



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
15 NOVEMBER 2023**

<b>Application Number</b>	<b>23/00744/RESM</b>
<b>Location</b>	Mapledean Poultry Farm, Mapledean Chase, Mundon, Essex
<b>Proposal</b>	Reserved matters application for approval of layout, appearance, landscaping and scale following outline planning permission OUT/MAL/18/01034 (Redevelopment of poultry farm for approximately 5030sqm B1 (b) & (c) commercial floorspace with associated access arrangements
<b>Applicant</b>	Nemesis Corporation LLP
<b>Agent</b>	Mrs Hayley Webb - Smart Planning Ltd
<b>Target Decision Date</b>	22.11.2023 (EoT)
<b>Case Officer</b>	Fiona Bradley
<b>Parish</b>	<b>MUNDON</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the local plan, Major Application

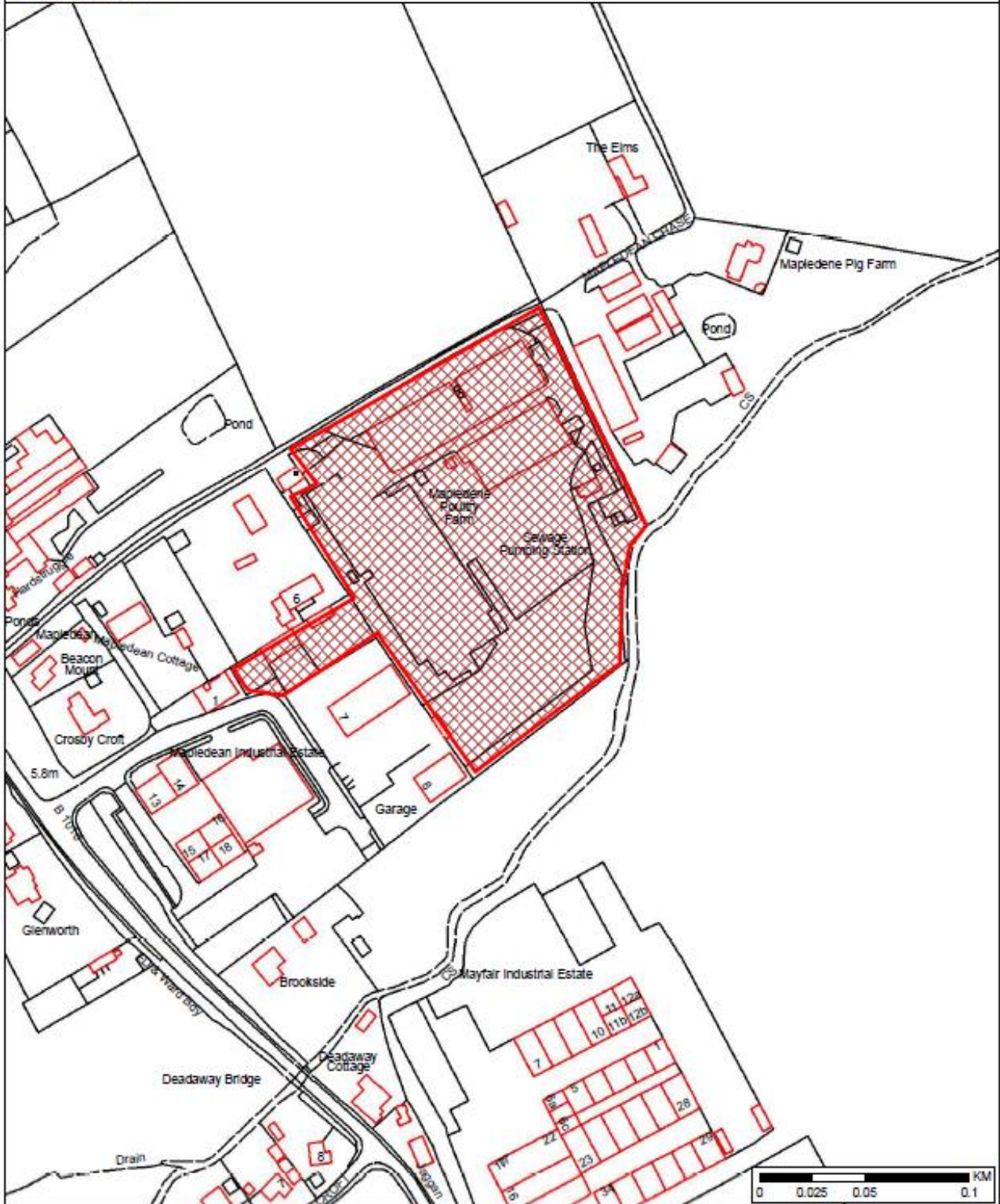
1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see below.

