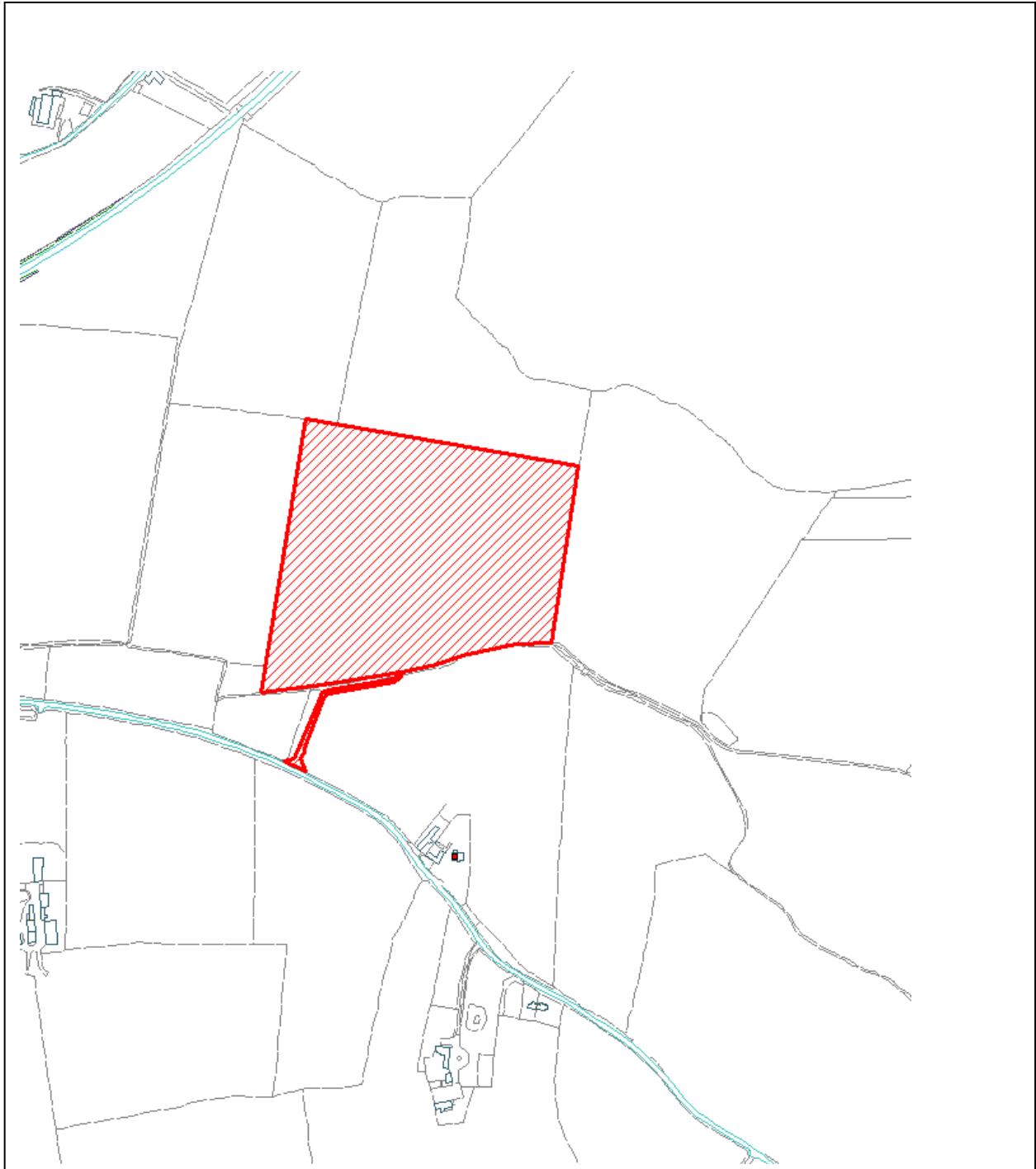


PLANNING COMMITTEE

20 OCTOBER 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.2 PLANNING APPLICATION – 20/00194/FUL – LAND NORTH WEST OF REDHOUSE FARM OAKLEY ROAD WIX MANNINGTREE CO11 2SF



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Application: 20/00194/FUL

Town / Parish: Wix Parish Council

Applicant: Mr Adam Brown - A H Brown Farms

Address: Land North West of Redhouse Farm Oakley Road Wix Manningtree CO11 2SF

Development: Proposed erection of 2 No. agricultural buildings for poultry production together with associated infrastructure and a new highway access to Oakley Road.

