

APOLOGIES Committee Services  
Email: Committee.clerk@maldon.gov.uk

CHIEF EXECUTIVE  
Doug Wilkinson

26 November 2024

Dear Councillor

You are summoned to attend the meeting of the;

**NORTH WESTERN AREA PLANNING COMMITTEE**

on **WEDNESDAY 4 DECEMBER 2024** at **7.30 pm**

in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

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A copy of the agenda is attached.

Yours faithfully



Chief Executive

**COMMITTEE MEMBERSHIP:**

CHAIRPERSON	Councillor M E Thompson
VICE-CHAIRPERSON	Councillor M F L Durham, CC
COUNCILLORS	J C Hughes S J N Morgan C P Morley R H Siddall E L Stephens S White L L Wiffen





**AGENDA  
NORTH WESTERN AREA PLANNING COMMITTEE**

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**WEDNESDAY 4 DECEMBER 2024**

1. **Chairperson's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 10)

To confirm the Minutes of the meeting of the Committee held on 6 November 2024 (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **2400690VAR ROE Environmental Limited, Offices, Fleet Farm, Fambridge Road, North Fambridge** (Pages 11 - 20)

To consider the report of the Assistant Director: Planning and Implementation, (copy enclosed, Members' Update to be circulated)\*.

6. **Any other items of business that the Chairperson of the Committee decides are urgent**

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**Note:**

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No. 5.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

\* Please note the list of related Background Papers attached to this agenda.

## **NOTICES**

### **Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

### **Fire**

We do not have any fire alarm testing scheduled for this meeting. In the event of a fire, a siren will sound. Please use either of the two marked fire escape routes. Once out of the building please proceed to the designated muster point located on the grass verge by the police station entrance. Please gather there and await further instruction. If you feel you may need assistance to evacuate the building, please make a member of Maldon District Council staff aware.

### **Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber.

### **Closed-Circuit Televisions (CCTV)**

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

### **Lift**

Please be aware, there is not currently lift access to the Council Chamber.

## **BACKGROUND PAPERS**

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

### **Development Plans**

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)
- Great Totham Neighbourhood Development Plan (2022)
- Langford and Ulting Neighbourhood Development Plan (2022)

### **Legislation**

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017
- The Levelling-up and Regeneration Act 2023

### **Supplementary Planning Guidance and Other Advice**

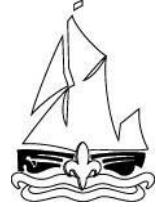
- i) Government policy and guidance
  - National Planning Policy Framework (NPPF) - 2023
  - Planning Practice Guidance (PPG)
  - Planning policy for Traveller sites - 2015

### **Supplementary Planning Guidance and Other Advice (continued)**

- Relevant government circulars
  - Relevant Ministerial Statements (as referred to in the report)
  - Essex and South Suffolk Shoreline Management Plan – October 2010
- ii) Essex County Council
- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
  - Essex and Southend on Sea Waste Local Plan 2017
  - Essex Minerals Local Plan 2014
- iii) Maldon District Council
- Five Year Housing Land Supply Statement Updated yearly
  - Maldon District Design Guide – 2017
  - Maldon and Heybridge Central Area Masterplan - 2017
  - Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
  - Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
  - North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
  - South Maldon Garden Suburb Strategic Masterplan Framework – 2014 (adapted as Supplementary Planning Document (SPD) 2018)
  - Vehicle Parking Standards SPD - 2018
  - Renewable and Low Carbon Technologies SPD – 2018
  - Maldon District Specialist Housing SPD – 2018
  - Affordable Housing and Viability SPD – 2018
  - Accessibility to Buildings SPD – December 2006
  - Children's Play Spaces SPD – March 2006
  - Sadd's Wharf SPD – September 2007
  - Heybridge Basin Timber Yard SPD – February 2007
  - Developer Contributions Guide SPD - 2010
  - Heybridge Basin Village Design Statement – 2007
  - Wickham Bishops Village Design Statement – 2011
  - Woodham Walter Village Design Statement – 2011
  - Althorne Village Design Statement
  - Woodham Walter Village Design Statement
  - Various Conservation Area Appraisals

All Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.