**Mapledean Poultry Farm**  
23/00744/RESM



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Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	South Eastern Area
Date:	27/10/2023
MSA Number:	100018588

### **SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

##### Application site

- 3.1.1 The application site is located to the south of Mapledean Chase, Mundon. Mapledean Chase serves a number of properties including residential dwellings, an open storage use and the Essex pet Crematorium. The site is accessed through the Mapledean Industrial Estate from Maldon Road, which serves commercial units and residential properties. The details of access were agreed under the Outline Planning Permission (OPP). The site is outside of any settlement boundary.
- 3.1.2 The majority of the site, with the exception of the western part of the entrance, is located within flood zones 2 and 3. Flood risk matters were dealt with at the outline stage however details of the surface water drainage scheme are required as a pre-commencement condition.
- 3.1.3 The application site is approximately 2.4 hectares in size and currently comprises four large buildings that were associated with the former poultry farm use. Concrete hardstanding covers a large extent of the site.

##### Proposal and background information

- 3.1.4 OPP, reference 18/01034/OUT, was granted on 21 October 2020 for the redevelopment of the poultry farm for approximately 5,030sqm B1 (b) & (c) commercial floorspace with associated access arrangements. The applicant included full details of access arrangements in the submission for OPP with the matters of appearance, landscaping, layout and scale reserved.
- 3.1.5 The outline application was originally considered at the South Eastern Area Planning Committee on 11 March 2019 where it was resolved to grant planning permission, contrary to officer recommendation, subject to a Section 106 (S106) legal agreement and with conditions delegated to officers and the Chairperson to agree following the meeting. Due to the complexity of the conditions a report was sent to the following Committee meeting on 8 April 2019 for the conditions to be agreed. The S106, which makes provision for highway improvements and a Travel Plan monitoring fee, was sealed on 30 September 2020 and the decision was subsequently issued.
- 3.1.6 Condition 1 of the OPP requires the details of layout, appearance, landscaping and scale (the reserved matters) to be submitted within three years of the date of the OPP i.e. 20 October 2023. This timeframe has been met. In addition, Conditions 2, 3 and 17 require details of boundary treatments, hard and soft landscaping and car parking respectively to be submitted as part of the reserved matters application.

##### Layout

- 3.1.7 The permitted access is from Maldon Road and enters the site between existing development at Units 4, 5 and 6 Mapledean Works. Five buildings of varying sizes are proposed on the site and are surrounded by predominately hard landscaping providing parking, access, and manoeuvring space.

### Appearance and scale

- 3.1.8 The application proposes a total of five buildings of varying sizes, with a combined footprint of approximately 4,938sqm. The buildings would be dual pitched and would be 6m high to the ridge and 4.5m high to the eaves.

### Landscaping

- 3.1.9 Full details of hard and soft landscaping have been submitted in accordance with Condition 3 of the OPP together with a planting specification. Full details of all boundary treatments have been provided in accordance with Condition 2 of the OPP.

### Car parking

- 3.1.10 Details of car parking have been provided in accordance with Condition 17 of the OPP. The car parking provision is in accordance with the Council's adopted Vehicle Parking Standards.
- 3.1.11 Other conditions require the submission of details for approval in respect of drainage, contamination, cycle parking and ecology, but which are not required at this reserved matters stage.