1. Executive Summary

- 1.1 This application has been referred to Planning Committee at the request of Councillor Bush due to concerns relating to: the nature of the proposal being a substantial industrial process, rather than a typical agricultural facility; failure to satisfy Policy EN1 in that the design and size of the development would create an adverse visual impact on the surrounding countryside and rural landscape; highway access is unsuitable; the substantial quantities of chicken waste and odour together with a risk to water pollution would adversely impact on public amenity; minimal contribution to the local economy; lack of social benefits; number of traffic movements from a significant distance would generate substantial carbon emissions in relation to an environmental role; and, dis-benefits with economic, social and environmental roles lead to the development not being sustainable development.
- 1.2 In the simplest of terms the application is for two buildings to raise broiler chickens. A new vehicular access would be created to the buildings and there would be associated structures including silos, plant room outbuilding, water tank structures, gas tanks and a gate house outbuilding. The main buildings would be to an identical design and have a typical agricultural building appearance; being of a steel portal construction covered by olive green coloured polyester coated profiled sheeting except for the plinth to the walls, some 0.5m in height, of pre-formed concrete.
- 1.3 The site is in a rural locality, between the settlements of Wix and Great Oakley, within the parish of Wix. Although set within open countryside, the site is at a position which is not prominent in the landscape and the proposals include landscaping works. The proposal is in planning terms considered to be an agricultural use within an agricultural area.

Recommendation: Full Approval

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) the conditions stated in section 8.2.

2. Planning Policy

2.1 The following Local and National Planning Policies are relevant to this planning application.

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

- QL3 Minimising and Managing Flood Risk
- QL9 Design of New Development
- QL11 Environmental Impacts and Compatibility of Uses
- EN1 Landscape Character
- EN6 Biodiversity
- EN16 Agricultural and Related Development
- EN23 Development Within the Proximity of a Listed Building
- TR1A Development Affecting Highways

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

- SPL3 Sustainable Design
- PP13 The Rural Economy
- PPL3 The Rural Landscape
- PPL5 Water Conservation, Drainage and Sewerage
- PPL9 Listed Buildings
- CP1 Sustainable Transport and Accessibility

Essex County Council Car Parking Standards - Design and Good Practice

Tendring Landscape Character Assessment

Essex Farm Buildings (1994)

Status of the Local Plan

2.2 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.

- 2.3 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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities ‘Garden Communities’ proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.
- 2.4 The three North Essex Authorities are currently considering the Inspector’s advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.
- 2.5 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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.

3. Relevant Planning History

18/30245/PREAPP	Proposed poultry farm comprising no.2 poultry buildings with associated feed bins, hardstandings, access road and a new highway access to Oakley Road.	29.01.2019
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4. Consultations

ECC SuDS Consultee
15.06.2020

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

Condition 1

No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to matched Greenfield runoff rates based on the provision of Long Term Storage for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Advisory Comments:

- Typically the flow control for attenuation storage is below the flow control for Long Term Storage, but in this instance it is the other way around. Typically we would have expected the complex flow control to have been set up as 1.9 l/s, 3.7 l/s and 4.8 + 1.5 l/s for the 1 in 2yr, 1 in 30yr and 1 in 100yr +CC Return Period's respectively as long term storage is designed for the 1 in 100yr Return Period.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in

making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

ECC Highways Dept
10.08.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority. Additional information was requested and provided by the applicant in relation to swept path analysis and on-site investigations around accessibility for the Harwich Road/ Oakley Road junction, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities
 - v. prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

2. No occupation of the development shall take place until the following have been provided or completed:
 - a) A priority junction off Oakley Road to provide access to the proposed site as shown in principle on planning application, amended viability and access plan drawing number: 21314-03 a.
 - b) Kerb radii measuring 15 metres.
 - c) No unbound material shall be used in the surface treatment of the vehicular access within 30 metres of the highway boundary.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to avoid displacement of loose material onto the highway in the interest of highway safety in accordance with policy DM1.

3. Prior to occupation of the development, the road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 4.5 metres by 160 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between

vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

4. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

5. Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with policy DM1.

6. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

7. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

8. Prior to occupation of the development an appropriate Traffic Management Plan and Route Card shall be provided outlining a designated route to and from the development for all HGV movements via the A120 signed HGV route for Wix to be agreed in advance with the Local Planning Authority in consultation with the Highway Authority.

Reason: To control the location and direction of HGV vehicle movements to and from the site in the interests of highway safety and Policy DM1.

The above conditions are to ensure that the proposal

conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

2: 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

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Environment Agency
29.05.2020

No further comments.

Natural England
28.05.2020

No objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites listed below and has no objection.