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**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
6 NOVEMBER 2024**

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**PRESENT**

Chairperson	Councillor M E Thompson
Vice-Chairperson	Councillor M F L Durham, CC
Councillors	J C Hughes, C P Morley and R H Siddall

**378. CHAIRPERSON'S NOTICES**

The Chairperson welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

**379. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors S J N Morgan, E L Stephens, S White and L L Wiffen.

**380. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 11 September 2024 be approved and confirmed.

**381. DISCLOSURE OF INTEREST**

Councillor M F L Durham declared a pecuniary interest in agenda item 5. 24/00563/Var - The Warren Lodge Park, Herbage Park, Herbage Park Road, Woodham Walter, Essex, CM9 6RJ, due to him acting as the agent for the applicant. Councillor Durham confirmed that he would speak as the agent and then leave the Chamber.

**382. 24/00563/VAR - THE WARREN LODGE PARK, HERBAGE PARK, HERBAGE PARK ROAD, WOODHAM WALTER, ESSEX, CM9 6RJ**

<b>Application Number</b>	<b>24/00563/VAR</b>
<b>Location</b>	The Warren Lodge Park, Herbage Park, Herbage Park Road, Woodham Walter, Essex, CM9 6RJ
<b>Proposal</b>	Variation of condition 5 on approved planning permission 15/00590/FUL (Variation of condition 3 on approved planning permission FUL/MAL/11/00953 (Proposed addition of 26 new timber holiday lodges plus associated infrastructure within the existing Herbage Park Holiday Park) Variation: holiday accommodation occupancy period, and Variation of condition 2 on approved planning permission FUL/MAL/05/00798 (Change of use of disused gravel pit to site for 48 holiday lodges with formation of associated access tracks, landscaping and construction of central administrative and facilities building - Variation: holiday accommodation occupancy period.) This application seeks a variation of Condition 5 to allow the siting of a single storage shed for each lodge.
<b>Applicant</b>	The Warren Golf & Country Club Ltd.
<b>Agent</b>	Frederick Lewis Limited
<b>Target Decision Date</b>	27.11.24
<b>Case Officer</b>	Lisa Page
<b>Parish</b>	<b>WOODHAM MORTIMER</b>
<b>Reason for Referral to the Committee / Council</b>	Agent is a Councillor

Following the Officer's presentation, the Agent, Mr Durham addressed the Committee. The Chairperson opened the floor for debate.

Councillor J C Hughes proposed to approve the application in accordance with the Officer's recommendation, which was duly seconded. The Chairperson put the proposal of Councillor Hughes to the Committee and this was agreed unanimously.

**RESOLVED** that the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plan: - 15.3071/P201 REV A.
2. No holiday lodges shall be used as a person's sole or main place of residence and shall be used for holiday purposes only.
3. With the exception of any building or structure required to be provided by conditions on a site licence issued under the Caravan Sites and Control of Development Act 1960, no structures, tents, garden paraphernalia, or similar items shall be erected or placed on the site without the prior approval in writing of the local planning authority with the exception of a single storage shed no greater than 2.5m x 4metres and no greater than 4metres from each lodge.
4. The holiday lodges shall not be used for human habitation between 15 January and 28 January (inclusive).
5. The owners / operators of the site shall maintain an up-to-date register of the names of all owners / occupiers of individual holiday accommodation units on the site, dates of arrival and departure from the site, and their main home addresses. The register shall be made available at all reasonable times for inspection and copying by the Local Planning Authority for record keeping purposes.



6. Notwithstanding the provisions of the Caravan Sites and Control of Development Act 1960, the location and siting of any holiday lodge shall only be in accordance with the approved layout plan. No new or replacement holiday lodge, chalet, mobile home or similar shall be placed upon the site other than of a design and form first agreed in writing by the Local Planning Authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no wall, fence, gate or other means of enclosure shall be erected at the site without the prior grant of planning permission by the local planning authority.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no hardstanding, access road or similar hard surface shall be laid at the site without the prior approval in writing by the Local Planning Authority.