## **3.2 Conclusion**

- 3.2.1 Whilst the site is located outside of any settlement boundary the principle of the development, together with access, was established through the OPP when the matter of access was also approved.
- 3.2.2 The layout, appearance, landscaping and scale of the proposals is considered to be acceptable in the context of the existing development on the site, comprising large poultry sheds, and the surrounding development. The development would not result in harm to the character or appearance of the area. Furthermore, due to the siting and design of the proposed buildings, it is considered the proposals would not harm the amenities of neighbouring residential occupants.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 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
- 81-85 Building a strong, competitive economy
- 119-125 Making effective use of land
- 126-136 Achieving well-designed places

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- E1 Employment
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- N2 Natural Environment, Geodiversity and Biodiversity

#### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG) (2017)
- Vehicle Parking Standards (VPS)

### **5. MAIN CONSIDERATIONS**

5.1 The main issues which require consideration as part of the determination of this application are the acceptability of the proposed details (layout, scale, appearance and landscaping) in terms of the impact the development would have on the character and appearance of the area, any impact on the amenity of neighbouring residents and car parking provision.

#### **5.2 Character and Appearance**

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. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Policies D1 of the Local Development Plan (LDP) and the MDDG (2017) are relevant in this respect.

5.2.2 Policy S1 of the LDP refers to the NPPF's presumption in favour of sustainable development and makes specific reference to, among other key principles, the importance of high quality design in all developments.

5.2.3 Policy S8 of the LDP states that outside the defined settlement boundaries and other defined areas, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.

5.2.4 The proposed layout follows that indicatively shown at outline stage and includes five buildings in total. It is understood this layout was influenced by existing infrastructure limitations on the site which included two main sewers. The buildings vary in size as follows:

- Unit 1 = 989.52sqm
- Units 2 – 12 = 1986.58sqm
- Units 13-14 = 323.76sqm
- Units 15-18 = 653.2sqm
- Units 19-24 = 985.48sqm

- 5.2.5 The overall footprint of the buildings is 4,938sqm which is within the floorspace limit of 5,030sqm approved under the OPP and is therefore acceptable.
- 5.2.6 Two buildings of similar length (Unit 1 and Units 15-18) are sited adjacent to the access into the site. Although the buildings are slightly different in length and footprint, they would provide a uniform appearance on entry. The smallest building, Units 13-14, is located to the rear of the site, to the northeast. The building containing Units 19-24 is located adjacent to the southern part of the site. The largest building, Units 2-12, is an 'L-shaped' building located in the northern part of the site.
- 5.2.7 All buildings are of similar appearance comprising a functional design with dual pitch roofs and elevations finished in half brick with metal cladding above. The design of the buildings is similar to that of existing buildings on Mapledean Industrial Estate and the buildings to the east of the site at the Essex Pet Crematorium and Gemini Auto Works site, and would therefore be in keeping with the character and appearance of those buildings.
- 5.2.8 Details or samples of external materials to be used are required to be submitted under Condition 5 of the OPP, accordingly no further conditions are considered necessary with regard to materials.
- 5.2.9 The buildings are all 6m high to the ridge and 4.5m to the eaves. This would result in the buildings being no higher than the existing buildings on the site. They would be lower than many of the buildings on the adjacent industrial estate to the south.
- 5.2.10 In accordance with Condition 3 of the OPP, full details and specifications of hard and soft landscape works have been submitted with this application. The hard landscaping includes a significant amount of tarmac around the buildings for access and parking. Whilst this is not particularly high-quality design, it is in keeping with the adjacent development on the industrial estate, which is characterised by buildings surrounded by hardstanding, and it is similar to the existing development on the site which is also characterised by buildings surrounded by hardstanding.
- 5.2.11 The soft landscaping within the car parking area will assist in minimising the visual impact of the proposed tarmac and comprises a variety of trees with low level planting below. Land adjacent to the vehicular access and path will be laid to grass and a mixed native hedge adjacent to the existing fence is proposed. Eight new trees are proposed along the north western boundary, adjacent to Mapledean Chase, which will assist in softening the impact of the proposed development. Along the southwestern boundary a mix of grass and wildflowers is proposed and the same soft landscaping treatment is also proposed to the east of Units 13-14.
- 5.2.12 Condition 3 of the OPP states that the landscaping must be carried out in accordance with the approved details and sets out the timing for both hard and soft landscaping works. The condition also requires replacement planting within five years from the date of planting for any plant or tree removed, destroyed, seriously damaged or defective. Accordingly, no further conditions are required in respect of landscaping.
- 5.2.13 Condition 2 of the OPP requires details of all boundary treatments to be submitted as part of the reserved matters. The Mapledean Farm Landscape Plan (Revision A) includes details of boundary treatments which comprise a variety of new and existing boundary treatments.
- 5.2.14 The existing 1.8m high security fence adjacent to the site access and along the site's western boundary is to be retained. The existing 1.8m high close boarded fence surrounding the adjacent bungalow in the northwestern corner of the site will also be

