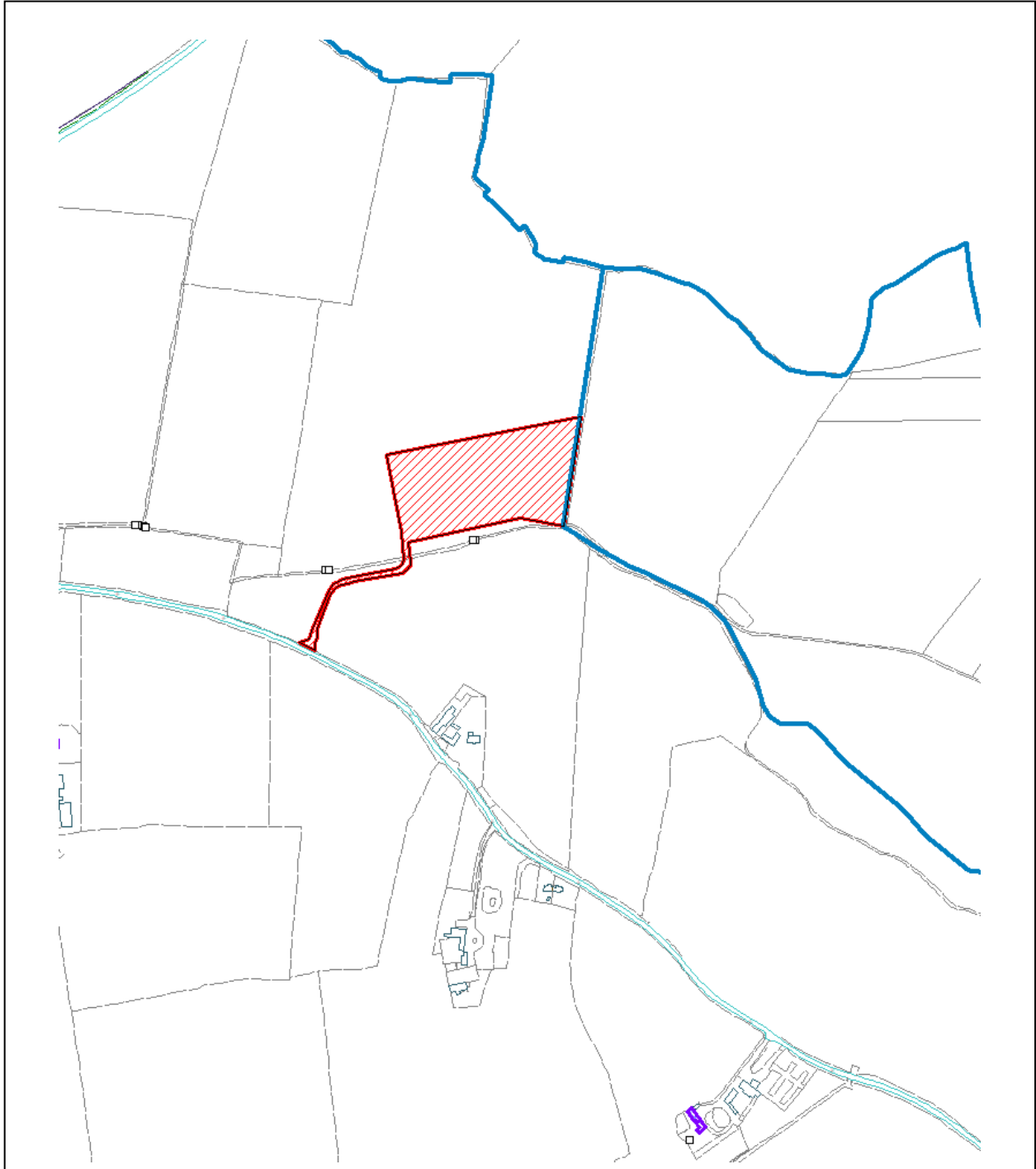


PLANNING COMMITTEE

TUESDAY 27<sup>TH</sup> SEPTEMBER 2022

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.2 PLANNING APPLICATION – 22/00820/FUL – TREESTACKS FARM OAKLEY ROAD WIX  
CO11 2SF**



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**Application:** 22/00820/FUL

**Town / Parish:** Wix Parish Council

**Applicant:** Mr A Brown - HAB Poultry Ltd

**Address:** Treestacks Farm Oakley Road Wix CO11 2SF

**Development:** Proposed erection of 3 No. additional poultry houses and associated infrastructure on established poultry farm.

