



**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

---

to  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**11 JUNE 2018**

<b>Application Number</b>	<b>FUL/MAL/18/00337</b>
<b>Location</b>	Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex
<b>Proposal</b>	Removal of conditions 2, 3, 4, 5 & 6 on approved planning permission <b>FUL/MAL/16/00306</b> (Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop)
<b>Applicant</b>	The Trustees - Stow Maries Great War Aerodrome Trust
<b>Agent</b>	TMA Chartered Surveyors
<b>Target Decision Date</b>	26.06.2018
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	<b>COLD NORTON</b>
<b>Reason for Referral to the Committee / Council</b>	The planning application has been called in by Cllr White on the grounds of public interest

**1. RECOMMENDATION**

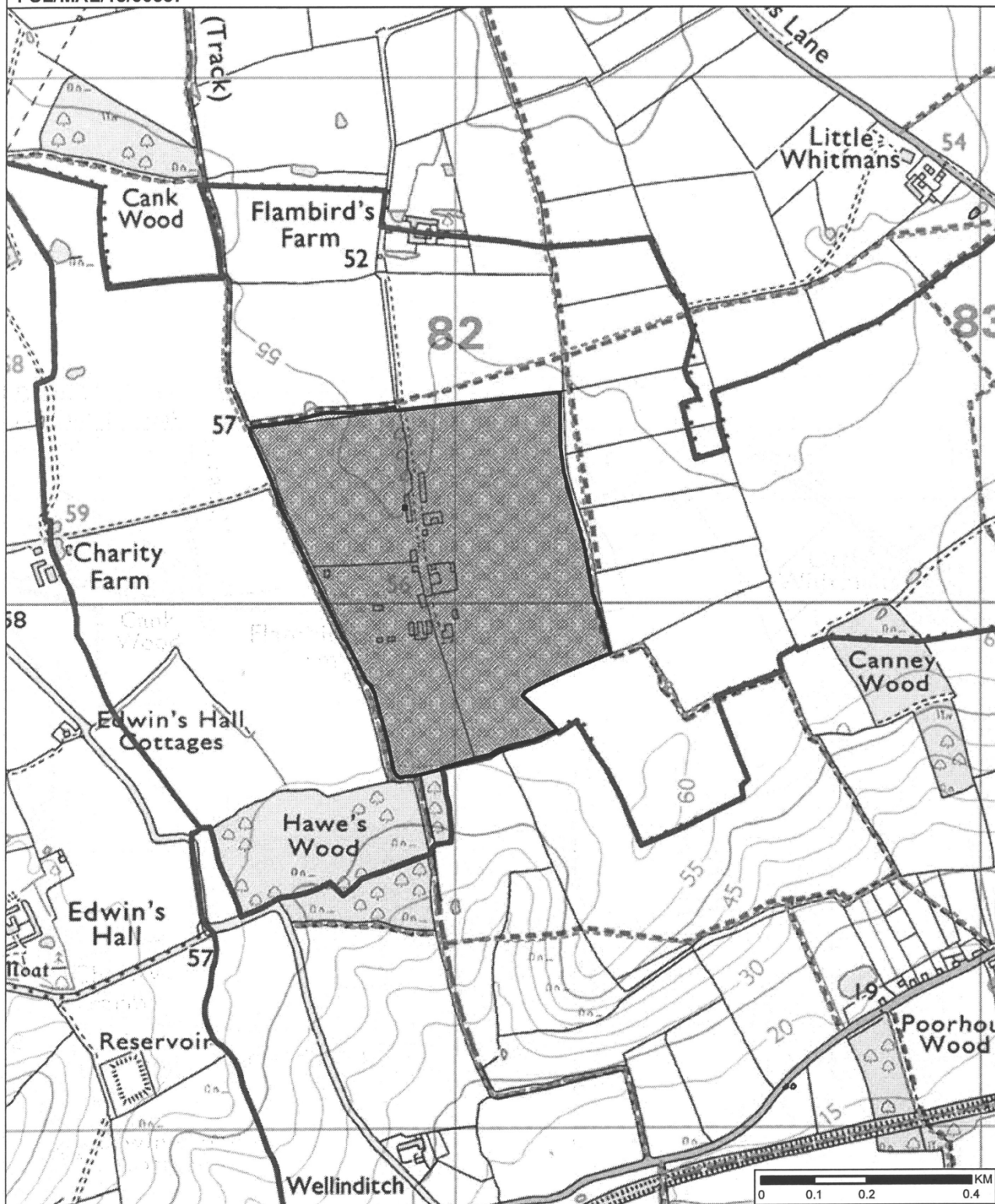
**APPROVE** with no conditions.