retained with a mixed native hedge planted on the application site adjacent to the fence. A new 2m high steel palisade fence coated green is proposed along the southern, northern and part of the eastern boundaries. Adjacent to the new fence on the northern boundary a mixed native hedge is proposed to be planted. An existing post and rail fence enclosing the wetland area is to be retained and repaired where necessary.

- 5.2.15 Security fencing and native hedges are a common feature on the adjacent industrial estate. The means of enclosure are in keeping with those on surrounding sites and are considered to be acceptable. There are a variety of boundary treatments along Mapledean Chase including close boarded fences, hedges and metal cladding. Whilst the security fencing along this part of the site will introduce a new type of boundary treatment in this location, it is considered that together with the mixed native hedge, it would be acceptable.
- 5.2.16 Condition 2 of the OPP states that *“The screening as approved shall be constructed prior to the first use of the development to which it relates and be retained in perpetuity as such thereafter”*. As not all of the boundary treatment proposed includes ‘screening’ as such, it is considered necessary to include a condition requiring that the approved boundary treatments shall be installed prior to first occupation of any building permitted.
- 5.2.17 Overall, the proposed buildings are of a size and design that is appropriate to the site and in keeping with the character and appearance of the surrounding development. The layout of the development is consistent with that on adjacent sites. Similarly, the hard and soft landscaping proposed is appropriate given the proposed use of the site and its context. Given this and taking into account the existing development on the site, it is not considered that the intrinsic character and beauty of the countryside would be adversely impacted upon by the proposals. Therefore, the proposal would not materially harm the character or appearance of the area, in compliance with Policies S1, S8 and D1 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). The proposed use was considered to be acceptable in the granting of the OPP, subject to conditions requiring details of lighting (Condition 8), construction method statement (Condition 9) and land contamination (Conditions 10) to be submitted to the Local Planning Authority (LPA) for approval either prior to commencement of development or first occupation. Further conditions restrict the operation of machinery and hours of delivery/collections (Condition 14), the use of the premises (Condition 15) and outdoor storage (Condition 16). Together, these conditions seek to minimise or mitigate many of the impacts of the development on neighbouring residential occupiers.
- 5.3.2 What can be considered in this reserved matters application are any impacts on residential amenity resulting from the scale, siting and design of the buildings, particularly in terms of privacy, overlooking and outlook.
- 5.3.3 The nearest dwelling to the site is an existing bungalow adjacent to the northwestern corner of the site. This dwelling is within the applicant’s ownership, but is not within the application site, and is separated from the application site by an existing 1.8m high close boarded fence. The nearest proposed building would be approximately

32m from the rear elevation of the dwelling. This distance, together with the design, height and scale of the building would ensure that it would not harm the amenities of the occupiers through overlooking or loss of privacy. The outlook from the dwelling would alter, due to the siting of the building, but the height and the distance from the dwelling would ensure the proposed building would not be overbearing.

- 5.3.4 Other residential properties in the area are not considered to be impacted due to the distance from the site and the scale and design of the development. It is also noted that no objections from adjacent occupiers have been received in response to this application.
- 5.3.5 Based on the above, it is concluded that the development would not harm the amenity of the occupiers of neighbouring residential properties, in compliance with Policy D1 of the LDP.