## 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 significant increase to this existing industrial farming facility and the lack of economic benefits to the local economy.
- 1.2 The application is for an additional three buildings to raise broiler chickens. The site is fully operational (as approved under 20/00194/FUL) with an office building and two other buildings for a biomass boiler and straw storage along with a caravan for agricultural workers home (temporary permission given for a 3 year period). The highways access is completed and a significant amount of planting has been undertaken to screen the site from views in the surrounding countryside.
- 1.3 The proposed buildings would be of an identical design to the two currently in situ 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, of pre-formed concrete.
- 1.4 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 mitigation works as well as biodiversity enhancements. The proposal is in planning terms considered to be an agricultural use within an agricultural area.

### **Recommendation:**

(a) That the Assistant Director for Planning be authorised to Grant Planning Permission subject to conditions as stated in Section 8.2 (or as need to be varied\*) and those as may be deemed necessary by the Assistant Director for Planning

## 2. **Planning Policy**

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

National Planning Policy Framework July 2021  
National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development  
SP5 Employment

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
PP13	The Rural Economy
PPL1	Development and Flood Risk
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL9	Listed Buildings
CP1	Sustainable Transport and Accessibility

Supplementary Planning Guidance:

Essex County Council Car Parking Standards - Design and Good Practice  
Tendring Landscape Character Assessment (Volume 2) (2001)  
Essex Farm Buildings (1994)

**Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

**3. Relevant Planning History**

20/00194/FUL	Proposed erection of 2 No. agricultural buildings for poultry production together with associated infrastructure and a new highway access to Oakley Road.	Approved	27.10.2020
20/01498/FUL	Erection of an agricultural building to house a straw burning biomass boiler to provide a renewable heating system for the approved poultry farm.	Approved	19.02.2021
20/01551/DISCON	Discharge of condition 11 (Traffic Management Plan) of previously approved planning application 20/00194/FUL.	Approved	19.02.2021
21/00252/DISCON	Discharge of Conditions	Approved	31.03.2021
21/00539/DISCON	Discharge of Conditions	Approved	11.05.2021

21/01208/FUL	Proposed siting of an agricultural workers mobile home for a period of 3 years.	Approved	21.01.2022
21/01886/FUL	Proposed erection of agricultural building for the storage of straw.	Approved	06.01.2022

#### 4. Consultation Responses (Summarised)

Wix Parish Council	<p>Concerns raised regarding the additional vehicular movements on Harwich Road and Oakley Road.</p> <p>Should the application be granted, can the following to be considered:</p> <p>There should be a speed limit imposed on Oakley Road of 40 miles per hour due to the significant increase in the number of HGVs using this facility. The new housing development at the allotments by the school in Great Oakley will also mean more traffic on Oakley Road as this is the shortest route to the A120.</p> <p>This is a bus route for both regular services as well as schools and given the damage being inflicted on the verges it is clear that buses and HGVs cannot pass each other only using the carriageway.</p> <p>The three new sheds should have a roof line that does not extend above the existing roof line of the current two sheds. This will mitigate the visual impact of the new facility from Oakley Road.</p> <p>Section 106, or similar could be utilised as compensation for the loss of amenity etc.</p>
Environmental Protection 01.06.2022	<p>The Environmental Protection team have reviewed the relevant submitted documents and satisfied with the findings of the reports.</p> <p>The site should operate using Best Available Techniques in order to minimise potential nuisance to nearby existing residents from odour and flies.</p>
Waste Management 30.05.2022	No comments.
Tree & Landscape Officer 07.06.2022	<p>The application site forms part of the open countryside and is in agricultural use. It is immediately adjacent and to the east of two existing poultry houses and associated infrastructure. 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.</p> <p>Additional planting has recently been carried out as part of the planning approval for the existing poultry houses and this will help to screen the proposed additional structures.</p> <p>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 in the</p>

Tendring District Council Landscape Character Assessment.

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.

The LVIA recognises that there will be a minor degree of harm caused by the changes to both the character and appearance of the area but that, the buildings are of a scale and design that would be expected to be seen in the countryside and 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 primarily in relation to views from the north and north-east.