There being no other items of business the Chairperson closed the meeting at 7.41 pm.

M E THOMPSON  
CHAIRPERSON

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**REPORT of  
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
4 DECEMBER 2024**

<b>Application Number</b>	<b>24/00690/VAR</b>
<b>Location</b>	ROE Environmental Limited, Offices, Fleet Farm, Fambridge Road, North Fambridge
<b>Proposal</b>	Variation of Conditions 1 and 2 on approved planning permission FUL/MAL/09/00335 (which varied Conditions 1 and 2 imposed upon planning FUL/MAL/04/01288) to allow parking of additional lorries on the site, bringing the total number to 17 lorries.
<b>Applicant</b>	Sarah Roe - R J Roe & Sons Ltd
<b>Agent</b>	Mr Ian Briggs - Landesign
<b>Target Decision Date</b>	6 December 2024 (extension of time)
<b>Case Officer</b>	Fiona Bradley
<b>Parish</b>	<b>NORTH FAMBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	Previous Committee Decision

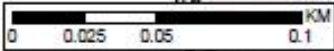
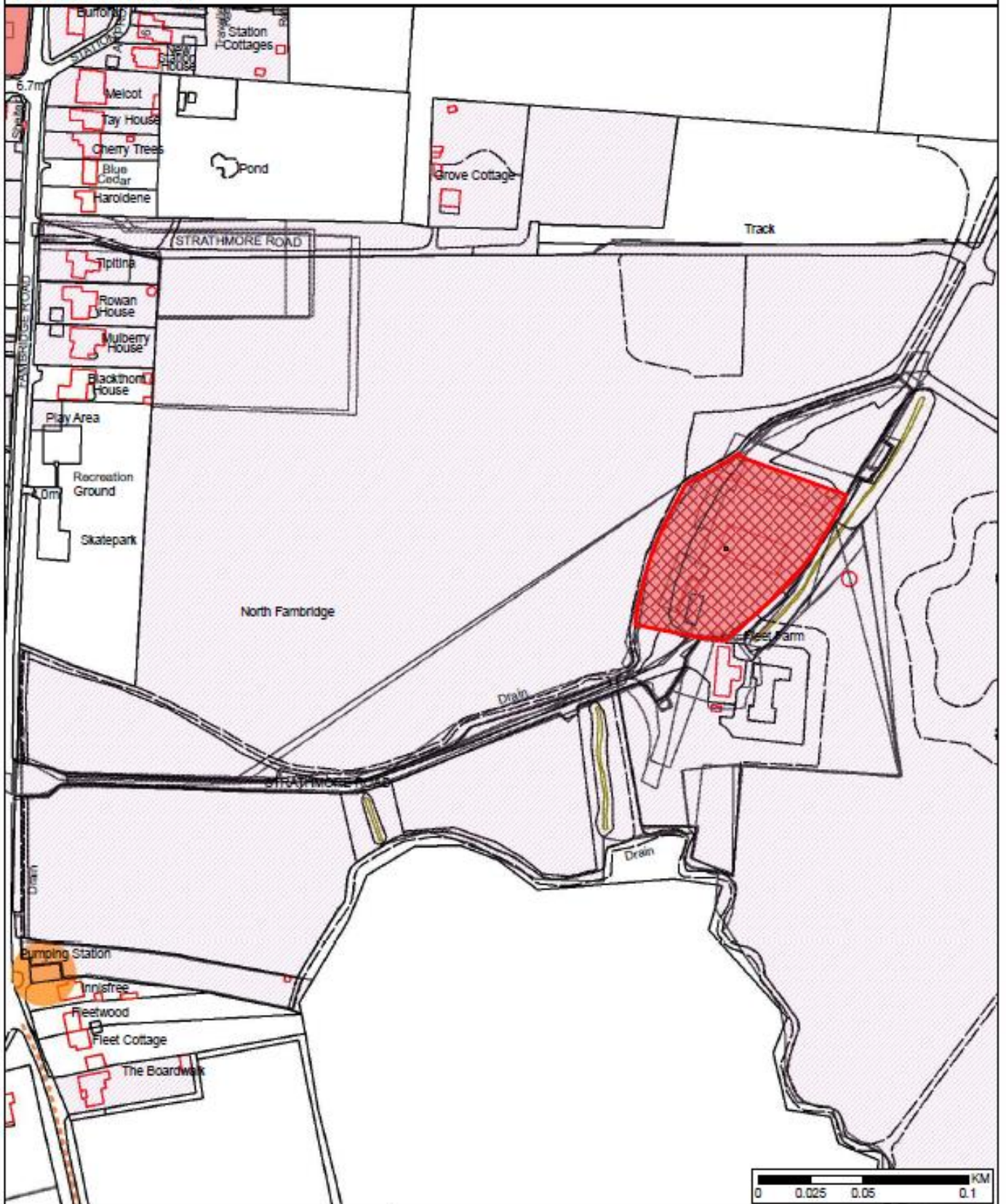
1. **RECOMMENDATION**