#### **5.4 Parking Provision**

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to include 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 to 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 Council's adopted VPS contains the parking standards which are expressed as minimum standards.
- 5.4.3 Condition 17 of the OPP states:

*"The scheme to be submitted pursuant to the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted Vehicle parking standards (2018). Prior to the first use of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter."*
- 5.4.4 The VPS require a minimum one space per 50sqm of gross floor space proposed. The proposal is for floorspace for Use Classes B1(b) and (c). The gross floorspace proposed is 4,938.54sqm, thus a minimum of 99 car parking spaces are required to meet the VPS. The submitted scheme meets this requirement as it provides 138 parking spaces, 19 disabled spaces and five powered two wheeler spaces.
- 5.4.5 The VPS requires parking bays to be 2.9m wide by 5.5m long. Disabled bays are required to be 3.6m x 6m. The parking spaces proposed meet these requirements.
- 5.4.6 The VPS states that *"Disabled spaces should usually be located as close to the entrance to the destination point as possible and dropped kerbs should be provided to enable easy access from disabled parking bays to / from the footway"*. It then goes on to say that *"In non-residential development, parking should be designed and allocated for disabled users to meet demand and be located no further than 50m from an accessible entrance, (ideally the main entrance), clearly signed and preferably under cover"*.
- 5.4.7 The disabled parking bays are sited across the site and are located to the front of the units, allowing for direct access from the car park and provide easy access to the units.



- 5.4.8 No details have been submitted to show the provision of electric vehicle charging points within the car parking area. In accordance with the VPS, and in order to future proof the development, details of appropriate provision is required to be submitted through a condition attached to the grant of planning permission.
- 5.4.9 The Highways Authority was consulted and acknowledged that the principle, and the impact in highway terms, of the development has already been established. The Highway Authority confirmed that they are satisfied with the details submitted. The development would make adequate provision for off-street car parking to comply with the adopted standards in accordance with Condition 17 of the OPP.
- 5.4.10 The provision of cycle storage is covered by condition 18 of the OPP which states that *“Cycle parking shall be provided prior to the first use of the development hereby approved in accordance with Maldon District Council's adopted standards. The approved facility shall be secure, convenient, covered and retained at all times”*. Details of cycle parking have been included in this submission, at the request of the Highways Authority, who have also requested a condition be imposed on this application requiring the cycle parking to be provided as shown and retained. However, cycle parking provision is not a reserved matter for consideration within this application and an application to provide the details will need to be submitted and approved prior to first use of the development. The details submitted have demonstrated that adequate cycle parking can be provided on the site. It is therefore considered a condition as requested by the Highways Authority is not reasonable or necessary.
- 5.4.11 Based on the above, it is considered that the development would be acceptable in relation to parking provision, and therefore in compliance with Policies T2 and D1 of the LDP in this respect.

## 5.5 Other Material Considerations

### Ecology

- 5.5.1 The Council's Ecology Consultant has raised a holding objection due to insufficient ecological information on European Protected Species (Great Crested Newts) and protected species (reptiles and Water Vole). However, these surveys are secured by Condition 21 of the OPP which states that:
- “No development shall commence until species surveys, such as Great Crested Newts, Reptiles, and Water vole, including mitigation and enhancement measures, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such in perpetuity.”*
- 5.5.2 The Ecology Consultant is concerned that without this ecological information, the LPA does not have certainty of the likely impacts to European Protected Species and protected species. Furthermore, any subsequent compensation or mitigation measures, if advised by these surveys, may influence the design and layout of the proposed development.
- 5.5.3 Condition 21 is a pre-commencement condition and does not require the surveys to be submitted with, or discharged prior to the determination of, this reserved matters application. Therefore, it would not be reasonable for the LPA to require these details to be submitted at this time. Should it be the case that any mitigation results in amendments to the design and layout of the proposal, the applicant would need to deal with this through the appropriate procedures in due course.

### Drainage and flood risk

5.5.4 With respect to drainage, the Lead Local Flood Authority (LLFA) has raised a holding objection as *“the information provided does not allow us to assess the development”*. Mundon Parish Council also noted that there are concerns regarding flooding in this area and asked that these be given full consideration.

5.5.5 Condition 6 of the OPP states:

*“No works shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development...”*

5.5.6 Condition 6 then goes on to set out the detailed requirements of the necessary drainage scheme. The condition is a pre-commencement condition and does not require the detailed scheme to be submitted with, or discharged prior to the determination of, this reserved matters application. Therefore, it would not be reasonable for the LPA to require these details to be submitted at this time.