ECC Highways Dept  
27.07.2022

Having reviewed the submitted information, provided the development is carried out in accordance with the Traffic Management Plan approved by planning permission reference 20/00194/FUL, the Highway Authority has no comments to make on the proposal.

Essex County Council  
Heritage  
20.06.2022

The proposal site lies within the land historically associated with Redhouse Farm, however this has been replaced by modern construction. The area is in proximity with a number of designated assets, the closest being Grade II listed White House to the West.

The size of the development would considerably increase the area of the existing poultry farm, however, the proposal site is collocated a sufficient distance from the designated heritage assets and the topography of the site, together with the existing and proposed vegetation contribute to minimise the visual impact of the development, as also illustrated in the heritage statement and LVIA. The proposed development is also considered to be in keeping with the rural nature of the site and surrounding farmhouses.

There is no objection to this application.

Environment Agency  
24.06.2022

No objections to the proposal. Informative considerations regarding pollution prevention are provided for the LPA to take into account.

ECC SuDS Consultee  
16.06.2022

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, and supplementary information supplied by the applicant we do not object to the granting of planning permission based on the following conditions regarding compliance with the submitted FRA

and Surface Water Management Plan, scheme to minimise risk of off site flooding has been submitted and approved, submission and approval of a surface water management plan and yearly maintenance logs undertaken

Essex County Council  
Ecology  
23.08.2022

No objection subject to securing biodiversity mitigation and enhancement measures.

A review of the submitted Preliminary Ecological Appraisal (Emms and Barnett, March 2022), the Ammonia Report (AS Modelling & Data, August 2021), In Combination Ammonia Assessment (Ian Pick Associates Ltd., May 2022), MAGIC maps and aerial photography relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.

ECC Ecology are satisfied that there is sufficient ecological information available for determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The Ammonia Report (AS Modelling & Data, August 2021) and the In Combination Ammonia Assessment (Ian Pick Associates Ltd., May 2022), outlines the prediction of mean ammonia concentrations and nitrogen deposition rates, which falls below the Environment Agency's lower threshold of Critical Levels at all wildlife sites including the Stour and Copperas Woods, Ramsey SSSI and the Stour and Orwell Estuaries SPA and Ramsar. Therefore no likely significant impacts to designated sites will result from this proposed development.

The mitigation measures identified in the Preliminary Ecological Appraisal (Emms and Barnett, March 2022) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly reptiles and nesting birds.

To further mitigate any potential impacts to retained habitat and the adjacent stream to the south of the site, especially through dust and pollution events, a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) should be produced and secured by condition of any consent.

The proposed reasonable biodiversity enhancements of woodland planting, pond creation, hedgehog nesting boxes, bird nesting boxes and bat boxes are supported, which have been recommended by the Preliminary Ecological Appraisal (Emms and Barnett, March 2022) to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

The Preliminary Ecological Appraisal (Emms and Barnett, March 2022) highlights that it is likely bats could be foraging/commuting within and around the site. Any external lighting proposed, it is recommended that a sensitive lighting scheme is developed to minimise any impacts.

These elements can be secured by condition and recommended conditions have been provided.

## **5. Representations**

5.1 One representation has been received following a public consultation which included a site notice posted at the site and neighbour consultation letters sent out to the nearest adjacent properties.

Summary of matters raised:

- Proposal will result in an increase the chicken raising process by 150% with three more units.
- Buildings will cause significant harm to the rural landscape
- HGV traffic will be increased, further impacting on the safety on Oakley Road.
- Proposal has no economic benefit to the local community as it only employs two people.
- The supply chain predominately is from Norfolk and Suffolk further increasing the carbon footprint of this site.
- This cannot be classified as an agricultural operation, it has become an industrial facility.
- The health & safety of the local community is at risk from potential contamination from bird flu

5.2 All applicable material considerations will be dealt with in the assessment of the proposal as follows

## **6. Assessment**

### Site Context

6.1 The application site is located to the north of Oakley Road, between the settlements of Wix and Great Oakley. The site is within the countryside and comprises of an area of agricultural land to the east of the existing poultry buildings. Dovercourt Dock River runs along the southern boundary of the site and an area surrounding this waterway falls within Flood Zones 2 and 3. The majority of the area is protected by flood defences. The site is also some 400m from the Grade II Listed Building 'The White House'.

### Proposal

6.2 The proposal seeks planning permission for the construction of:

- Three poultry sheds measuring 110m x 20.5m, with an eaves height of some 3m and a ridge height of some 5.75m.
- Three attached control rooms and catching canopies to the west elevation of the main building measuring 12.2m x 4m with an eaves height of some 3m and a ridge height of some 5.75m
- 2 feeding rooms measuring 3m x 4m
- 6 feed bins measuring 3.5m in diameter and 8.6m in height
- An extension to the existing concrete apron of some 820sqm

- 6.3 The proposed poultry houses are all identical and are set one behind the other, running east to west in relation to Oakley Road and are opposite the existing two poultry houses within the wider site. The buildings are of a steel portal construction clad in olive green coloured polyester coated profiled sheeting except for the plinth to the walls which are some 0.5m in height and made of pre-formed concrete.
- 6.4 The site would utilise the existing vehicular access which is to the northern side of Oakley Road.

#### Relevant Legislation

- 6.5 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 comes under "Schedule 1 Development". The design, access and planning statement forming part of the application submission states, that the three poultry buildings would each have a capacity of 44,134 birds, with the total capacity of the site extending to 132,402 birds across the 3 new buildings and 220,670 in total across the 5 buildings including the two within the wider site. An Environmental Impact Assessment is therefore required as part of the planning application submission.
- 6.6 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.
- 6.7 Treestacks Farm already holds an Environmental Permit issued by the Environment Agency to operate on the site with up to 200,000 birds. The two existing sheds have been operation since September 2021. The applicants have applied to vary the permit for the additional development proposed on the site, which is classed as a minor variation. Unfortunately due to delays at the EA this has not yet been granted.
- 6.8 The Environmental Permit controls the whole environmental performance of the installation, including odour, noise and dust, ammonia emissions, foul and surface water drainage and the disposal of waste. The Environmental Permit requires the installation to operate to best available techniques (BAT). The design of the site includes high speed roof mounted ventilation fans which are best for the dispersal of odour and ammonia. The permit also requires the site to include a Silage Slurry and Agricultural Fuel Oil (SSAFO) certified dirty water containment system to prevent any contaminated washout water escaping from the site, in line with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010.
- 6.9 Paragraph 188 of the National Planning Policy Framework states that the focus of planning policies and decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. In this instance, the EA permit controls the operation matters with regard to the poultry farm business on the site and therefore there is no objection from the LPA in this regard.

#### Principle of Development

- 6.10 The Town and Country Planning Act 1990 (as amended) defines agriculture to include 'horticulture, fruit growing, seed growing, dairy farming, 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), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly'.



- 6.11 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. This is further supported as a poultry farm has been established within the wider site under application 20/00194/FUL with the construction and operation of the existing two poultry sheds.
- 6.12 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.
- 6.13 The adopted Local Plan identifies that within the District, agricultural activity, which generally requires a countryside location, remains a source of local employment and continues to play an important role in the local economy. The Council seeks to therefore support proposals for agricultural-related development, provided adverse impacts on the environment are kept to a minimum. Furthermore Policy PP13 seeks to support growth in the rural economy and development in the countryside outside of defined Settlement Development Boundaries, subject to detailed consideration, including against other policy requirements in this Local Plan is supported for buildings that are essential to support agricultural, aquaculture, horticulture and forestry.
- 6.14 The proposal is to expand an existing agricultural use within an established agricultural area for which there is both Local and National policy support to support the rural economy and to enable the growth and expansion of businesses in rural areas. As such the principle of the development is acceptable subject to the detailed considerations relevant to this proposal which are set out below.

#### Design, Appearance and Scale

- 6.15 Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (Para 126 NPPF).
- 6.16 Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. In addition to the overarching Policy SP7, new development should be assessed in line with Policies PPL3 and SPL3 Part A (Design). These policies are concerned with the design, character and appearance of new development and its impact on local landscape character and the protection of the rural landscape.
- 6.17 The proposed buildings would have an unassuming, somewhat utilitarian appearance, characteristic of this type of agricultural building, identical to those already in place on the wider site and in keeping with other agricultural buildings in the area. Whilst the buildings are considered to be larger additions to the site and wider area, the design approach is to ensure as far as practically possible that they blend into the wider countryside landscape.
- 6.18 The proposed ancillary structures to the main poultry housing buildings are generally smaller in scale, albeit the silo type feed bins, however the development as a whole is considered to be of a design befitting an agricultural enterprise of this nature and is well related to the existing poultry sheds. The buildings would be significant in length but the one to the south would act as a screen to the other two to the north and given the isolation distance from the road, the relatively low heights and the existing landscape planting and other measures implemented from the previous approved application, the design and scale of the proposed built form is considered acceptable in these regards. Further landscape considerations are considered below.

