

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	26/05/2020
Planning Development Manager authorisation:	TF	26/05/2020
Admin checks / despatch completed	CC	27/05/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	27/05/2020

Application: 20/00173/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: E Halsall & Sons Ltd

Address: Goodhall Farm Coggeshall Road Ardleigh

Development: Retrospective planning consent to use existing steel framed general purpose agricultural building (19/00354/AGRIC) to accommodate livestock.

1. Town / Parish Council

Ardleigh Parish Council
17.05.2020

Ardleigh Parish Council objects to this application. It was noted that cattle were already housed in the building (contrary to permission previously obtained) causing nuisance to nearby residents some of whom had written to the Council to express their concerns. The objection is primarily due to the proximity of residential accommodation and noise and environmental disruption caused by housing livestock in this location. We believe that there are more than 25 properties within 400m of the building and further that residents were not made aware of this proposed change of use.

2. Consultation Responses

ECC Highways Dept
20.04.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal utilises the existing access, parking facilities and does not impact on the existing turning areas, therefore:

The Highway Authority does not object to the proposals as submitted.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

Essex County Council
Heritage
13.05.2020

Built Heritage Advice pertaining to an application for: Retrospective planning consent to use existing steel framed general purpose agricultural building (19/00354/AGRIC) to accommodate livestock.

The application site is at distance from the Grade II listed Good Hall (List UID: 1147569) and its associated curtilage listed farmstead buildings. It is located to the immediate west of the buildings known as Goodhall Farm, which are sited to the south of and separated from Good Hall house and farmstead.

I support this application subject to the following conditions:

- The exterior of the building shall be painted dark green and shall be permanently maintained as such.

-The building will be partially concealed by screen planting to the north, east and south. Details of this planting shall be supplied in a landscaping drawing to the local planning authority for approval in writing. The planting will be permanently maintained as such.

3. Planning History

00/01518/AGRIC	Farm Building		31.12.2002
93/00813/FUL	Close off existing front gate on dangerous bend. Create new front entrance away from bend.	Approved	31.08.1993
13/00081/FUL	Single storey extension & alterations.	Approved	17.05.2013
13/00082/LBC	Single storey extension & alterations.	Approved	17.05.2013
13/00945/FUL	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Approved	
13/00946/LBC	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Approved	
13/01054/FUL	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Approved	14.11.2013
13/01055/LBC	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Approved	14.11.2013
14/01035/DISCON	Discharge of Conditions 03 (Materials) and 04 (Brickwork) of approved planning application 13/01054/FUL.	Approved	06.08.2014
14/01036/DISCON	Discharge of Conditions 03 (Materials) and 04 (Brickwork) of approved Listed Building Consent 13/01055/LBC.	Approved	08.08.2014
14/01616/NMA	Non material amendment to	Application	30.10.2014

	planning permission 13/01054/FUL to allow alterations to section of wall.	Turned Away	
15/00225/FUL	Alterations to boundary wall.	Approved	17.04.2015
15/00226/LBC	Alterations to boundary wall	Approved	01.04.2015
18/01816/FUL	Conversion of existing outbuilding into a single 2-bedroom dwelling, including 1.2m high boundary fencing.	Approved	18.12.2018
18/01817/LBC	External and internal amendments following conversion of existing outbuilding into a single 2-bedroom dwelling.	Approved	18.12.2018
19/00342/AGRIC	Additional storage required for machinery, hay, straw & agricultural products.	Application Closed	20.03.2019
19/00354/AGRIC	Proposed steel framed general purpose agricultural building.	Prior Approval Not Required	29.03.2019
20/00173/FUL	Retrospective planning consent to use existing steel framed general purpose agricultural building (19/00354/AGRIC) to accommodate livestock.	Current	
20/00207/DISCON	Discharge of condition 3 (windows/doors) for approved application 18/01817/LBC.	Approved	20.04.2020
20/00234/DISCON	Discharge of conditions 3 (landscaping), 5 (part 1 - contamination site characterisation) and 6 (Construction Method Statement) for approved application 18/01816/FUL.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN1 Landscape Character

EN23 Development Within the Proximity of a Listed Building

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

PPL3 The Rural Landscape

PPL9 Listed Buildings

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site relates to Goodhall Farm, Coggeshall Road, Ardleigh which lies within the parish of Ardleigh.

The site does not fall within a recognised Settlement Development Boundary, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Proposal

The application seeks retrospective planning permission to use the existing steel framed general purpose agricultural building (approved under 19/00354/AGRIC) to accommodate livestock.

History of site

Under planning reference 19/00354/AGRIC prior approval was not required from the Council to erect a general purpose agricultural building to store machinery, hay, straw and agricultural products. The building measures 7.9 metres in height, 54 metres in width and 15.8 metres in depth.

Assessment

The main considerations for this application are the;

- Principle of development
- Visual Impact
- Impact upon neighbouring amenities
- Trees and Landscaping
- Highway Safety
- Heritage Impact
- Other considerations

Principle of development:

The application complies with Policy EN1 of the Adopted Local Plan which states that the quality of the Districts landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. Development control will seek in particular to conserve the following nature and manmade features which contribute to local distinctiveness; estuaries and rivers and the undeveloped coast, skylines and prominent views, including those of ridge tops and plateau edges, the settings and character of settlements and of attractive and/or vernacular buildings within the landscape, historic landscapes, listed parks and gardens, ancient woodlands and other important woodland, hedgerows and trees, native species of landscape planning and local building materials and the traditional character of protected lanes, other rural lanes, bridleways and footpaths. Where a local landscape is capable of accommodating development, any proposals shall include suitable measures for landscape conservation and enhancement. The proposed structure adheres to the above policy and therefore the principle of development is acceptable subject to the detailed consideration below.