**2. SITE MAP**

Please see overleaf.

# Stow Maries Aerodrome, Hackmans Lane, Cold Norton

FUL/MAL/18/00337



 <p><b>Copyright</b> For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:10,000
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 18/00337/FUL
	Date:	30/05/2018
	MSA Number:	100018588
www.maldon.gov.uk		

### 3. SUMMARY

#### 3.1 **Proposal**

- 3.1.1 The Stow Maries Great War Aerodrome (SMGWA) is located off a private track from Hackmans Lane. The aerodrome is understood to be the most complete WWI aerodrome in Europe, and is therefore of outstanding architectural and historic and significance. The site is also a designated conservation area and twenty-four of the surviving buildings are Grade II\* listed.
- 3.1.2 The SMGWA was purchased from the previous private owners in 2013 with funding from the National Heritage Memorial Fund and other local and national government sources. The site is now under the custodianship of Stow Maries Great War Aerodrome Trust and is open to the general public where it runs as a charitable and educational establishment.
- 3.1.3 Planning permission was granted on 20 June 2016 for the change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum and museum shop subject to conditions in relation to contamination and sewage treatment details to be submitted to and approved by the Council (Conditions 2, 3, 4, 5 and 6). The planning conditions to be removed by this planning application are as follows:-

#### CONDITION 2

*Notwithstanding the details submitted with this application, within three months of the date of this decision, an investigation and risk assessment shall be submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:*

- (i) *a survey of extent, scale and nature of contamination;*
- (ii) *an assessment of the potential risks to:*
  - Human health,*
  - Properly (existing or proposed) including buildings, crops, livestock, pets,*
  - woodland and service lines and pipes,*
  - Adjoining land,*
  - Groundwaters and surface waters,*
  - Ecological systems*
  - Archaeological sites and ancient monuments;*
- (iii) *an appraisal of remedial options, and proposal of the preferred option(s).*

*This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.*

### CONDITION 3

*In pursuant of Condition 3, within three months of the date of this decision, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.*

*This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.*

### CONDITION 4

*The approved remediation scheme must be carried out in accordance with its terms within three months of the date of this decision by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.*

*Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.*

### CONDITION 5

*In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 2.00, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 3.00. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.*

*Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.*

#### **CONDITION 6**

*Within three months of the date of this decision, full details of the proposed sewage treatment plant shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be retained as such thereafter.*

- 3.1.4 Planning permission seeks to remove planning conditions 2, 3, 4, 5 and 6 imposed on planning application **FUL/MAL/16/00306** for the change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum and museum shop. The conditions imposed were related to contamination and sewage treatment for the site and the Applicant has provided information in support for the removal of these conditions.

### **3.2 Conclusion**

- 3.2.1 Planning permission seeks to remove planning conditions imposed on planning application **FUL/MAL/16/00306** for the change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum and museum shop in relation to contamination and sewage treatment. The Environmental Health Services has assessed the submitted details and advised that conditions 2, 3, 4, 5 and 6 are not necessary and therefore can be removed. In this respect, the proposal would accord with policy D2 of the Maldon District Local Development Plan (LDP) and Government advice contained in the National Planning Policy Framework (NPPF).

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 7, 8, 9, 14, 17, 120, 121

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

- S1 - Sustainable Development.
- S8 - Settlement Boundaries and the Countryside.
- D1 - Design Quality and Built Environment.
- D2 - Climate Change & Environmental Impact of New Development
- D3 - Conservation and Heritage Assets.
- E5 - Tourism.

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

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The application site is located outside of the settlement boundary where the general principle of development is not acceptable. However, the proposal relates to an existing use of the land and surrounding area which is known as the Stow Maries Aerodrome. As explained in Paragraph 3.1.1 in the above report, the Council recognises that the aerodrome provides an important feature for tourism in the district and the current proposal would enable the existing tourist facilities to continue working in accordance with Policy E5 of the LDP. The planning application seeks the removal of planning conditions imposed on **FUL/MAL/16/00306** and not reassessing the impact of the development.
- 5.1.2 Having considered the nature of the site and previous uses of the buildings within the complex, it is important to minimise all forms of possible pollution. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate mitigation measures. This will be discussed in the report below.

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

- 5.2.1 The location of the site outside of a defined settlement means that it is essential for any new development to protect and enhance the character and appearance of the district's landscape in accordance with Policies S1 and S8 of the LDP. Policy D1 of the LDP requires any new development to respect and enhance the character and local context and make a positive contribution, the list of criteria includes, amongst other things, (a) architectural style, use of materials, detailed design features and construction methods; (b) Height, size, scale, form, massing and proportion; and (e) historic environment particularly in relation to designated and non-designated heritage assets.
- 5.2.2 The removal of planning conditions imposed on **FUL/MAL/16/00306** would not affect the external appearance of the building which is now a museum and museum shop. Therefore the application would accord with policies D1 and D3 of the LDP.