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


2. **SITE MAP**

Please see below.

# Fleet Farm, Fambridge Road, North Fambridge North Western Area



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 Maldon District Council 100018588 2014

  
 MALDON DISTRICT COUNCIL

[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	Not Set
Date:	13/11/2024
MSA Number:	100018588

### **3. SUMMARY**

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

##### Site description

- 3.1.1 The application site is known as Fleet Farm in North Fambridge and is located to the east of the village. The site is outside the settlement boundary of North Fambridge.
- 3.1.2 The site comprises two large barns and a porta-cabin surrounded by an extensive area of hardstanding. Surrounding the site are 2 metre high banks with vegetation. The site is served by an existing access from Fambridge Road, opposite Hurndall Avenue. Immediately to the south of the site is Fleet Farm dwelling, within the blue line shown on the site plan.

##### Background

- 3.1.3 The background to this application dates back to a 2002 application, 02/00646/FUL, which granted permission for 'Use of land and building for drainage contracting business, parking of 10 no. lorries and retention of existing portacabins'. A subsequent application, 04/01288/FUL, was granted to provide an 'Amendment of condition No. 3 imposed upon planning permission: FUL/MAL/02/0646 to provide two additional lorry parking spaces'. Taking the total number of lorries to 12. A further application, 09/00335/FUL, was granted to provide an 'Amendment of condition No. 3 imposed upon planning permission FUL/MAL/02/0646 to provide three additional lorry parking spaces' in association with the drainage contracting business. This resulted in the increase of the total number of lorries on site to 15.

##### Description of proposal

- 3.1.4 This application seeks the variation of conditions 1 and 2 of the 2009 permission, 09/00335/FUL, to allow parking of additional lorries on the site, bringing the total to 17 lorries.
- 3.1.5 Condition 1 of 09/00335/FUL states:

*The use of the site as granted under planning permission FUL/MAL/04/01288 shall ensure solely for the operation of a maximum of 15 No. commercial vehicles from the site which shall be used solely in connection with a drainage contractors business.*

##### REASON

*The site lies outside any area intended for commercial uses and permission is only granted because of the particular circumstances of the present case, and in order to protect the amenities of the rural area, in accordance with policies S2, CC6 and CC7 of the adopted Maldon District Replacement Local Plan.*

- 3.1.6 It is proposed that the wording of the varied condition could be as follows:

*The use of the site as granted under planning permission FUL/MCL/09/00335 shall be restricted for the operation of a maximum number of 17 No. commercial vehicles from the site, which shall be used solely in connection with the drainage contractors' business.*

3.1.7 Condition 2 of 09/00335/FUL states:

*The only vehicles to be maintained at the site shall be the 15 No. commercial vehicles as detailed within Condition 1 above and no others.*

*REASON In the interests of local and residential amenity in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.*

3.1.8 It is proposed that the wording of the varied condition could be as follows:

*The only vehicles to be maintained at the site shall be the 17 No. commercial vehicles as detailed within condition one above.*

3.1.9 The Planning Statement submitted with the application sets out that there “extra vehicles are needed because Roe’s services have increased in demand”.