Visual Impact:

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed building is located to the east of Good Hall Farm. The building is located approximately 74 metres away from the nearest street and is located behind existing buildings on the site, therefore it is considered that the proposal will not cause any significant impact upon Coggeshall Road. The building is single storey with a dual pitched roof and constructed from 2 metre concrete walls, Yorkshire cladding to the western and northern elevations with corrugated fibre cement sheeting. The materials proposed are considered to be appropriate to the rural location. Although the proposed building is fairly large, the building is seen in conjunction with the existing buildings on the farm which ensures that the proposal will not significantly harm the open character of the area.

Impact to Neighbouring Amenities:

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, *'development will only be permitted if the*

development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed building is located approximately 40 metres away from the neighbouring boundary to the south and approximately 55 metres to the neighbouring boundary to the north. It is considered that the building is located a sufficient distance away to not cause any harm to neighbouring amenities. Conditions will be imposed in regards to the burning of manure to reduce any impact of odours to the neighbouring amenities. A soft landscaping condition will also be imposed to help screen the building from the neighbouring amenities.

Trees and Landscaping

In terms of the impact of the development proposal on the local landscape character the proposed structure will be large and potentially prominent in its setting. However, it will associate well with the current use of surrounding land. The existing structure is not out of keeping with the local landscape character. The change of use of the structure will not affect its impact on the character or appearance of the local environment. There are no trees or other vegetation on the land that are likely to be affected by the development proposal.

Highway Safety

Essex Highway Authority have been consulted on this application and have stated that the proposal utilises the existing access, parking facilities and does not impact on the existing turning areas. The Highway Authority therefore has no objections to this application.

Heritage Impact

Policy EN23 of the Tendring District Local Plan (2007) and emerging Policy PPL9 of the Tendring District Council Local Plan 2013-2033 and Beyond Publication Draft 2017 confirm that development should be of a scale, design and use that respects the listed building and its setting. The application site is located adjacent to a Grade II Listed Building, Good Hall and its associated curtilage listed farmstead buildings.

As part of this application, ECC Historic Environment Team have been consulted and have no objection to the building subject to conditions relating to the exterior of the building to be painted dark green and permanently maintained as such and for planting to help screen the proposal.

Other Considerations:

Ardleigh Parish Council raises an objection to this application. The Parish Council have noted that the cattle were already housed in the building causing nuisance to nearby residents. The objection is primarily due to the proximity to the residential accommodation, noise and environmental disruption.

In response to the Parish's concerns, this application is to rectify the current housing of livestock in the building. As stated within the report, the building is located a sufficient distance away from neighbouring amenities. Conditions will be imposed to control the burning of manure and the storage of this. A soft landscaping plan condition has also been imposed to help screen the building from neighbouring amenities.

5 letters of representation have been received (3 are from the same addressee);

- Concerns are raised in regards to the this application being in contradiction to the conditions of the original planning application 19/00354/AGRIC

In response to the concern raised, this application is to rectify the current housing of livestock.

- Concerns raised as the building is contrary to the guidelines of housing livestock.

In response to the concern raised, there is a DEFRA cattle welfare code document that has been submitted alongside this application which the applicant will comply with.

- Concerns in regards to noise pollution

In response to the concern raised, the TDC Environmental Health team were consulted on this application, a condition will be imposed to control the burning of manure and the storage of this. A landscaping condition has also been imposed to help screen the building from neighbouring amenities.

The planning agent has emailed a response to the noise concern and has confirmed that the cattle will only make noise when disturbed, therefore the only time they are likely to make noise would be when they're being fed by a farm worker which would be no later than 8pm or if an intruder was on the property.

- Concerns in regards to the movement of livestock.

In response to the concern raised, there is a DEFRA cattle welfare code document that has been submitted alongside this application which the applicant will comply with.

- Concerns with residents not receiving formal notification of the application

In response to the concern raised, neighbours are consulted where they share a common boundary with the red line of the application site.

- Concerns raised as the site notice was displayed at the entrance which will have limited effectiveness during a time when the movement of the general public is restricted due to the Coronavirus Pandemic.

In response to concern raised, although there have been restrictions, a site notice and an advert was placed in the local paper advertising the proposed application.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and document:

Amended Site Plan - Scanned 26th March 2020
Proposed Elevations Scale 1:200 Scanned 07 February 2020
Proposed First Floor Plan Scale 1:200 Scanned 07 February 2020
DEFRA Cattle Welfare Code Scanned 07 February 2020.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 2 Within 2 months of the date of this approval, a scheme of soft landscaping works, to the north, east and south of the site shall be submitted to approved, in writing by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction." The planting will be permanently maintained as such.

Reason - In the interest of visual amenity, the rural character of the area, neighbouring amenities and the impact upon the Setting of the Listed Building.

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In the interest of visual amenity, the rural character of the area, neighbouring amenities and the impact upon the Setting of the Listed Building

- 4 There shall be no burning of manure on the site at any time.

Reason - To ensure that nearby sensitive premises do not suffer a loss of amenity by reason of odour nuisance.

- 5 Within 2 months of the date of this approval a plan for the storage and removal of manure shall be submitted to and agreed in writing by the Local Planning Authority and thereafter retained and managed in accordance with the approved details.

Reason - To ensure that nearby sensitive premises do not suffer a loss of amenity by reason of odour nuisance.

- 6 The exterior of the building shall be painted dark green and shall be permanently maintained as such.

Reason - In the interests of the setting of the Listed Building and the character of the area.

8. **Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO