



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
13 OCTOBER 2021**

Application Number	21/00682/FUL
Location	Mundon Hall, Vicarage Lane, Mundon, Essex, CM9 6PA
Proposal	Erection a covered cattle yard for the purposes of animal welfare
Applicant	J Milligan – M & B Livestock
Agent	Melanie Bingham-Wallis – Foxes Rural Consultants
Target Decision Date	15.10.2021
Case Officer	Annie Keen
Parish	MUNDON
Reason for Referral to the Committee / Council	Member Call In by Councillor B Boyce, MBE – Highways and Lighting – Policy E4

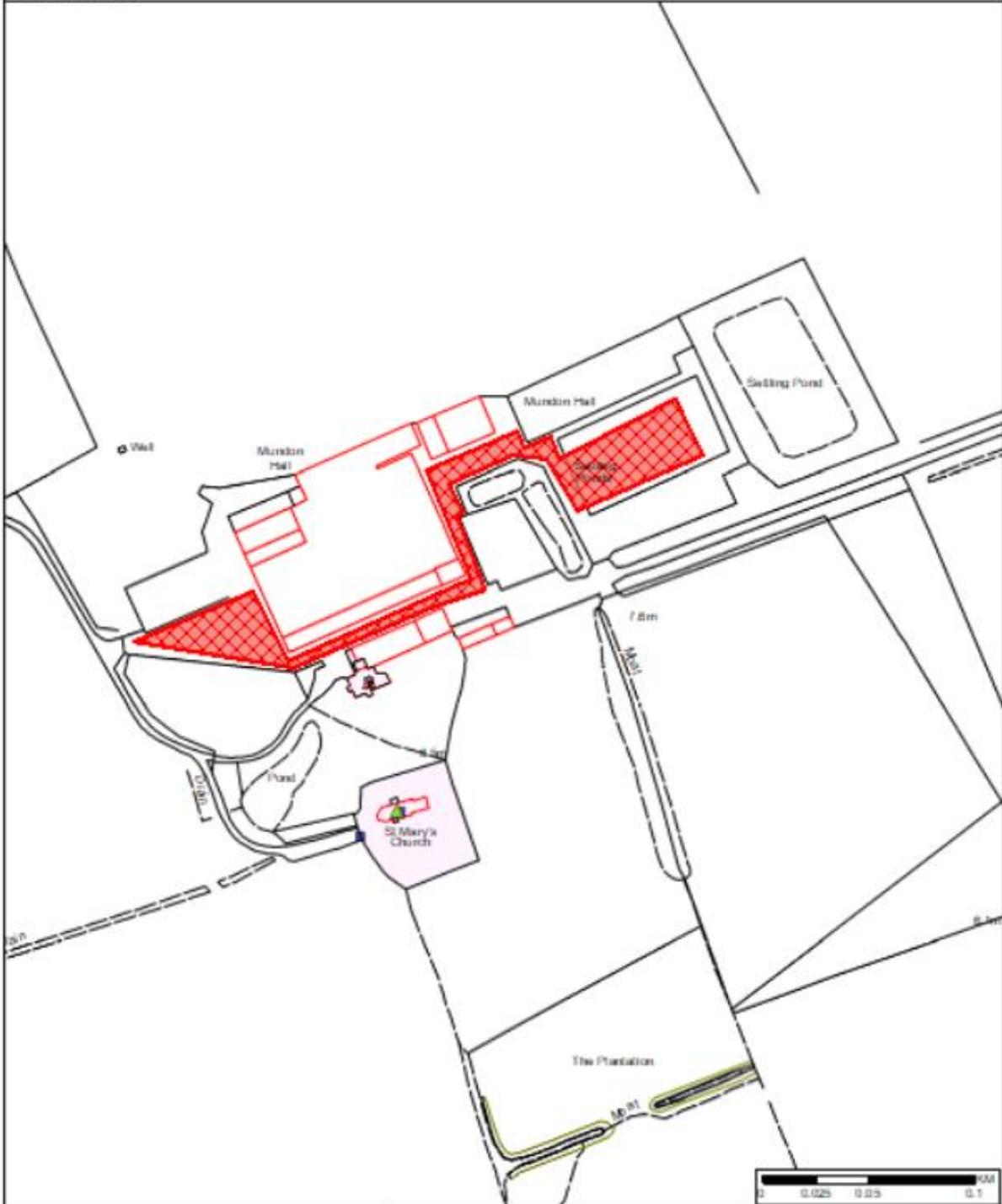
1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see below.

Mundon Hall, Vicarage Lane, Mundon
 21/00682/FUL



 MALDON DISTRICT COUNCIL Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2011	Scale:	1:2,500
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Area Committee
	Date:	20/09/2021
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the east of Vicarage Lane, outside of any defined settlement boundary. The site is part of an area occupied by existing agricultural buildings and animal pens. It is stated in the information provided with the application the farm holds 1200 cattle which are located in the pens to the east of the existing buildings on site.
- 3.1.2 The proposed cover over the cattle yard would consist of a roof measuring 31 metres in width and 31 metres in depth with an eaves height of 6.3 metres and a ridge height of 10 metres.
- 3.1.3 The development would be constructed of pre-stressed concrete panels which would sit on the ground with fibre cement roofing tiles and steel box profile cladding to the apex.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development, by reason of its design, appearance and siting would not harm the appearance, character of the locality or the setting of the listed buildings. Additionally, due to the relationship with the adjoining properties, the proposed development is not considered to result in any undue harm by way of loss of amenity and no concerns are raised in terms of highway safety. The proposal would also offer minor economic benefits in terms of improving agricultural facilities at the site. It is therefore considered that the proposed development is in accordance with policies E4, D1, D3, S1 and S8 of the approved Local Development Plan (LDP).

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework (NPPF) 2021, including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 119 – 123 Making effective use of land
- 126 – 136 Achieving well-designed places
- 152 – 173 Meeting the challenge of climate change, flooding and coastal change
- 189 – 208 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- E4 Agricultural and Rural Diversification
- H4 Effective Use of Land

- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)
- Maldon District Design Guide (MDDG) (2017) (SPD)
- Maldon District Vehicle Parking Standards (VPS) (SPD)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The principle of providing new buildings or activities in association with existing agricultural or rural businesses is generally considered acceptable. Policy S8 of the LDP aims to protect the intrinsic character and beauty of the countryside. This states that outside of defined settlement boundaries, the Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for one of thirteen developments listed within policy S8, one of which is; d) Agriculture and forestry and related development (in accordance with Policy E4).

5.1.2 Policy E4 aims to support the development of new buildings or activities associated with agriculture where:

1. There is a justifiable and functional need for the building/activity;
2. The function of the proposed building/activity is directly linked, and ancillary to, the existing use, and,
3. The building /activity could not reasonably be located with existing towns, villages or allocated employment areas.

5.1.3 The application is supported by a planning statement which justifies the need for the proposed cattle yard covering as follows:

- The proposed covering is required to facilitate the efficient farming of the cattle, providing protection for the livestock in extreme weather and reduce damage to pasture from out-wintering.
- The covering will provide shade for the livestock during hot temperatures, reducing the effect of heat stress on the cattle, which could impact upon the growth of the cattle.
- The covering is essential for welfare, hygiene and economic reasons.
- Allows for segregation of livestock during breeding periods, allowing bulls, cows and calves to be kept separate, enabling management of the livestock.

5.1.4 The agricultural function of the proposed buildings is directly linked to the use of the site for the farming of cattle, which is farmed by the applicant. Therefore, it is not considered reasonable to argue that the cattle yard cover should be located within existing towns, villages or allocated employment areas.

5.1.5 Given the above it is considered to be appropriate to support the erection of an agricultural building in this location. It is therefore considered that the proposal

meets the abovementioned criteria and therefore, it is considered that the proposed development would be in accordance with policy E4 of the approved LDP.

5.2 Design and Impact on the Character of the Area and the Setting of the Listed Building

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the National Planning Policy Framework (NPPF). Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 and H4 of the LDP and is found within the MDDG (2017).
- 5.2.3 A successful development needs to integrate well with the existing streetscene. Visual cues such as rhythm, proportions and alignments taken from adjacent buildings should be used to inform the design of the development.
- 5.2.4 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundary, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that the development is for proposals that are in compliance with policies within the LDP and other local planning guidance.
- 5.2.5 The proposed development would be sited approximately 151m from the Grade II listed building 'Mundon Hall' and the Grade I listed 'St Mary's Church' which are to the south west of the application site. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the listed building and its setting. In the terminology of the NPPF, the Council must consider whether the proposal will 'harm' the listed building's 'significance'. Similarly, policy D3 of the LDP and the core planning principles and guidance in the NPPF seek to ensure the protection of heritage assets such as listed building, including their settings.
- 5.2.6 The proposed agricultural development would be located within the farm yard and would be situated around 255 metres to the east of Vicarage Lane and approximately 34 metres from the adjacent public footpath located along the south eastern boundary. The area surrounding the site is rural in nature, characterised by large expanses of open fields and soft landscaping, with Mundon Hall and St Mary's Church located to the south west. The site contains an existing farm yard with several buildings and structures situated to the west of the application site and several animal pens. The closest building is a relatively large structure, which is located around 94 metres from the proposed covered yard.
- 5.2.7 The proposed cover over the cattle yard has a floor area of 961m² and it is noted a similar sized cattle cover was applied for under 21/00498/AGR, which would be situated adjacent to the proposed structure. Views of the development from Vicarage Lane would be minimal due to the presence of other agricultural buildings on the site, however there is a public footpath located adjacent to the south eastern boundary of

the application site and therefore views of the development would be available from public vistas.

- 5.2.8 As a result, it is considered the development would have a visual impact on the surrounding area due to its height and visibility from the public footpath, however the design of the structure is typical of a modern agricultural building and, given the rural context of the site and the presence of existing farm buildings to the west, it is considered to be an appropriate setting for a development of this type. Beyond the application site and to the north, south and east of the footpath, there are views of uninterrupted countryside that could still be enjoyed by the users of the public footpath and therefore it is considered the structure would be read in context with the agricultural use of the site and would not have a detrimentally harmful visual impact on the intrinsic character and beauty of the countryside.
- 5.2.9 In respect of the materials to be used in the construction of the cattle yard cover, the proposed materials of concrete panels and steel box profile cladding are typically used for this type of development. Internally, the agent has confirmed in an email dated 13.09.2021 that there would be 5No. defused LED lights within the centre of the building that would emit a light of 80-100lux. The lights would operate during the winter months of November-February and between the hours of 6-8am and 4-6pm. The agent states the lighting would be facing downwards into the cattle pens in order to prevent lighting spillage. It is considered, due to the position of the lighting which would hang from the ridge of the pitched roof, that the proposed lights would not detrimentally impact upon the surrounding locality through the seepage of light pollution.
- 5.2.10 The proposed agricultural development is not considered to harm the setting or significance of the listed building Mundon Hall, located to the south west of the site. The Council's Specialist in Conservation and Heritage has raised no objections to the proposed development as it is considered the cattle yard would *'cause no harm to the significance or setting of the nearby grade II listed Mundon Hall or the grade I listed Church of St Mary'*. This is due to the separation distance and the existing vegetation between the proposed structure and the listed buildings. Additionally, the structure is considered to form part of a group of modern agricultural buildings and therefore would not alter the established character of the area.
- 5.2.11 Therefore, it is considered that the development, by reasons of its design, appearance and siting would not result in a demonstrable harm to the character and appearance of the site, surrounding area or setting or significance of the listed buildings in accordance with policies D1, D3 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 There is one dwelling within the vicinity of the site, 'Mundon Hall' and 'The Thatch' situated to the west of the site.
- 5.3.3 Mundon Hall is a listed building situated to the south west of the site and is located approximately 151 metres from the proposed cattle cover. Given the extensive separation distances between the developments and the proposed structure and Mundon Hall, it is considered that the proposed development would not result in overlooking, overshadowing or appear unduly overbearing.

- 5.3.4 The development would be situated over 514 metres from the next nearest dwelling, 'The Thatch'. It is considered due to the separation distance the development would not have a detrimental impact upon the neighbouring occupiers of 'The Thatch' by way of overlooking, overshadowing or being unduly overbearing.
- 5.3.5 Concerns in respect to the proposed internal lighting of the cattle cover have been raised however it is considered due to the position of the lighting, which would be angled downwards from the internal ridge of the pitched roof, it is considered the lighting would not have a detrimental impact upon neighbouring amenity.
- 5.3.6 There are no other neighbouring dwellings within sufficient proximity of the site to be impacted by the proposal.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The site would be accessed from an established vehicular access and farm track through the yard, which are currently used for agricultural purposes. Therefore, no objection in terms of the access is raised.
- 5.4.3 The expanse of hardstanding within the yard is large enough for farm vehicles to manoeuvre and due to there being a large area of hardstanding to the west of the proposed building, near to the access, it is considered the development would not impact upon the provision of on-site parking. Additionally, it has not been stated that the development would increase the number of employees at the site and therefore there would be no increased demand for vehicle parking. It is therefore considered no concerns are raised in respect of parking.

5.5 Other Matters

- 5.5.1 A consultation response from Environmental Health states no objections are raised regarding the proposal subject to a condition regarding surface water run-off from the roof of the building and a condition regarding the use of lighting. It is also noted the consultation response states the importance of consulting the Environment Agency (EA) regarding the storage of slurry and manure to ensure the protection of watercourses. The EA has been consulted however no response has been received to date.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
00/00012/AGR	Proposed extension to barn	Prior Approval Not required
04/00711/TEL	Proposed 10m mock telegraph pole communications apparatus and equipment cabinet adjacent to	Prior Approval Required – Appeal Allowed 25.07.2005

	the track leading to Mundon Hall Farm	
09/00535/FUL	Part Change of use from primary Residential C3 use to Residential C3 use and A3 tea rooms as set out in the Town and Country Planning (Use Classes) Order 1987.	Approved
10/00035/LBC	Re-tile roof	Refused
21/00498/AGR	Prior notification to erect a roof covering over a cattle yard	Prior Approval Not required

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mundon Parish Council	No response	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee/Other Organisation	Comment	Officer Response
Essex County Council Highways (ECC)	No response at time of writing.	
Environment Agency	No response at time of writing.	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Heritage and Conservation	The proposal to erect a roof over a cattle yard will cause no harm to the significance or setting of the nearby grade II listed Mundon Hall or the grade I listed Church of St Mary. This is the due largely to the distance and intervening vegetation separating the listed buildings from the proposed structure. The proposed structure will form part of an established group of modern agricultural buildings and will not alter the established character of the area.	Comments noted
Environmental Health	The Environment Agency must be consulted on the application. No objections however need to ensure adequate arrangements	Comments noted and the Environment Agency has been consulted.

Name of Internal Consultee	Comment	Officer Response
	<p>are made for surface water drainage i.e. run-off from the roof and therefore a surface water drainage condition is required.</p> <p>It is also noted additional information is provided regarding lighting and recommend this information forms part of any permission given.</p> <p>Therefore, no objections subject to the inclusion of conditions regarding surface water drainage and lighting.</p>	

7.4 Representations received from Interested Parties

7.4.1 1 letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<p>Concern has been raised regarding lighting, the movement of waste and the use of the single-track road by farm vehicles.</p> <p>The size of the site seems small for 1200 cattle.</p>	<p>Comments noted</p>

7.4.2 1 letter was received from the Applicant **commenting** in response to the above objection and is summarised as set out in the table below:

Comment	Officer Response
<p>The lighting will be diffused LED florescent units of 80-100lux and will only operate within the winter months when it is dark at the start and end of working hours.</p> <p>Lighting will allow for the care an and welfare of the animals.</p> <p>The lighting will be downward facing into the cattle pens, limiting light pollution outside of the building.</p>	<p>Comments noted</p>

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the

following approved plans and documents: Location Plan, Block Plan, Existing Site Plan, Floor Plans & Elevation, Proposed Site Plan

REASON To ensure that the development is carried out in accordance with the details as approved.

- 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.

REASON In the interest of the character and appearance of the area in accordance with policies D1 and H4 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 4 No floodlighting or other external forms of illumination of the site shall be undertaken without the express consent of the local planning authority.

REASON In the interest of the character and appearance of the area and neighbouring amenity in accordance with policies D1 and H4 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

5. The details of the internal illumination of the building shall be as set out in the email dated 13 September 2021 from Melanie Bingham-Wallis and shall be retained as such thereafter.

REASON In the interest of the character and appearance of the area and neighbouring amenity in accordance with policies D1 and H4 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 6 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).