



**REPORT of
DIRECTOR of PLACE, PLANNING AND GROWTH**

to
**CENTRAL AREA PLANNING COMMITTEE
22 OCTOBER 2025**

Application Number	25/00605/FUL
Location	Land Adjacent Heybridge House Industrial Estate Bates Road Maldon
Proposal	Retrospective application for storage of empty bins, empty skips and lorries associated with neighbouring use
Applicant	Mr Robert Smith - CSH Environmental
Agent	Mr Paul Calder - Next Steps Planning Ltd
Target Decision Date	28 November 2025 (Time Extended)
Case Officer	Chris Purvis
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Called in by Cllr Nick Spenceley over concerns with flood risk and policy D5, impact upon green infrastructure and policy N1, and to consider biodiversity and policy N2.

1. RECOMMENDATION

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

2. SITE MAP

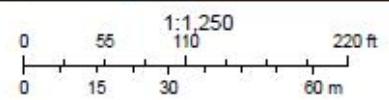
Please see below.

25/00605/FUL



10/6/2025, 11:49:39 AM

OS Grid Tiles 1km



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 This application relates to the parcel of land to the north of Bates Road. The site is undulating with an existing public footpath located on an embankment which runs along the southern boundary. The site has a further public footpath running along its north-eastern perimeter connecting Bates Road to Hall Road and The Street in Heybridge to the north. The majority of the site is currently enclosed by a mixture of palisade fencing (south-eastern and part of north-eastern boundaries) and post and wire fencing (south-western and north-western boundaries).
- 3.1.2 The northern boundary of the site is adjacent to part of the River Blackwater. Beyond the north-eastern boundary of the site is a mixture of residential and commercial uses which back onto the site including the Heybridge Inn which is a grade II listed building located around 20m to the north of the site. The nearest residential property is 10m from the site and around 20m from the building proposed. The site adjoins the Quayside Industrial Estate and is adjacent to an existing car park which is unrelated to the site. The Heybridge House Industrial Estate is located immediately to the west.

Description of the Proposal

- 3.1.3 Retrospective planning permission is sought for the storage of empty bins, empty skips and lorries associated with neighbouring use. That neighbouring use is the Greens Recycling business located at the eastern end of Bates Road.
- 3.1.4 In terms of the application site the bins, skips and lorry vehicle storage areas are allocated on an existing hardstanding along the eastern and southern boundaries of the site. It is stated that they would not exceed 2m in height and that the bins are anchored to the ground to ensure they would not float or leave the site boundaries in the event of a flood. No bins or skips are used for waste purposes on site and cleaning of the empty bins and skips takes place at the nearby Greens Recycling business located at the eastern end of Bates Road.
- 3.1.5 Access to the site is gained off Bates Road via an existing vehicle access.

3.2 Conclusion

- 3.2.1 The principle of the development is not contrary to policy and the Environment Agency have no objection to the use within a high risk flood zone. The site has limited public impact in this location, and the use does not present any access, parking or highway safety issues. The use of the site is considered acceptable in regard to neighbouring uses to the north separated from the site by a section of the Chelmer and Blackwater Navigation and existing vegetation. Planning conditions are recommended to mitigate the impact of the development. For these reasons the use of the site does not conflict with policies of the Local Development Plan (LDP) nor the guidance within the National Planning Policy Framework (NPPF)/ Planning Practice Guidance (PPG).

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
- 54-58 Planning Conditions and Obligations
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, and coastal change
- 180-194 Conserving and enhancing the natural environment
- 202-221 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S5 Maldon and Heybridge Central Area
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- E1 Employment
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon and Heybridge Central Area Masterplan Supplementary Planning Document (SPD) (2017)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) (2018)
- Maldon District Design Guide (MDDG) (2017)
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) SPD

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development and Flood Risk**

Policy Context

- 5.1.1 The LDP Proposals map shows that the application site does not have any designated land use in planning policy terms. It lies outside of the nearby Employment Land designations to the south whereby policy E1 is applicable. The site is shown on the LDP Proposals map as 'white land' with no policy designation; however, the site does fall within the wider area of the Maldon and Heybridge Central Area whereby policy S5 is applicable.
- 5.1.2 The site is within the development boundary for Maldon/Heybridge but does not form part of any allocation within the approved Maldon District Local Development Plan (LDP) as it is shown as 'white land' with no policy designation. However, the adjacent industrial estate is an allocated employment site in the LDP where policy E1 is applicable. The site forms part of the Causeway Regeneration Area which is within the Maldon and Heybridge Central Area Masterplan where policy S5 is applicable. As part of the Masterplan, the application is identified as a site of Local Ecological Importance and the stretch of the River Blackwater forms part of a Green Corridor.
- 5.1.3 Policy S5 for the Central Area incorporates the Causeway Regeneration Area, where this site is located. Policy S5 states that *'the Central Area will continue to act as the focal point within the District for retail, commercial, industrial, community and tourism activities. It will be a thriving and vibrant destination that has strong connections with surrounding areas and is supported by its heritage assets, waterways and green spaces'*. The policy includes a number of points for achieving the development and regeneration strategy for the Central Area and relevant to this application are the following two points:
- 3) Renewal of the Causeway Regeneration Area to improve the supply of high quality Use Class B floorspace (commercial and industrial), and increase employment. This will include the provision of: modern workspaces suitable for small and medium sized enterprises; start-up units; support for existing businesses that are seeking to expand and mixed-use developments which enable significant numbers of jobs to be created;*
- 10) Minimise all forms of flood risk and ensure that flood infrastructure are effectively managed.*
- 5.1.4 The existing use does not provide new floorspace and the application forms state no new jobs would be created due to the use operating alongside the Greens Recycling use at the end of Bates Road where staff currently work. There is no conflict with regard to the use of the land and policy S5 point 3).
- 5.1.5 In addition to policy S5, the Maldon and Heybridge Central Area Masterplan was produced in 2017 and is a Supplementary Planning Document. The purpose of this is to promote investment in this area, identify opportunities for delivery of projects, provide an action plan for delivery of those projects whilst developing recommendations on location, mix, scale and design of new development and the treatment of the public realm and landscape setting which reflects the distinctive character and heritage of the Maldon and Heybridge Central Area, along with transport and car parking management. Having reviewed the document there is nothing specific to this site to prevent planning permission from being issued.

- 5.1.6 For the reasons stated above there are no objections to the principle of the development in policy terms.

Flood Risk

- 5.1.7 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy. Policy S1 requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. The PPG on Flood Risk and Coastal Change also provides guidance for consideration.
- 5.1.8 One of the key considerations with this site is that it is located in a high-risk flood zone, which is Flood Zone 3b, which is defined as the Functional Flood Plain in the PPG for Flood Risk. As part of the functional flood plain development or certain uses are not normally permitted. This would also be a key reason the site is not included in the Employment Land designation directly to the south. A section of the Chelmer and Blackwater Navigation is located directly to the north east of the site but is outside of the site.
- 5.1.9 In policy terms for minor development like this paragraph 176 of the NPPF states that *'applications for changes of use should not be subject to the sequential test nor the exception test but should still meet the requirement of site-specific flood risk assessments'*. Therefore, the sequential test and the exception test are not required for assessment for this application.
- 5.1.10 The application includes a site specific Flood Risk Assessment (FRA) which identifies the site is at risk from extreme rainfall events, fluvial flooding due to overtopping of sea defences, failure of a reservoir and failure of a water main or sewer infrastructure. However, the sea defences are maintained and the failure of a reservoir is unlikely. Given the use of the site the FRA identifies there would be limited access to the site and staff visits would be intermittent given this is a storage use. The FRA states that the scale of the proposal would not have any substantial impact on the functional floodplain and the site is classed as a 'Less Vulnerable' use based on the PPG guidance.
- 5.1.11 Crucial to the assessment of flood risk in the Functional Flood Plain are the views of the Environment Agency who have confirmed that they have no objection to the application as the use is a 'Less Vulnerable' as based on the PPG guidance and this use is acceptable in this location.
- 5.1.12 Given the site is within the Functional Flood Plain a Flood Warning and Evacuation Plan (FWEP) is required to ensure staff and users of the site understand the necessary procedures in an emergency flood event. The applicant's site specific Flood Risk Assessment identifies this as a requirement.
- 5.1.13 Therefore, the use of the land for the storage of empty bins, skips and lorry vehicle storage does not raise any objection in flood risk terms based on this information and this does not conflict with policy S5 point 10 nor policy D5.

Relevant Planning History

- 5.1.14 As detailed in the Planning History section of this report this application follows on from a previous application (24/00643/LDP) that sought to claim of lawful development certificate for use for proposed use of the site for storage purposes (Class B8) that was refused because the use is already an existing unauthorised use on site and not a proposed use.
- 5.1.15 As permission was refused the applicant now seeks planning permission to retain the use of land for storage purposes for empty bins, empty skips and lorries associated with neighbouring use.

Summary

- 5.1.16 In terms of the principle of this development and flood risk, given that the use of the land is not contrary to Local Plan policy S5, which is the only policy designation that affects this site, and given that the Environment Agency have no objection to the use within a high risk flood zone, it is considered that the principle of this development and flood risk is acceptable in this instance.

5.2 Visual Impact upon 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 which recognises that Heybridge is one of the main towns where buildings, hierarchy and mix of uses are the dominant features.
- 5.2.2 The change of use of the land for the storage of empty bins, empty skips and lorries associated with neighbouring use has already taken place allowing for assessment of the visual impacts of the proposal upon the site and its surroundings. The site is located behind existing commercial development in Bates Road but is located adjacent to two footpaths, one located on an embankment which runs along the southern boundary, and the other running along its north-eastern perimeter connecting Bates Road to Hall Road, and The Street in Heybridge to the north. Therefore, the site has some visual impact to passing pedestrians. However, in this location the site is generally away from the main public thoroughfares of the area and is a use that would be expected to be provided in an industrial location such as this. The bins and skips stored on site are a stark green colour to reflect the business's corporate colours.
- 5.2.3 Having regard to the site's limited visibility the visual impact of the proposed use is acceptable in this location and therefore there are no conflicts with policy D1 nor the guidance within the NPPF.

5.3 Access, Parking and Highway Safety

- 5.3.1 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.

- 5.3.2 Access to the site is via a spur road off Bates Road. The use is part of the nearby existing Green Recycling use which is beneficial in sustainability terms in transporting the bins and skips to this site. Within the site there is turning space for vehicles to enter in and leave in a forward gear. Essex County Council, as the Local Highway Authority, have no objections to the application with regard to the access or highway safety matters.
- 5.3.3 The Council's adopted Vehicle Parking Standards (VPS) SPD (2018) contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.3.4 For this use, the B8 parking standards would apply for a storage and distribution use. However, those standards are based on the creation of floorspace and this application does not create floorspace as this is an open air storage use and the applicant's completed application forms states that the use has not resulted in any new jobs on site as existing employees visiting the site are those from the neighbouring Greens Recycling site at the end of Bates Road. Therefore, the use does not require parking provision based on the VPS and the use would not generate any significant parking demand for there to be any significant parking issues nor would this lead to on street parking stress in this location.
- 5.3.5 The use does not present any access, parking or highway safety issues and is therefore acceptable having regard to policies D1 and T2 of the LDP.

5.4 Impact on Neighbouring Amenity

- 5.4.1 The basis of policy D1 in 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.
- 5.4.2 To the eastern boundary of the site is Hall Road where there are a row of residential properties that have rear gardens that are close to the site's boundary with a section of the Chelmer and Blackwater Navigation located in between. To the northern boundary of the site are properties in the Street including a mix of commercial and residential properties, also with a section of the Chelmer and Blackwater Navigation located in between. In addition, an existing area of landscaping provides a buffer in between the rear boundaries of these properties and the area of the site where the bin and skip storage use takes place.
- 5.4.3 There are no buildings that existing or are proposed with this application, but the storage of empty bins, empty skips and lorries associated with neighbouring use on the site could have an impact upon residential amenity and therefore consideration needs to be given to limiting the height of these storage elements. The applicant has stated that nothing would be stored above 2m in height and this can be subject to a planning condition to ensure this height limit is achieved in the interests of the amenity of the area. The existing section of the Chelmer and Blackwater Navigation and the existing landscaping also helps to provide a buffer zone from the site to the properties in Hall Road.
- 5.4.4 In terms of the use, an hours of use condition can be imposed that can also cover deliveries and collections of the bins to protect nearby residents from associated noise and activity outside of normal working day operating hours.

- 5.4.5 Subject to the above conditions being imposed the use of the site is considered acceptable in this location which appears as part of the Bates Road industrial estate given its road connections and neighbouring uses to the south, with existing buildings and uses to the north separated from the site by a section of the Chelmer and Blackwater Navigation and existing vegetation. For these reasons the use of the site does not conflict with policy D1 of the LDP.

5.5 Other Matters

- 5.5.1 With regard to ecology, there is no on-site ecology and the site does not fall within ecology designation as these are distant from the site and the change of use of the land would not warrant any further assessment under the Habitat Regulations.
- 5.5.2 With regard to Biodiversity Net Gain, the PPG states that this is not applicable to retrospective planning applications.