#### Landscaping Impacts

- 6.19 Policy PPL3 seeks to protect the rural landscape from proposed development which would cause overriding harm to its character or appearance.

- 6.20 The site currently forms part of a field in agricultural use that is defined by hedgerows with trees as field boundaries, in a gently undulating landform on a slight south facing slope. The site sits immediately within a landscape of similar existing buildings in agricultural use and adjacent to existing poultry houses.
- 6.21 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.
- 6.22 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, which is currently an agricultural field growing wheat.
- 6.23 The submitted Landscape Visibility Impact Assessment (LVIA) in order to determine the magnitude of impact on any critical viewpoints of the site, whether in the immediate locality or further afield, considered the following;
- Sensitivity of the views and viewers (visual receptor) affected
  - Extent of the proposed development that will be visible
  - Degree of visual intrusion or obstruction that will occur
  - Distance of the view
  - Change in character or quality of the view compared to the existing.
- 6.24 Four viewpoints were assessed from Oakley Road and adjacent PROW vantage points and none were considered to be impacted by materially harmful visual impacts. The implementation of a mitigation strategy would reduce the overall impact on the landscape to a minor/negligible overall effect on the surrounding landscape character and a minor effect on the visual baseline and the proposed type of development was not considered to be out of character within the receiving landscape.
- 6.25 The application site has the potential to be overlooked from the surrounding higher land to the north, however public views would be limited to views from the limited Public Rights of Way network in the surrounding area. The separation distance between the footpaths and the application site is such that the development is unlikely cause significant harm to the enjoyment of the countryside by footpath users and furthermore constitutes an agricultural use within an agricultural area and thus is the type of development that is expected to be seen in this countryside location.
- 6.26 Mitigation measures have been suggested within the LVIA to aid the schemes visual blending with the existing environs and the implementation of these can be secured by condition.
- 6.27 Furthermore following a case officer site visit, the visual impact of the existing structures in such an agricultural setting were not considered to be overly incongruous or unduly harmful. Approaching the site from the either direction, the site is well screened from Oakley Road. The three new poultry sheds are located to the east of the existing sheds, in an open field, which is sited some significant distance from the highway and a good degree of screening currently exists. The wider site is currently operational, with the new access open from Oakley Road. It is considered that additional landscaping is required to further screen the new sheds, particularly from views to the north.
- 6.28 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 primarily in relation to views from the north and north-east. The other parts of the site are considered to be well

screened by the landscaping implemented under the previously approved application for the existing two poultry sheds.

- 6.29 Subject to appropriate conditions regarding implementation of landscaping in accordance with submitted details, the proposal is considered to be acceptable and policy compliant in these regards.

#### Ecology and Biodiversity

- 6.30 Policy PPL4 states that all new development should be supported by an appropriate ecological assessment. Where new development would harm biodiversity or geodiversity, planning permission will only be granted in exceptional circumstances, where the benefits of the development demonstrably outweigh the harm caused and where adequate mitigation is provided to ensure a net gain in biodiversity.
- 6.31 A Preliminary Ecological Appraisal (Emms and Barnett, March 2022), along with an Ammonia Report (AS Modelling & Data, August 2021) and an In Combination Ammonia Assessment (Ian Pick Associates Ltd, May 2022) have been submitted with the application. Essex County Council Ecology have been consulted and have provided comments as summarised earlier in the report.
- 6.32 ECC Ecology have confirmed that they are satisfied that there is sufficient ecological information provided to allow determination of this application and provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species and habitats. It information also outlines how, with appropriate mitigation measures secured, the development can be made acceptable.
- 6.33 The prediction of mean ammonia concentrations and nitrogen deposition rates, would fall below the Environment Agency's lower threshold of Critical Levels at all wildlife sites including the Stour and Copperas Woods, Ramsey SSSI and the Stour and Orwell Estuaries SPA and Ramsar. Therefore no significant impacts to designated sites will result from this proposed development.
- 6.34 The mitigation measures identified in the Preliminary Ecological Appraisal (Emms and Barnett, March 2022) are to be secured by way of conditions to any grant of planning permission and implemented in full, in order to conserve and enhance protected and Priority species particularly reptiles and nesting birds within the surrounding area.
- 6.35 In order to further mitigate any potential impacts to the surrounding habitat as well as the adjacent stream running along the south of the site, particularly with regard to dust and pollution events, a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) should be produced and secured by condition to any grant of planning permission prior to the commencement of works on the site.
- 6.36 The proposed reasonable biodiversity enhancements of woodland planting, pond creation, hedgehog nesting boxes, bird nesting boxes and bat boxes are supported, which have been recommended by the Preliminary Ecological Appraisal (Emms and Barnett, March 2022) to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.
- 6.37 The Preliminary Ecological Appraisal also highlights that it is likely bats could be foraging/commuting within and around the site, therefore a sensitive lighting scheme should be produced in order to minimise any impacts, if external lighting is required within the site. Details of which can be secured by condition.