Natural England's further advice on designated sites and advice on other natural environment issues is set out below.

Internationally and nationally designated sites

The application site is within 10 km of the following European designated sites (also commonly referred to as European sites) and therefore has the potential to affect the interest features of those sites. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site is within the stated distance of the following European sites:

- Hamford Water SPA
- Hamford Water SAC
- Stour and Orwell Estuaries SPA

The following site(s) is/are also listed as Ramsar site(s):

- Hamford Water Ramsar
- Stour and Orwell Estuaries Ramsar

Natural England's further advice on designated sites and advice on other natural environment issues is set out below.

The application site is also within 5 km of the following sites which are also notified at a national level as Site(s) of Special Scientific Interest (SSSI(s));

- Stour and Copperas Woods, Ramsey SSSI
- Hamford Water SSSI
- Stour Estuary SSSI
- Orwell Estuary SSSI

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. On the basis of the information provided, in order to assist your authority in screening for the likelihood of significant effects, it is Natural England's advice that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment. It is recommended that the following information is used to record your conclusions with regard to the likelihood of significant effects:

Screening has indicated that the process contribution (PC) for all pollutants at all sites will be <1% of the relevant critical level or load for the most sensitive habitat at each site. The assessment concludes that the proposals process contributions to the annual mean ammonia level and the annual nitrogen deposition rates are predicted to be at levels below the Environment Agency's lower threshold percentage for the relevant sites, (4% for SPA/Ramsar, 20% for SSSI and 100% for local wildlife sites and ancient woodland) and the Natural England thresholds. Therefore there should not be an impact to the sites. On the basis of information provided, Natural England concurs with this view.

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the Preliminary Ecological Appraisal (Emms & Barnett, December 2019) and the Response to Ecology Comments (Emms & Barnett, April 2020) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We are now satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal (Emms & Barnett, December 2019) and the Response to Ecology Comments (Emms & Barnett, April 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species particularly breeding farmland birds and reptiles. We support the recommendations for mitigation and enhancement measures for breeding farmland birds included in the Response to Ecology Comments (Emms & Barnett, April 2020).

We have also reviewed the Environmental Statement (Ian Pick Associates, January 2020) and the Amonia Emission Modelling Report (AS Modelling and Data Ltd., July 2019) which report that the impact of nitrogen deposition on any designated sites within 10km of the proposed development is below the lower threshold of the Environment Agency's Critical Level, and Natural England's Advisory Critical Level. The LPA can therefore record its decision of HRA screening for this development as not likely to result in any significant effect on the coastal Habitats sites.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with

its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Emms & Barnett, December 2019) and the Response to Ecology Comments (Emms & Barnett, April 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

"A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Emms & Barnett, December 2019) and the Response to Ecology Comments (Emms & Barnett, April 2020), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the

NERC Act 2006 (Priority habitats & species).

3. PRIOR TO SLAB LEVEL: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

Tree & Landscape Officer
25.03.2020

The application site forms part of the open countryside is in agricultural use. There is a low gappy hedgerow adjacent to the Oakley Road with a few established Oaks. The application site is set back from the highway and separated from it by another field and field boundary hedgerow that currently provides partial screening the development site.

In order to show the extent of the constraint that trees are on the development potential of the land and to show how retained trees will be physically protected for the duration of the construction phase of any development the applicant has provided a tree report and survey. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations. The report shows that none of the existing trees will be removed or otherwise adversely affected by the development proposal.

In terms of the local landscape character the application site is situated in the Ramsey Valley System Landscape Character Area (LCA) effectively 'wrapped' to the north and south by the Tendring and Wix Clay Plateau LCA as defined and described in the Tendring District Council Landscape Character Assessment.

The Ramsey Valley System is described in the Tendring District Council Landscape Character Assessment as follows: 'the wooded pastoral landscape with valley sides that supports small pastoral fields divided by thick hedgerows with hedgerow Oaks'. In essence this sums up the description of the application site.

The visual impact of the structures in an agricultural landscape may not be considered incongruous or unduly harmful to the character of the locality however they will clearly be imposing structures in the landscape. In terms of the new access to the highway the site layout plan shows the retention of the existing trees on the boundary with the highway. A section of the boundary hedge, in this location, appears to have been cut down as part of localised ditch clearance works.

In order to address the impact of the development proposal on the local landscape character, in a measured way, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The application site has the potential to be overlooked from the surrounding higher land however views are limited by the extent of the Public Right of Way network in the area. The separation distance between the footpaths and the application site indicates that the development is unlikely cause significant harm to the enjoyment of the countryside by footpath users.