6. ANY RELEVANT SITE HISTORY

- 6.1 The relevant planning history is summarised below:

Reference	Description	Decision
24/00643/LDP	Claim of lawful development certificate for proposed use for storage (Class B8)	Refused
20/01315/FUL	Construction of open sided storage barn (resubmission of 20/00388/FUL)	Refused and then Appeal Dismissed
20/00388/FUL	Construction of open sided storage barn	Refused
14/00576/FUL	Proposed mixed use development comprising offices, education centre and storage and distribution warehousing.	Refused
10/01100/FUL	Proposed open sided (Dutch) barn	Approved
10/00602/FUL	Proposed open sided storage (dutch) barn	Refused
96/00615/FUL	Erection of new industrial unit in two phases including associated site works and parking areas	Approved and implemented

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	Recommend refusal due to Possible contamination of watercourse Noise pollution Pollution from vehicle/plant movements Potential loss of habitat for wildlife The site is within flood zone 3a and 3b creating potential risk of	See Assessment sections that considers all these points

Name of Parish / Town Council	Comment	Officer Response
	tidal and fluvial flooding	

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	No objection as this would be a 'less vulnerable' use as defined in the Annex 3: Flood Vulnerability classification from the PPG	See Assessment section 5.1 of the report
Essex County Council Highways	No objections	See Assessment section 5.3 of the report

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objections but suggest placing restrictions on the hours of during which skips can be brought onto and off of the site to reduce the likelihood of causing adverse impacts from noise.	See Assessment section 5.4 of the report

7.4 Representations received from Interested Parties (*summarised*)

- 7.4.1 **2 responses** were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Volume of traffic using Bates Road and careless drivers	See Assessment section 5.3 of the report
Land previously open space and is now an eyesore with security fencing and is becoming a dumping ground	See Assessment section 5.2 of the report
Loud noises, skips noisy, dust and foul odours from the site	See Assessment section 5.4 of the report
Use is at weekends as well as weekdays	See Assessment section 5.4 of the report
Affects nearby residents' outdoor space	See Assessment section 5.4 of the report
Site has previous refused planning permissions	See planning history section of the report
Concern over the protection of wildlife	See Assessment section 5.5 of the report
The site is a flood plain	See Assessment section 5.1 of the report
Site is used to store lorries, plant and	The application description as amended

Objection Comment	Officer Response
machinery	covers what is on site and what has been applied for
Light pollution	See Assessment section 5.4 of the report
Excessive vibrations from vehicle and plant movements	See Assessment section 5.4 of the report
Loss of natural habitat for wildlife	There is no ecological habitats on site
Increase in rats	Not a planning consideration

8. **PROPOSED CONDITIONS**

1. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission in so far as it relates to the development (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the date of this decision notice.

REASON: To ensure clarification of the works commenced in accordance with Section 73A of Chapter 8, Part III, of the Town and Country Planning Act 1990 (as amended).

2. The site shall only be used for the storage of empty bins, empty skips and lorries associated with neighbouring use and for no other purpose including any purpose as defined within Class B8 of the Schedule to the Town & Country Planning [Use Classes] Order 1987 [as amended] [or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification].

REASON: In the interests of amenity and to ensure that the development remains integrated with it's immediate as required by policy D1 of the Maldon District Local Development Plan.

3. The use hereby permitted shall only be undertaken between 08:00 hours and 18:00 hours on weekdays and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.

REASON: In the interests of amenity and to ensure that the development remains integrated with its surroundings as required by policy D1 of the Maldon District Local Development Plan.

4. Deliveries to and collections from the site shall only be undertaken between 08:00 hours and 18:00 hours on weekdays and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Bank and Public Holidays.

REASON: In the interests of amenity and to ensure that the development remains integrated with its surroundings as required by policy D1 of the Maldon District Local Development Plan.

5. No waste transfer processes or cleaning processes shall be undertaken on site.

REASON: In the interests of amenity and to ensure that the development remains integrated with its surroundings as required by policy D1 of the Maldon District Local Development Plan.

6. No bins or skips shall be stacked, stored or deposited on the site to a height exceeding 2.0 metres.

REASON: In the interests of amenity and to ensure that the development remains integrated with its surroundings as required by policy D1 of the Maldon District Local Development Plan.

7. No means of external illumination of the site shall be installed at the site.

REASON: In the interests of amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with policy D1 of the Maldon District Local Development Plan.

8. Within 2 months of the date of this planning permission a Flood Warning and Evacuation Plan [FWEP] shall be submitted to and approved in writing by the local planning authority. The approved measures within the Flood Warning and Evacuation Plan [FWEP] shall be implemented within one week following its written approval by the local planning authority, shall be made available for inspection by all users of the site and shall be displayed in a visible location all times thereafter.

REASON: To ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with policy D5 of the Maldon District Local Development Plan.

APPLICATION PLANS / DOCUMENTS:

Application plans:

- R8.LP01.BR Rev A – Location Plan
- R8.BP01.BR Rev A – Block Plan & Elevation
- R8.BP01.BR Rev A – Block Plan & Elevation with Vehicle Dimensions

Application supporting documents:

- Planning Statement
- Flood Risk Assessment