### **3.2 Conclusion**

3.2.1 The main issues remain the same as previous application, 09/00335/FUL as to consider whether the stationing of two additional commercial vehicles on site would have a detrimental impact upon the character and appearance of the rural area and secondly, if the proposal would have an impact upon the amenities of residential properties.

3.2.2 It is considered that the use of the site as proposed for two additional commercial vehicles would be acceptable being only a small increase in the number of vehicles from that which exists. The increased number of vehicles proposed would not harm the character or appearance of the rural area as the vehicles would be accommodated within the farm complex which is largely screened from external views by an existing agricultural building to the north, banking to the east and bales of hay to the western boundary of the site. Even when considered in the context of the original application, which allowed for 10 vehicles, the proposal to allow 17 vehicles is acceptable in terms of the above matters.

3.2.3 One letter of representation has been received concerning the movement of vehicles, noise and disturbance. The Highway Authority has raised no objection to the proposal. The Council’s Environmental Health Services has raised no objections to the proposal with regard to the noise and disturbance.

3.2.4 Taking into account the above, the development would accord with the policies within the approved Local Development Plan (LDP) and the National Planning Policy Framework (NPPF). Officers consider that there are no material considerations, that indicate that a decision should be made other than in accordance with the Development Plan.

3.2.5 It is recommended that planning permission be granted.

## **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
- 54 – 57 Planning conditions and obligations
- 88 – 89 Supporting a prosperous rural economy
- 123-130 Making effective use of land
- 131-141 Achieving well-designed and beautiful 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
- D1 Design Quality and Built Environment
- E4 Agricultural and Rural Diversification

#### 4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG) (2017)

## 5. MAIN CONSIDERATIONS

### 5.1 Principle of Development

5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)) and through Government policy at paragraph 47 of the NPPF.

5.1.2 Planning permission for the commercial use of the site was granted under the terms of application 02/00646/FUL. That decision was subsequently varied under permissions 04/01288/FUL and 09/00335/FUL, resulting in the increase of the total number of lorries permitted on site to 15. There are no alterations in respect of the principle of development. The material consideration when determining this application for the variation of conditions 1 and 2 are legally sound and if there is other justification submitted to warrant their variation.

#### Does the proposal fall within the parameters of a Section 73 application?

5.1.3 Lord Justice Lewison in a recent court judgment in the Court of Appeal between John Leslie Finney and Welsh Ministers, Carmarthenshire County Council and Energiekontor (UK) Limited [2019] EWCA Civ 1868 established the purposes of a Section 73 application. In particular, Lord Justice Lewison stated that *“On receipt of such an application section 73 (2) says that the planning authority must “consider only the question of conditions”. It must not, therefore, consider the description of the development to which the conditions are attached. The natural inference from that imperative is that the planning authority cannot use section 73 to change the description of the development... It is notable, however, that if the planning authority considers that the conditions should not be altered, it may not grant permission with an altered description but subject to the same conditions. On the contrary it is required by section 73 (2) (b) to refuse the application. That requirement emphasises the underlying philosophy of section 73 (2) that it is only the conditions that matter.”*

- 5.1.4 The above judgement has been further endorsed recently in the case of *Armstrong v Secretary of State for Levelling-Up, Housing and Communities & Anor* [2023] EWHC 142 where the High Court stated that ‘*section 73 is clearly intended to be a provision which enables a developer to make a section 73 application to remove or vary a condition, provided of course that the application does not conflict with the operative part of the planning permission*’ This has also been supported in *R (Fiske) v Test Valley Borough Council* [2023] EWHC 2221 (Admin).
- 5.1.5 On the basis of the above judgements it is clear that permission for a Section 73 application shall only be granted for the same development and any variation shall only relate to the conditions imposed to the original permission.
- 5.1.6 The current variation of conditions application relates to solely to conditions previously imposed on permission 09/00335/FUL. This Section 73 application will not alter the description of the development previously approved and as such, the proposal would fall under the parameters of a Section 73 application.

