby approved shall not be brought into use unless or until a scheme for the final discharge of treated effluent has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the method of discharge and the means of disposal.**

Reason: To ensure satisfactory final drainage arrangements are provided and to prevent pollution, in accordance with policy DR4 of the Herefordshire Unitary Development Plan.

- 7. G11 Implementation of submitted landscaping scheme**
- 8. H15 Turning and parking: change of use - commercial**
- 9. I32 Details of floodlighting/external lighting**

Reason for Approval

- 1. The proposal has been considered with reference to all the key issues outlined in this report, including site choice and the overall low risk of adverse effects. Particular regard has been given to the wine-making farm diversification project and the clear need for adequate management of waste water and pollution prevention, along with improvements to car parking arrangements. Drainage aspects are regulated by the Environment Agency through consents and permits issued by that body. There is no reason to suppose that the proposal is not capable of compliance, and the finer operational detail lies outside of the planning system. National and local policies support sustainable development and the rural economy.

The applicant sought pre-application advice in advance of submission. The local planning authority has engaged in positive, pro-active negotiation through this provision. The applicant has heeded the written and verbal advice given. No objections have been received. In light of this the proposal is considered to accord with, or be capable of compliance with, policies S1, S2, S10, DR1, DR2, DR4, DR7, DR14, T8, T11, LA2, LA5, LA6, NC1, W1 and CF2 of the Herefordshire Unitary Development Plan. It is also considered to accord with the National Planning Policy Framework with particular reference to paragraphs 6 to 14, section 3 (Supporting a prosperous rural economy) and section 11 (Conserving and enhancing the natural environment). Paragraphs 120 to 125 stress the need to prevent pollution and meet environmental protection legislation. As a result, the local planning authority has been able to grant planning permission subject to conditions.

INFORMATIVES:

- 1. N11C General
- 2. Final discharge is subject to additional Environment Agency consent. The effluent treatment system hereby approved may not be implemented unless or until such permits and consents as are required have been issued, in addition to submission and approval of final discharge methodology required under condition 6 above.

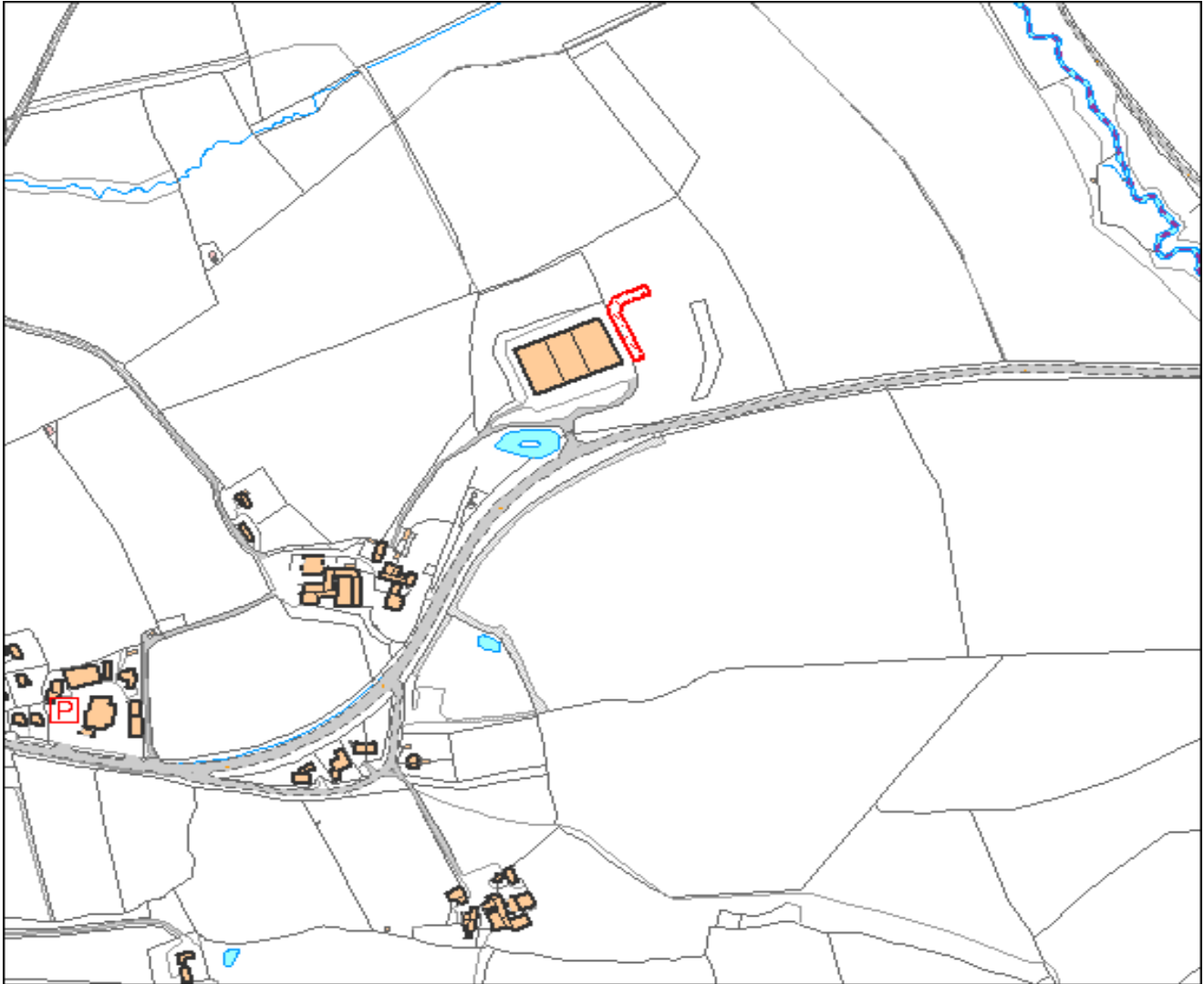
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 130870/N

SITE ADDRESS : LEADON COURT FARM, FROMES HILL, HEREFORDSHIRE, HR8 1QJ

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Further information on the subject of this report is available from Mrs D Klein on 01432 260136