On balance the LVIA recognises that there will be a degree of harm caused by the changes to both the character and appearance of the area but that with suitable measures to mitigate the harm the overall impact of the development will not be incongruous or unduly harmful.

With regard to new planting the applicant has provided sufficient details to secure an adequate level of soft landscaping to soften and screen the proposed development.

Essex County Council Heritage
19.03.2020

Built Heritage Advice pertaining to an application for: Proposed erection of 2 No. agricultural buildings for poultry production together with associated infrastructure and a new highway access to Oakley Road.

A number of agrarian heritage assets are located in the vicinity of the proposal. The farmland upon which the agricultural buildings are proposed provides the setting to these heritage assets. The proposals mitigate against the possible impacts to these heritage assets.

We are therefore not opposed in principle to the proposed development, subject to the following conditions:

- Planting and landscaping is to be carried out in

accordance with the applicant's submitted landscaping plan and permanently maintained as such.
- Ventilation towers to shed roofs are to be painted matt black.

TDC Environmental Protection
26.03.2020

Environmental Protection have reviewed the submitted Environmental Statement, Noise Impact Assessment, Odour Assessment and Ammonia Report, based upon the findings we are satisfied that the development should not cause a nuisance to nearby existing residents.

In order to minimise potential nuisance to nearby existing residents caused by construction, Environmental Protection ask that the following is conditioned.

Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Environmental Protection prior to the commencement of works.

Emission Control

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Dust Control

1) Dust suppression methods to be employed during construction so as to minimize likelihood of nuisance being caused to neighbouring properties. A scheme of measures for the control and suppression of dust emissions shall be submitted.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Protection. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

The land contamination report shows no indication of contamination although an observation strategy is recommended during any groundwork. Any contamination seen at the time of groundworks should be recorded, remediated and a closure report with photographic evidence sent to Environmental Protection.

Any external lighting on the proposed development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to neighbouring residential properties. The applicant shall demonstrate compliance with the Institute of Lighting Professionals code of practice. (www.theilp.org.uk)

Environment Agency
30.04.2020

Thank you for your consultation, we have reviewed the plans as proposed and we have no objection to this application.

Water Quality

This application has already been issued with an Environmental Permit (EPR/CP3407PD) due to this we have no additional concerns that would be covered by the planning process.

Anglian Water Services Ltd
12.03.2020

There is no connection to Anglian water assets, we therefore have no comments.

5. Representations

5.1 476 written comments have been received including a petition containing 8 signatures; and, an emailed petition said to have been signed by over 17,000 people. Wix Parish Council objects to the proposal.

5.2 Written objections raise the following concerns:

- The intensive rearing of birds is known to increase the risks of potentially fatal diseases such as bird flu.
- Loss of neighbouring businesses such as the wedding venue in an adjacent property will cause a net loss of local employment due to no one wanting to get married next to a smelly, noisy, ugly chicken farm.
- This is an industrial process and has no place in a rural setting.
- Only a summer visit to another such use would clarify the stench we should expect to live with.
- Suspect there are better sites more remote from residential communities.
- The smell would stop children and families from going out and they will be forced to keep their windows closed, this in turn will isolate people.
- Concern that future sheds will be added in due course.
- The dust such operations raises is an exquisite compound of aerialised faeces, chicken dander (dead skin), mites, bacteria, fungal spores, mycotoxins, endotoxins, veterinary medicines, pesticides, ammonia and hydrogen sulphide.
- Site security/safety could also be a risk as no one would live on site.
- The 2011 Agricultural Land Classification map (ALC008) indicates that the proposed development is on Grade 2 land.
- Reduction in air quality.
- No benefit to village to outweigh the negative points.
- Increased HGV traffic would have safety implications and impact on a MoT business.
- The proposed entrance site access has already recently had a large tree removed and the verge cleared.
- Another pandemic could come from a factory farm such as this one.
- More heavy traffic on an unsuitable road.
- Noise, dust and other pollution.
- Noxious, offensive smell.
- Damage to older properties from heavy traffic.
- Animal rights activists could cause disruption in local area.
- Risk of water pollution.
- Would add very little employment.
- Harm to appearance and character of a rural landscape.
- Should be sited closer to poultry processors and feed suppliers.
- Proximity of primary schools could be a health issue.
- Does not represent sustainable development.
- Using animals in such a barbaric way is absolutely disgusting.
- Could increase vermin.
- Area already served by a source of organic eggs.
- Would devalue properties.
- Harm to reputation of farming in this area and as an area of natural beauty.