### **5.3 Effect upon Character / Appearance of Conservation Area**

- 5.3.1 The entire site of the aerodrome is designated as a conservation area. It is therefore, essential to ensure that any new development, whether of a permanent or temporary nature, protects or enhances the special interest of the conservation area. Policy D3 of the LDP sets requirements in aiming to protect conservation areas as a form of heritage asset and the NPPF equally seeks to protect heritage assets, recognising the importance of their designation.
- 5.3.2 As detailed above, the planning application seeks to remove planning conditions imposed on **FUL/MAL/16/00306** and would not affect the external appearance of the building which is now a museum and museum shop, or the conservation area. Therefore the application would accord with policy D3 of the LDP and Government advice contained in the NPPF.

## 5.4 Contamination and Sewage

- 5.4.1 Planning permission seeks to remove planning conditions 2, 3, 4, 5 and 6 imposed on approved planning permission **FUL/MAL/16/00306** for the change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. The conditions requiring to contamination and sewage details to be submitted to the Council were suggested by the Environmental Health Services as the use of the workshops were previously used as a garage for motor vehicle repairs. For health and safety reasons, it was important that such conditions were imposed at the time to ensure that the change of use of the buildings would protect and not affect the health and well-being of the general public in accordance with policy D2 of the LDP.
- 5.4.2 As part of the application submission, the Applicant stated that *'no new buildings or development work were proposed and no contamination (or any risk of any contamination whatsoever) existed. There was not any possible risk of any contamination from the previous clean use of the buildings. A survey of the extent, scale and nature of any contamination would have been fruitless since the previous high tech use was by definition "clean". There could not have been any actual or potential risk to human health.'* Therefore the Applicant considers that condition 2 should be removed.
- 5.4.3 For condition 3, the Applicant states that *'the previous clean use of the site was such that there was no requirement for a detailed remediation scheme to bring the building to a condition suitable for the use as museum and museum shop. The building was clean and on any assessment would not have required any additional form of cleansing or remediation'*. Therefore the Applicant considers that condition 3 should be removed. Similarly Due to the previous clean use of the building, condition 4 in relation to remediation of the site would not be required. The Applicant considers that Condition 4 would not be applicable and therefore should be removed.
- 5.4.4 As no remediation schemes were required and no contamination was found on site, condition 5 would not be necessary and therefore should be removed.
- 5.4.5 In relation to condition 6, the Applicant states that *'the sewage treatment would be as existing which has served this building and the remainder of the aerodrome site for many years.'* No alterations to the system were required when the use of the building became a museum and museum shop. The previously existing system continues to function satisfactorily on site. In this instance, condition 6 should be removed.
- 5.4.6 The Environmental Health Services has assessed this application and has advised on the following:-

Condition 2 related to a general site investigation for potential contamination. This condition then usually leads in to the triggering of subsequent conditions (3-4), whilst condition 5 is effectively a "discovery strategy" which can be seen to almost stand alone and is active throughout any potential works undertaken as part of the permission.

With condition 2, there are instances where this is appropriate for such "development". A Phase 1 Survey is effectively a minimum in most cases which will include detail of a site walkover and historical consideration of activities in the

buildings, storage of chemicals, any spillage incidents, etc. The Applicant has now advised of the "clean" nature of activities undertaken in the buildings under the previous use. In the light of the additional information and assurances provided by the Applicant with this application, the Environmental Health Services is satisfied that condition 2 can be removed.

Given that condition 2 can be removed, conditions 3 and 4 are also no longer necessary.

Condition 5, as advised above, can follow on from 2-4, but likewise can also be triggered during works even where condition 2-4 have not been applicable or present. This 2018 application is now a retrospective one, and the Applicant has advised that no contamination was found. Consequently, condition 5 may also be removed.

- 5.4.7 With regard to the sewage treatment / foul drainage system to be used is that which was already in use and operable on site with no changes. Based on this additional information, the Environmental Health Services is satisfied that condition 6 is no longer necessary.

## **5.5 Conclusion**

- 5.5.1 Based on the details submitted which accompanied this application and the specialist advice from the Environmental Health Services, it is considered that planning conditions 2, 3, 4, 5 and 6 of **FUL/MAL/16/00306** can be removed as there would be no contamination or pollution risks arising from the use of the building. Therefore, the planning application would accord with condition D2 of the LDP and Government advice contained within the NPPF.