#### Development Plan policies

- 5.1.7 The site is located outside of a defined settlement boundary and thus lies within a countryside location. Policy S8 of the Local Development Plan states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Policy S8 sets out the development types that may be permitted where there is no adverse impact to the countryside. One set exception, set out at Policy S8 f) is ‘*rural diversification, recreation and tourism... (in accordance with Policies E4 and E5)*’.
- 5.1.8 Policy E4 sets out a positive policy for development for “*the change of use of existing rural buildings to other employment generation uses*” subject to criteria a-f. In this case, the ‘other employment generation’ i.e. the drainage contractor use was granted permission in 2002 and has been operating from the site since that time. The need for the additional vehicles is due to the increased demand for the services provided by the applicant, representing a justifiable and functional need for the proposal, in accordance with criterion a). Criterion b) requires the proposal to contribute to the viability of the agricultural business as a whole. In this case, that was established in the 2002 permission. In relation to the remaining criteria, there would be no detrimental impacts to the building’s historic or architectural significance; it would not negatively impact on wildlife or the natural environment; no external storage is proposed; and the proposal would not prejudice the vitality and viability of existing businesses in nearby towns and villages.
- 5.1.9 The development would meet with the criteria of Policy E4 relating to rural diversification, and thus would meet with the Policy S8 which seeks to protect the countryside. In addition, planning permission 02/00646/FUL, and subsequent variations, has already approved the use of the site and the associated parking of vehicles. The principle of development is therefore acceptable and supported.

## **5.2 Design and Impact on the Character of the Area**

- 5.2.1 The principle of good inclusive design and layout and sustainable development has been reflected in the approved Local Development Plan, primarily with policy D1 which seeks to ensure that all development will respect and enhance the character and local context. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.



5.2.2 The variation would not control precisely where the vehicles are parked on the site as the current permission does not do so. However, the site is surrounded by high bunds and vegetation which effectively screen the site from the surrounding area. Accordingly, the additional vehicles would only be seen from within the site itself, and there are no public views, either from Fambridge Road to the west or from the Public Right of Way (PRoW) (Footpath 10) to the southwest. Accordingly, there would be no harm to the wider amenity of the area and the intrinsic character and beauty of the countryside would be maintained in accordance with policy S8 of the LDP and the provisions of the NPPF.

### **5.3 Impact on Residential Amenity**

5.3.1 In terms of neighbouring amenity, the nearest dwelling is located to the west, approximately 280m from the site's boundary. The additional vehicles would create additional vehicle movements however due to the limited increase in vehicle numbers (two) this would be minimal in terms of traffic generation and impact on residents on Fambridge Road. No objection has been raised by Environmental Health in terms of neighbour impact. The proposed development would not result in any harm to residential neighbours that would justify refusal of the application.

### **5.4 Access, Parking and Highway Safety**

5.4.1 The site is of a size which provides adequate space for the parking and manoeuvring of the existing vehicles and proposed additional vehicles. The applicant states that the additional vehicles would result in an additional four vehicle movements per day, with the vehicles leaving the site in the morning and return at the end of the working day. Essex County Council, as Highway Authority, has no objection to the proposed variation of the conditions. Although an informative is recommended by the Highway Authority regarding works affecting the public highway, no works are proposed and therefore it is not necessary to include the informative.

5.4.2 The development would comply with policies T2 and D1 of the Local Development Plan.

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

- **FUL/MAL/88/00990** - Parking of Vehicles. Approved: 09.01.1991
- **FUL/MAL/98/00706** - Proposed demolition of existing office building and replacement with single storey office extension. Withdrawn: 12.11.1998
- **FUL/MAL/98/00856** - Use of Land for Drainage Business. Refused: 08.02.19990
- **FUL/MAL/99/00355** - Contracting Business. Approved: 29.06.1999
- **FUL/MAL/99/00785** - Portacabin Office. Approved: 30.11.1999
- **FUL/MAL/02/00646** - Use of land and building for drainage contracting business, parking of 10 no. lorries and retention of existing portacabins. Approved: 24.07.2002
- **FUL/MAL/04/01288** - Amendment of condition No. 3 imposed upon planning permission: FUL/MAL/02/0646 to provide 2 additional lorry parking spaces. Approved: 10.01.2005
- **FUL/MAL/07/01038** - Two storey office block and parking for four lorries. Refused: 05.11.2007
- **FUL/MAL/08/00103** - Single storey and part two storey offices. Parking for staff. Approved: 02.04.2008