5.3 The petition containing 8 signatures raises the following concerns:

- Loss of greenfield open space.
- Damage to landscape and character of area.
- Would create excessive traffic.
- Would significantly adversely affect residential amenity.
- Diminution of countryside as an attractive place to live.
- Material loss of best and most versatile land.
- An eyesore.
- Smells, noise and large volumes of effluent.

- Proposed development is not dependent on an existing farm holding and could be better sited elsewhere.
- Agriculture will not be performed.
- External lighting would create an urban character.
- Development will give the appearance of ribbon-like development infilling a green space.
- Out of place in an area of exclusively arable farming.

5.4 The emailed petition said to have been signed by over 17,000 people raises the following concerns:

- Insufficient consideration of safety measures for managing flood risk.
- Would likely produce strong odours, which could disturb local residents and have a negative impact on their quality of life.
- Noise pollution.
- Ammonia from the chickens' waste would be emitted into the surrounding area, likely having a negative impact on air quality, human health, the environment, and wildlife.
- Would likely intensify traffic on Oakley Road,
- Would likely diminish the character of the rural landscape and spoil natural vistas.
- Would cause immense suffering to the chickens confined there.

5.5 Wix Parish Council has commented as follows:

We are very concerned regarding the infrastructure around the site. Access to Oakley Road from the A120, and Harwich Road, whilst is likely the best option, it is still not appropriate for the number of vehicle movements and vehicle types the travel plan proposes. The large vehicles will churn up and breakaway the road edges, causing dangerous potholes and over runs (which will not be repaired by ECC as they fall outside of the existing carriageway), particularly when they meet other large local agricultural and farm vehicles, and the regular bus service.

The triangle at the junction of Harwich Road and Oakley Road will be destroyed.

Residents are also very concerned about the odour that is likely to be emitted from the site.

There are concerns regarding the impact the site could have on drainage in the area- which is already poor.

Concerns have been raised regarding the noise from the fans on the sheds.

Wix PC also supports the concerns raised by District Councillor Mike Bush, relating to NPPF 2019 and PP of TDC 2007, EN 16. The capacity for this site per year makes it a substantial industrial process, rather than an agricultural facility, which means it does not meet EN16 requirement for permissions on agricultural buildings.

NPPF policy EN1- this site will have considerable negative visual impact on the surrounding countryside.

Finally, comments from residents also raised concerns regarding the potential health implications for residents in the vicinity of a production site such as this, and the potential transfer of disease, and the impact it could have on local wildlife, including the Hamford Water nature reserve.

6. Assessment

Site Context

6.1 The site is set in the Countryside between Wix, to the west, and Great Oakley, to the east. The site is formed from the southern part of an agricultural field and a means of vehicular access

across another field. The vehicular access would be on the northern side of the road some 170m northwest of Redhouse Farm.

- 6.2 Access to the A120 from the site would be along Oakley Road to the junction with Harwich Road and then onto the A120.

Proposal

- 6.3 With regard to the proposed use, the proposal is for the intensive rearing of poultry. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 state that installations for the intensive rearing of poultry with more than 85, places for broilers or 60,000 places for hens is "Schedule 1 Development". The design, access and planning statement forming part of the application documentation states, at paragraph 4.2, that the two poultry buildings would each have a capacity of 50,000 birds, with the total capacity of the site extending to 100,000 birds. An Environmental Impact Assessment was therefore required as part of the planning application submission.
- 6.4 A screening opinion was not required in this instance since an Environmental Impact Assessment is mandatory. The Environmental Impact Assessment implications are addressed in an Environmental Statement forming part of the application documentation.
- 6.5 Prior to the submission of the planning application, the applicants made an application to the Environment Agency for an Environmental Permit for the proposed development. The Environmental Permit for the development has been granted. Such permits take into account the whole environmental performance of the plant, and are concerned with such matters as emissions to air, water and land; generation of waste; use of raw materials; energy efficiency; noise; prevention of accidents; and, restoration of the site at closure.
- 6.6 With regard to the proposed works, the proposed structures and physical alterations are: two identical buildings to house broiler chickens; a new vehicular access; silos; gatehouse; plant room; water tanks; store; and gas tanks. The layout would be with the buildings to house the broiler chickens set one behind the other in relation to Oakley Road. A hard surfaced area would be set to the east of these buildings with plant room and water tank to the north of the hard surface and gas tanks and gate house to the south of the hard surfaced area.
- 6.7 The buildings to house the broiler chickens would be 5.7m in height to the ridge of a gable roof, 3m in height to the eaves. Each building would be 114m long by 20m wide. The lengths of the buildings would run generally east/west and run parallel with each other, one building behind the other in relation to the road to the south. The nearest building to the road would be some 100m from the carriageway at its closest point.
- 6.8 The vehicular access to the site would be on the northern side of a part of Oakley Road. The vehicular access would be some 180m to the northwest of Redhouse Farm. The width of the vehicular access would be 7.3m. The means of vehicular access includes a bridge below the track to the main body of the site. The bridge is over the Dovercourt Dock River at which point it has the nature of a field boundary ditch.
- 6.9 At the eastern end of each building to house the broiler chickens would be two silos, cylindrical feed bins. Each silo would have a maximum height of 7.6m in height.
- 6.10 The gatehouse building would be set back from the vehicular access onto the highway, the gatehouse would be amongst the cluster of structures which would include the buildings to house the broiler chickens. The gatehouse building would be 7m deep by 9m wide and have a shallow pitched roof with a maximum height to the ridge of 3.2m, 2.6m to the eaves. This building would accommodate a small office, a rest room, a shower and changing areas and w.c. facilities.