6.38 ECC Ecology have provided their recommended conditions. Subject to such conditions, the proposal is considered acceptable and policy compliant in these regards.

#### Highway Safety/Parking

6.39 Paragraph 110 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 seeks to ensure that access to the site is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to severe traffic impact.

6.40 The site would utilise the existing access, approved under application 20/00194/FUL, with access to the A120 from the site along Oakley Road to the junction with Harwich Road and then onto the A120. A traffic statement has been submitted with the application and outline the increase in vehicle movements to and from the site with the addition 3 poultry sheds.

6.41 The site operates on a 45-48 day flock cycle and with the largest increase in vehicle movements would occur on days 33, 40 and 41 with 20 HGV movements (10 in and 10 out) per day. The site would operate 7.2 flock cycles per year. The proposed increase in vehicle movements is shown in Table 4, pages 7 and 8 of the submitted Transport Statement. Whilst there is an increase in vehicle movements, there remains 14 days out of the maximum of 48 days, where there are no HGV movements.

6.42 ECC Highways have been consulted on the application and have no objection to the proposal as long as the development is carried out in accordance with the Traffic Management Plan approved under the previous application 20/00194/FUL. This can be secured by way of a condition to any grant of planning permission. The concerns raised by the Parish Council in regard to the speed limit of the road and the damage caused to the verges, whilst these are highway matters, they are outside of the remit of this application as they concern all users of the Highway. Therefore any concerns should be made directly to ECC Highways.

6.43 The proposal is therefore considered to be acceptable and policy compliant in these regards.

#### Economic Benefits of the Development

6.44 The overarching principles of the planning system outlined within the NPPF is to contribute towards the achievement of sustainable development. Paragraph 8 looks at the three overarching objectives of sustainable development, being economic, social and environmental. From an economic perspective, new development should seek to help to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.

6.45 It is considered that the development would have both direct and indirect employment opportunities, with two full time staff members on site and would support employment and businesses within the local area in the provision of services and goods to the operation.

6.46 The investment in the site is stated to be in the region of £2m and this includes groundworks works, erection of buildings and internal equipment fitting. Therefore the proposal would support the rural economy through the construction phase. Once operation the proposal is considered to provide a significant contribution to the local economy in regards to the service industries within the poultry sector such as haulage contractors, chick suppliers, poultry feed suppliers, veterinary and medicine, fuel suppliers, bedding, suppliers, catching contractors, cleaning contractors, electricians, plumbers, pest control contractors etc.

- 6.47 Furthermore the proposed development would provide a modern and efficient, livestock production unit that is designed to fulfil increasing demand for affordable and environmentally efficiently produced food and would contribute to food production and national food security in a sustainable way, supporting Government aims to promote home food production and the overall pressure to produce more food at a price the consumer can afford to pay.
- 6.48 There is strong support within the NPPF at Paragraph 84 which seeks to support economic growth in rural areas, promoting both farm diversification and sustainable growth and expansion of an existing business in a rural area.
- 6.49 Therefore it is concluded that the development would have significant economic benefits to both the local and national economy and is supported at both local and national levels.