### Summary

5.5.7 In summary, although the concerns of the Ecology Consultant, LLFA and Mundon Parish Council are noted, Officers are satisfied that the relevant conditions in the OPP adequately deal with these matters and it would not be reasonable to require the information requested to be submitted with this reserved matters application.

## **6. ANY RELEVANT SITE HISTORY**

6.1 The relevant site history is set out below:

- **17/01338/OUT** Redevelopment of poultry farm for approximately 5,030m<sup>2</sup> of B1 commercial floorspace with associated access arrangements. Refused 14/03/2018
- **18/01034/OUTM** Redevelopment of poultry farm for approximately 5030m<sup>2</sup> B1 (b) & (c) commercial floorspace with associated access arrangement. Approved 20/10/2020

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Mundon Parish Council	Whilst the Parish Council is willing to support this application, there are concerns regarding flooding, if these could be given full consideration.	Noted - refer to paragraphs 5.5.4 - 5.5.7 of report.

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	The Highway Authority is satisfied with the details as submitted subject to conditions.	Noted – refer to section 5.4 of report.
Essex County Council Sustainable Drainage System (SUDS)	Holding objection – the information submitted does not allow us to assess the development.	Noted – refer to paragraphs 5.5.4 - 5.5.7 of report.
Environment Agency	No comments. Should an updated Flood Risk Assessment (FRA) be submitted at any time we would wish to be consulted.	Noted.
Anglian Water	There are no drainage related documents, which means the application falls outside to Anglian Water's jurisdiction for comments.	Noted.

## 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	No comments but look forward to the subsequent discharge of conditions application.	Noted.
Ecology Consultant	Holding objection due to insufficient ecological information on European Protected Species (Great Crested Newts) and protected species (reptiles and Water Vole).	Noted – refer to paragraphs 5.5.1 – 5.5.3 and 5.5.7 of report.
Waste Management	No objections.	

## 7.4 Representations received from Interested Parties

7.4.1 No letters of representation were received.

## 8. **PROPOSED CONDITIONS**

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

- J21.7584 M001 Location Map
- J21.7584 M002 Location Plan
- J21.7584 P202 Rev C Proposed Site Plan
- J21.7584 P203 Proposed Setting Out Plan
- J21.7584 P204 Rev A Proposed Ground Floor Plan – Unit 1
- J21.7584 P206 Proposed Roof Plan – Unit 1
- J21.7584 P207 Proposed Elevations – Unit 1
- J21.7584 P208 Rev A Proposed Ground Floor Plan – Units 2-12
- J21.7584 P209 Proposed Roof Plan – Units 2-12
- J21.7584 P210 Proposed Elevations – Units 2-12
- J21.7584 P211 Rev A Proposed Ground Floor Plan – Units 13-14
- J21.7584 P212 Proposed Roof Plan – Units 13-14
- J21.7584 P213 Proposed Elevations – Units 13-14
- J21.7584 P214 Rev A Proposed Ground Floor Plan – Units 15-18
- J21.7584 P216 Proposed Roof Plan – Units 15-18
- J21.7584 P217 Proposed Elevations – Units 15-18
- J21.7584 P218 Rev A Proposed Ground Floor Plan – Units 19-24
- J21.7584 P219 Proposed Roof Plan – Units 19-24
- J21.7584 P220 Proposed Elevations – Units 19-24
- SP/MAP/01 Rev A Landscape Plan
- Planting Specification

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

- 3 The proposed boundary treatments, as shown on approved drawing SP/MAP/01 Rev A Landscape Plan, shall be installed prior to the first occupation of any building and be retained in perpetuity as such thereafter.

REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Local Development Plan.

- 4 No development above ground level, with the exception of demolition, shall take place until details of a scheme for electric car charging points, in accordance with the adopted Vehicle Parking Standards Supplementary Planning Document (SPD) (2018), shall be submitted to and approved by the Local Planning Authority. The scheme for Electric Vehicle (EV) car charging points shall be implemented in accordance with the approved details prior to the first occupation of any building and shall be retained in perpetuity thereafter.

REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Local Development Plan.