- 6.11 The plant room outbuilding would be 7.3m long by 3.2m deep and have a maximum height of some 3m.
- 6.12 The water tanks would consist of two structures. The main water tank would be a cylindrical structure with a diameter of 4.7m and a maximum height of 3.5m. A dirty water tank would be set below ground.
- 6.13 A store for dead birds would consist of a structure with a foot print 4m square and a maximum height of 3.1m.
- 6.14 Five cylindrical gas tanks, set horizontally, would be positioned by the southeast corner of the pair of main buildings. Each tank would be 5m long by 1.8m wide, having a diameter of 1.8m. The tanks would be set out to orientate north/south, the smaller, circular profiles of the tanks would face towards the road to the south.

Principle of Development

- 6.15 The definition of agriculture includes the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land). As such the proposal falls under the definition of an agricultural use in an agricultural area and accordingly the principle of the proposed development is acceptable.
- 6.16 It has been demonstrated that the proposed development is reasonably necessary for the purpose of the agriculture to be carried out on what would become its own self-contained holding. As such the proposal accords with the relevant part of Policy EN16.
- 6.17 The National Planning Policy Framework (NPPF) states at paragraph 83 that planning decisions should enable the development of agricultural and other land-based rural businesses.

Appearance and Scale

- 6.18 The main buildings would have a simple, somewhat utilitarian appearance though as such they would be in keeping with other agricultural buildings in the area. The proportions and relatively low pitch to the roofs would distinguish them from traditional farm buildings but the design approach is, rather than to disguise them as such, to blend the buildings into the wider landscape. The main buildings would be to an identical design and have a typical agricultural building appearance; being of a steel portal construction covered by olive green coloured polyester coated profiled sheeting except for the plinth to the walls, some 0.5m in height, of pre-formed concrete.
- 6.19 Ancillary structures to the main buildings would generally be dwarfed by the scale of the main buildings with the exception of the silo type feed bins. These would be some 2m greater in height than the ridges of the main buildings but would be structures which would not be out of place in an agricultural landscape.
- 6.20 The main buildings would be comparable in height to an average bungalow; 5.7m in height to the ridge of a gable roof, 3m in height to the eaves. The buildings would have a significant length but the one to the south would act as a screen to the one to the north. Given the isolation distance from the road and the relatively low heights, the scale of the proposed built forms is considered acceptable.
- 6.21 The appearance of the buildings is considered to be in character with the locality and the proposal is considered acceptable with regard to Policy QL9 and that part of Policy EN16 generally relating to appearance.

Highway Safety/Parking

- 6.22 Access to the A120 from the site would be along Oakley Road to the junction with Harwich Road and then onto the A120. The junction of Oakley Road with Harwich Road has a traffic island where a war memorial is sited. Oakley Road intersects Harwich Road at an acute angle such that traffic cannot turn with ease. A number of public comments refer to the proposal being likely to increase a problem of turning traffic cutting away the highway verge at this junction. However, a site meeting took place with representatives of the local highway authority. Additional information was requested and provided by the applicant in relation to swept path analysis and on-site investigations around accessibility for the Harwich Road/Oakley Road junction.
- 6.23 The local highway authority, Essex County Council, has confirmed in a written response dated 10th August that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions relating to a Construction Management Plan; design of the vehicular access as per the detailed amended plans and no unbound material for the first 30m; a visibility splay; provision of the vehicular turning facility/loading facility; no discharge of surface water onto the highway; and, provision of a Traffic Management Plan from the site to the A120.
- 6.24 The recommended conditions are all considered reasonable, necessary and enforceable. Subject to such conditions the proposal is considered acceptable with regard to Policy TR1A.