#### Drainage, Flooding and SuDS

- 6.50 Policy PPL5 states that all new development must make adequate provision for drainage and sewerage and should include Sustainable Drainage Systems (SuDS) as a means of reducing flood risk, improving water quality, enhancing the Green Infrastructure network and providing amenity and biodiversity benefits.
- 6.51 Although the site is in Flood Zone 1, with a low risk of flooding, a Flood Risk Assessment is required to be submitted as Policy PPL1 requires all new development proposals should include appropriate measures to respond to the risk of flooding on and/or off site in any Flood Zone involving sites of 1ha or more and such proposals must be accompanied by a Flood Risk Assessment.
- 6.52 A site specific Flood Risk Assessment (FRA) has been submitted and both the Environment Agency (EA) and Essex County Council SuDS were consulted, neither of which, subject to conditions, have any objection to the proposed development.

#### Impact on Residential Amenity

- 6.53 Paragraph 130 of The Framework maintains that policies and decisions should result in new development that creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy SPL3 seeks new development:
- that does not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties,
  - the development, including any additional road traffic arising, will not have unacceptable levels of pollution on: air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance,
  - the health, safety or amenity of any occupants or users of the proposed development will not be materially harmed by any pollution from an existing or committed use.
- 6.54 There remains a significant separation distance to the nearest residential properties and it is considered that any impact upon residential amenity would be extremely minimal, particularly considering the site is operation.
- 6.55 The Council's Environmental Protection team have assessed the application and based on the submitted Environmental Impact Statement, with regard to noise, odour and ammonia are satisfied the development is not considered to cause a nuisance to nearby existing residents. Furthermore the operation of the site in this regard is also regulated by the terms of the EA permit.

- 6.56 Conditions have been recommended by the Environmental Protection team relating to measures, to be undertaken during the construction process, to control working hours, noise, prevent burning on site and suppress dust and litter emissions.
- 6.57 A condition regarding any unexpected ground contamination indications encountered during construction and a condition for details of any external lighting scheme are also considered reasonable in this instance.

#### Heritage Assets

- 6.58 The site is some distance from the Grade II listed building known as The White House, however given the substantial size of the development proposed, it is necessary to consider any impacts that may arise on the historic setting of this Listed Property. A heritage statement has been submitted with the application.
- 6.59 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.
- 6.60 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.
- 6.61 Subject to conditions as recommended, the proposal is considered to be acceptable and policy compliant in these regards.

### **7. Conclusion**

- 7.1 In planning terms the proposal is for additional agricultural buildings in the countryside as part of an existing poultry farm. The buildings are considered to be characteristic of agricultural buildings, are of a limited height and are well set back from the main highway. Furthermore additional landscaping and biodiversity mitigation measures are proposed which would largely screen the development and enhance the biodiversity of the surrounding area. The submission of an Environmental Impact Assessment (EIA) is mandatory given the nature of the proposed use and no objections have been raised by the statutory bodies consulted.

### **8. Recommendation**

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives

#### **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 plans and documents:

Site location plan - IP/AHB/01

Block plan - IP/AHB/02

Proposed elevations and floor plans - IP/AHB/03

Existing and proposed landscaping details - IP/AHB/04  
Design, Access and Planning statement - Ian Pick Associates Ltd May 2022  
Environmental statement and Appendices 1-8 – Ian Pick Associates May 2022  
In combination ammonia assessment – Ian Pick Associates May 2022

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

3. Prior to the commencement of development, 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. noise control
  - vii. emission control
  - viii. dust control
  - ix. working hours

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.

4. No materials produced as a result of the site development or clearance shall be burned on site.

Reason: In the interests of residential amenity

5. The development hereby permitted shall be carried out in full accordance with the approved Flood Risk Assessment and Surface Water Management Plan (FRA and SWMP), Report LL122, April 2022 by Lidar-Logic. It shall incorporate the discharge rates, mitigation, attenuation and maintenance measures detailed within the FRA and SWMP. The mitigation and attenuation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution.

6. Prior to the commencement of development, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution must be 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.

7. Prior to first occupation of the development hereby approved 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.

8. 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

9. Prior to first occupation of the poultry sheds, the ventilation towers to these buildings are to be painted matt black and retained as such in perpetuity.

Reason – In the interest of visual amenity and to protect the setting of the nearby Listed Buildings

10. All biodiversity mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Emms and Barnett, March 2022). 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)

11. Prior to the commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.



- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To conserve 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)

12. Prior to the commencement of any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

13. Prior to the first occupation of the development hereby approved, an external 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 plans, 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)

## **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 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. 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
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 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.
- 9.6 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.
- 9.7 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

- 9.8 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.
- 9.9 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).
- 9.10 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

- 9.11 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.
- 9.12 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/>.