## **6 Relevant Site History**

- **FUL/MAL/09/00050** – Change of use of Buildings 3 & 4 to workshop and ancillary office accommodation (B1 use). Approved 27.05.09.
- **FUL/MAL/09/00237** – Emergency services access way. Approved: 22.05.2009.
- **FUL/MAL/09/00239** – Renovation of building 15 for visitor centre & museum including re-roofing. Approved: 26.03.2009.
- **FUL/MAL/09/00250** – Re-instatement of airfield and erection of aircraft hanger. Approved: 15.06.2009.
- **CON/MAL/09/00251** – Demolition of dwelling and grain store in order to erect 2 no. aircraft hangers. Approved: 22.05.2009.
- **FUL/MAL/09/00252** – Conversion of former MT building and cart shed to B1 business use and model flying club accommodation. Approved: 29.05.2009.
- **FUL/MAL/09/00300** – Proposed Aircraft Hanger. Approved: 12.06.2009.
- **FUL/MAL/09/00413** - Construction of 3 ponds and related access-ways. Approved: 10.07.2009.
- **FUL/MAL/09/00696** - Renovation of former pilots ready rooms and erection of 2no. wind socks. Approved: 06.10.2009.
- **FUL/MAL/09/00699** - New and replacement huts for WW1 Museum. Approved: 06.10.2009.



- **FUL/MAL/11/00429** - Erection of temporary aircraft hangar. Approved: 28.09.2011.
- **FUL/MAL/14/00574** - Retrospective application for erection of temporary hangar (3 years) for storage and maintenance of historic aircraft. Approved: 08.10.2014.
- **LBC/MAL/14/00575** - Retrospective application for erection of temporary hangar (3 years) for storage and maintenance of historic aircraft. Approved: 08.10.2014.
- **LBC/MAL/15/00830** - Proposed alterations to reinstate the existing brick pier to the West elevation of the MT shed to match the existing adjacent exactly and to install additional wind bracing to the metal rafters of the MT shed to provide lateral support to the roof and the gable walls. Proposed reinstatement of existing slate cat-slide roof to the South end of the West elevation of the RE workshop. Approved: 09.11.2015.
- **LBC/MAL/15/00832** - Proposed works for the careful demolition of the existing non-original timber framed and corrugated iron clad cart lodge to the North of the MT Shed. Approved: 09.11.2015.
- **FUL/MAL/16/00306** - Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. Approved: 20.06.2016
- **LBC/MAL/16/00307** - Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. Approved: 20.06.2016.
- **FUL/MAL16/01142** –Planning application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take offs and landings, and arrangements for Special Public Event days. Refused: 27.07.2017.
- **LBC/MAL/16/01143** - Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome. Pending Consideration.
- **LBC/MAL/16/01155** - Proposed works to the existing officers mess building to carefully remove the existing decayed asbestos roof covering and replace with a profiled cement fibre board to match the existing profile: works to the south elevation to infill existing enlarged openings to install new doors, windows and entrance canopy to reinstate the facade to the original appearance. Approved: 20.12.2016.
- **FUL/MAL/17/01071** - Variation of conditions 13 & 14 on approved planning permission
- **FUL/MAL/09/00250** (Re-instatement of airfield and erection of 2 no. aircraft hangers to match former buildings on site). Pending consideration.
- **FUL/MAL/17/01120** - Retention of temporary hanger for display, storage and maintenance of historic aircraft. Approved: 10.01.2018.
- **LBC/MAL/17/01121** - Retention of temporary hanger for display, storage and maintenance of historic aircraft. Grant Listed Building Consent: 10.01.2018.

- **FUL/MAL/17/01456** - Proposed change of use from vacant building to B1 office use, Stabilisation works, replacement metal framed windows and demolition of existing non-original timber framed extension. Approved: 13.02.2018.
- **LBC/MAL/17/01457** - Proposed change of use from vacant building to B1 office use, Stabilisation works, replacement metal framed windows and demolition of existing non-original timber framed extension. Grant Listed Building Consent: 13.02.2018.
- **FUL/MAL/18/00413** - Structural stabilisation works to buildings 29, 31, 32, 33, 33A and 34 replacement and repair of existing timber windows and doors. Pending consideration.

## 6. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Cold Norton Parish Council	No comment on this planning application	Noted
Stow Maries Parish Council	No comments received at the time of writing this report	Noted

### 6.2 **Internal Consultees (*summarised*)**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health Services (EHS)	No objection to the removal of conditions 2, 3, 4, 5 and 6	Noted in the officer report

### 6.3 **Representations received from Interested Parties (*summarised*)**

6.3.1 No letters of representation have been received at the time of writing this report

## 7. **PROPOSED CONDITIONS**

No conditions to be imposed.