Landscaping/Biodiversity

- 6.25 Saved Policy EN1 (Landscape Character) states that the quality of the District's landscape and its distinctive local character will be protected and, where possible, enhanced and any development which would significantly harm landscape character or quality will not be permitted.
- 6.26 The application site forms part of the open countryside and is in agricultural use; it is a farm field. The main body of the application site itself, disregarding the vehicular access, is set back from the highway and separated from it by another field and field boundary hedgerow that provides screening of the site.
- 6.27 The Council's Tree & Landscape Officer has commented on the application as set out above. No objection is raised.
- 6.28 The application documentation includes a Landscape and Visual Impact Assessment (LVIA). This refers to a degree of harm caused by the changes to both the character and appearance of the area but that with suitable measures to mitigate the harm the overall impact of the development will not be incongruous or unduly harmful. With regard to new planting the applicant has provided sufficient details to secure an adequate level of soft landscaping to soften and screen the proposed development.
- 6.29 A soft landscaping scheme forms part of the application documentation. This shows an area of planting, a wide belt, to the south of the southernmost main building along some two-thirds of the length of the building. This area would be behind an existing hedgerow and in front of the main building nearer Oakley Road. Another planting belt, a minimum of 10m wide, would be to the north of the northernmost main building.
- 6.30 Subject to appropriate conditions regarding implementation of landscaping in accordance with submitted details, the proposal is acceptable with regard to Policy EN1.

- 6.31 With regard to biodiversity, Policy EN6 states that development proposals will not be granted planning permission unless local biodiversity is protected and enhanced. Appropriate compensating measures to outweigh the harm caused by the development must be provided.
- 6.32 Natural England and Essex County Council Ecology have been consulted and a written response received from both.
- 6.33 In summary, Natural England has written to confirm it has no objection. It is Natural England's advice that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.
- 6.34 Essex County Council Ecology originally made a holding objection due to insufficient ecological information on Priority species (farmland birds). Subsequently, having reviewed a Preliminary Ecological Appraisal and a Response to Ecology Comments relating to the likely impacts of development on protected species and Priority species & habitats, it is satisfied that there is sufficient ecological information available for determination. Essex County Council Ecology has confirmed in writing it has no objection subject to securing biodiversity mitigation and enhancement measures. Conditions are recommended regarding mitigation and enhancement measures as contained in the Preliminary Ecological Appraisal and for a scheme for any external lighting identifying features on the site particularly sensitive for bats.
- 6.35 Subject to such conditions, the proposal is considered acceptable with regard to Policy EN6.

Impact on Residential Amenity

- 6.36 It is considered that there is sufficient distance retained to the nearest residential properties to ensure any impact upon residential amenity would be minimal. There is a 430m distance to the nearest property to the south-west and 250m to 'Redhouse Farm' to the south-east. Any noise or odours associated with the development, due to distances involved, would not cause nearby residents unacceptable nuisance.
- 6.37 The Council's Environmental Protection team have assessed the application and based on the submitted Environmental Statement, Noise Impact Assessment, Odour Assessment and Ammonia Report have confirmed that they are satisfied the development should not cause a nuisance to nearby existing residents.
- 6.38 Conditions have been recommended by Environmental Protection relating to measures, during the construction process, to control noise, prevent burning on site and suppress dust. A condition regarding any unexpected ground contamination indications encountered during construction and a condition for details of any external lighting scheme are also recommended.
- 6.39 In summary, the proposal is considered acceptable with regard to Policy QL11.

Drainage

- 6.40 Policy QL3 is concerned with minimising and managing flood risk. Although the site is in Flood Zone 1, land with the least likelihood of flooding, part of the text of Policy QL3 states that a Flood Risk Assessment is required to be submitted within Flood Zone 1 for proposals on sites of 1 hectare or more. The site has an area of 8.5 hectares.
- 6.41 Accordingly, a Flood Risk Assessment was submitted and both the Environment Agency and Essex County Council SuDS consulted. In response, the Environment Agency have raised no objection to the application. Similarly, following receipt of further information, Essex County Council SuDS team has confirmed in writing that it does not object to the granting of planning permission subject to the imposition of conditions relating to a detailed surface water drainage

scheme; a scheme to minimise water run-off and pollution during construction; a maintenance plan for drainage; and, annual logs of maintenance.

6.42 The proposal is considered acceptable with regard to Policy QL3.

Heritage Assets

6.43 ECC Heritage has confirmed that they do not in principle oppose the proposed development, subject to conditions relating to implementation of the submitted landscaping plan and permanent maintenance and to the ventilation features of the buildings being painted matt black.