- **FUL/MAL/09/00132** - Variation of condition 7 imposed upon planning permission FUL/MAL/02/00646 relating to hours of operation of drainage contracting business Approved 22.05.2009.
- **FUL/MAL/09/00335** - Variation of Conditions 1 and 2 imposed upon planning FUL/MAL/04/01288 to allow parking of 3 no additional lorries. Approved 12.06.2009.
- **FUL/MAL/13/00714/FUL** - Vary condition 7 of planning application FUL/MAL/02/00646 to state: No vehicles associated with the drainage contracting business shall enter or leave the site at any time on Sundays or Bank Holidays or shall enter or leave the site outside of the hours 6am and 1pm on Saturday and 6am and 6pm on weekdays with the exception of 6 vehicles (12 Vehicles movements in total either leaving or entering the site) per 24 hour period for the purposes of emergency call-outs. A record of all emergency call-outs including dates, times, addresses and nature of emergency shall be recorded in a written format and be kept available for inspection upon request from the Local Planning Authority. Approved.
- **FUL/MAL/15/00588** - Change of use from B8 to B1 and inclusion of a new access road. Approved.
- **LDE/MAL/15/00904** – Claim for Lawful Development Certificate for existing use: residential occupation of Fleet Farm in breach of agricultural occupancy condition (condition 2 of MAL/947/85). Granted 30 October 2015
- **FUL/MAL/15/00950** - Variation of condition 2 on approved application FUL/MAL/02/00646 (Use of land and building for drainage contracting business, parking of 10 no. lorries and retention of existing portacabins) to allow for a change in the company name. Approved.
- **FUL/MAL/15/01376** - Change of use of Fleet Farm to B8 use. Approved.

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

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
North Farnbridge Parish Council	No response received	

### 7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	The Highway Authority has no adverse comments to make regarding the variation of the above conditions	Noted and addressed in section 5.4.

### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection.	Noted and addressed in section 5.3.

## 7.4 Representations received from Interested Parties (summarised)

7.4.1 The application was advertised by way of a site notice posted on the 3 October 2024 (with expiry date for comments set as 24 October 2024). The site notice was affixed at eye level to a telegraph pole opposite the site's access on Fambridge Road, to the north of the junction with Hurndall Avenue, in a prominent position adjacent to the public highway.

7.4.2 1 letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

<b>Objection Comments</b>	<b>Officer Response</b>
Already operate vehicles outside of their permitted times, at both weekends and during the week mornings and evenings.	Noted, there are restrictions on the 2002 application however this is not part of the consideration of the current application which is only considering the additional vehicles.
More suitable premisses should be identified on an industrial site or similar.	The site has had planning permission for the use since 2002 as discussed in section 5.1.
Impact on railway bridge and road maintenance	Road maintenance is the responsibility of the Highway Authority who has not raise an objection (see section 5.4).
Highway safety – near accidents and no appreciation of children's playground on Fambridge Road.	Noted however no objection has been raised by the Highway Authority on the grounds of highway safety (see section 5.4).

## 8. PROPOSED CONDITIONS

- 1 The use of the site as granted under planning permission FUL/MAL/09/00335 shall be restricted for the operation of a maximum 17 No. commercial vehicles from the site which shall be used solely in connection with a drainage contractor's business.  
REASON: The site lies outside any area where planning permission for commercial uses would normally be granted. Although the site has permission for commercial use, the condition is necessary to protect the amenities of the rural area, in accordance with policies S8, D1 and E4 of the Maldon District Approved Local Development Plan.
- 2 The only vehicles to be maintained at the site shall be the 17 No. commercial vehicles as detailed within Condition 1 above and no others.  
REASON: In the interests of local and residential amenity in accordance with policy D1 of the Maldon District Approved Local Development Plan.

### **Submitted plans:**

Site Location Plan no. 98/02/10

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