6.44 The separation distance between the proposed development and the Listed Building known as 'The White House' is approximately 400m. Due to this significant distance and the lack of inter-visibility between the two sites any impact upon its historic setting is minimal.

6.45 Subject to conditions as recommended, the proposal is acceptable with regard to Policy EN23.

7. Conclusion

7.1 As with all planning applications, this application is to be considered on its planning merits. . Whilst considerable interest has been generated in terms of third party representations, this planning application can be considered only on planning issues. In planning terms the proposal is for agricultural buildings in the countryside. The buildings would have the character of agricultural buildings, are of a limited height and would be both well set from the road and would be largely screened by a proposed landscaping scheme. The nature of the use generated a need for Environmental Impact Assessment. Sufficient information was submitted for such an assessment. Specialist advice has been received which raises no objection on this ground. The Environment Agency has commented that this application has already been issued with an Environmental Permit.

8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informative.

8.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
Site location plan, IP/AHB/06
Block plan, IP/AHB/02
IP/AHB/03
IP/AHB/04
IP/AHB/05
Soft landscape proposals, IPA1055-SL
Landscaping specification
21314-04-2
21314-03 a
21314-04

21314-03-2 a

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

3. Prior to first use of the vehicular access hereby approved a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall have been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
 - Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - Limiting discharge rates to matched Greenfield runoff rates based on the provision of Long Term Storage for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.
 - Final modelling and calculations for all areas of the drainage system.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason – In the interest of the provision of sustainable drainage in accordance with Policy QL3 of the adopted Local Plan, Policy PPL1 of the emerging Local Plan and the provisions of the National Planning Policy Framework at paragraphs 163 and 170.

4. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities
 - v. prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence.
 - vi. a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works
 - vii. noise control
 - viii. emission control
 - ix. dust control

Reason - To ensure that parking on the highway does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to ensure that construction does not lead to excess water being discharged from the site.

5. Prior to first use of the development the following shall have been provided or completed:
 - a) A priority junction off Oakley Road to provide access to the proposed site as shown in principle on planning application, amended viability and access plan drawing number: 21314-03 a.

b) Kerb radii measuring 15 metres.

c) No unbound material shall be used in the surface treatment of the vehicular access within 30 metres of the highway boundary.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to avoid displacement of loose material onto the highway in the interest of highway safety.

6. Prior to first use of the development, the road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 4.5 metres by 160 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

7. Prior to first use of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

8. Prior to first use of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason - To ensure that appropriate loading / unloading facilities are available in the interest of highway safety.

9. There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

10. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

11. Prior to first use of the development an appropriate Traffic Management Plan and Route Card shall be provided outlining a designated route to and from the development for all HGV movements via the A120 signed HGV route for Wix to be agreed in advance with the Local Planning Authority in consultation with the Highway Authority.

Reason - To control the location and direction of HGV vehicle movements to and from the site in the interests of highway safety in accordance with Policy TR1a of the adopted Local Plan.

12. Prior to first use all mitigation and enhancement measures and/or works shall have been carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Emms & Barnett, December 2019) and the Response to Ecology Comments

(Emms & Barnett, April 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason - To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy EN6 of the adopted Local Plan.

13. Prior to construction above slab level of either building to accommodate broiler chickens a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Emms & Barnett, December 2019) and the Response to Ecology Comments (Emms & Barnett, April 2020), shall have been submitted to and approved in writing by the local planning authority.
The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason - To enhance Protected and Priority Species and allow the local planning authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy EN6 of the adopted Local Plan.

14. No means of external lighting shall be installed unless the prior written consent of the local planning authority is given in writing to any external lighting. Any external lighting shall be part of a lighting design scheme for biodiversity which shall have been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy EN6 of the adopted Local Plan.

15. All planting as shown on the approved landscaping plan shall be carried out during the first planting 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 and in accordance with Policy EN1 of the adopted Local Plan.

16. Prior to first use the ventilation towers to the buildings to house the broiler chickens are to be painted matt black and retained as such.

Reason – In the interest of visual amenity, in accordance with Policies QL9, EN1 and EN23 of the adopted Local Plan.

17. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to matched Greenfield runoff rates based on the provision of Long Term Storage for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.

- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.

- Final modelling and calculations for all areas of the drainage system.

- Detailed engineering drawings of each component of the drainage scheme.

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason -

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- To ensure the effective operation of SuDS features over the lifetime of the development.

- To provide mitigation of any environmental harm which may be caused to the local water environment

- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

18. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason -

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

19. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason -

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

20. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason -

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

8.3 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.

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

9 Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.3 Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.4 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.

- 9.5 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.6 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.7 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.8 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.9 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.10 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.11 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10 Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.