



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

**To
NORTH WESTERN AREA PLANNING COMMITTEE
15 MAY 2017**

Application Number	FUL/MAL/17/00203
Location	Land Adjacent Orchard Cottage, Hatfield Road, Langford, Essex
Proposal	Proposed outbuilding for storage of historic motor vehicles with change of use to private garages in association with the main property.
Applicant	Mr Lester Magness
Agent	Mr Tony James - Anthony. G. James RIBA
Target Decision Date	22.05.2017
Case Officer	Yee Cheung TEL: 01621 876220
Parish	LANGFORD
Reason for Referral to the Committee / Council	Major Application

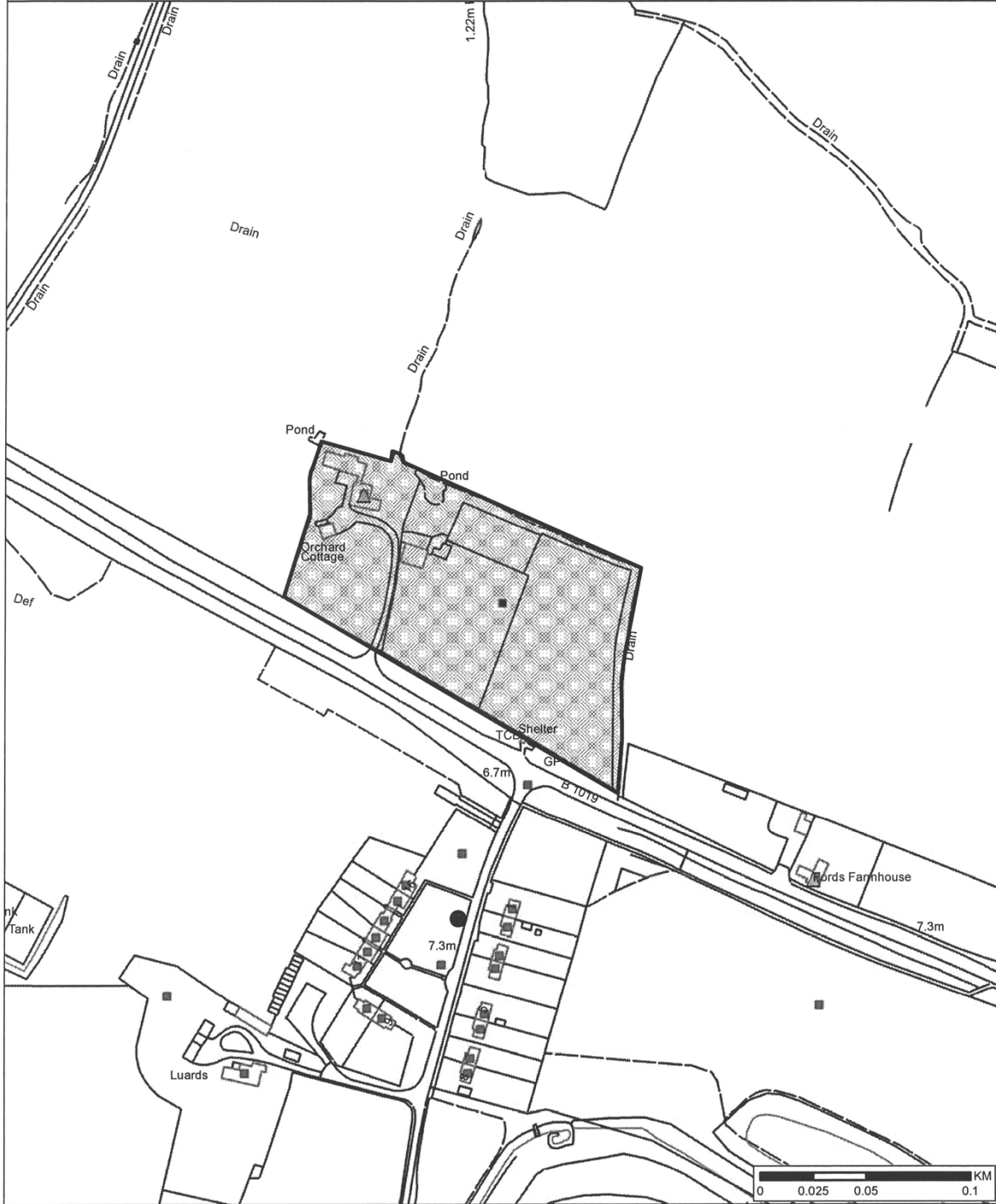
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Land Adjacent Orchard Cottage, Hatfield Road, Langford
FUL/MAL/17/00203



 <p>MALDON DISTRICT COUNCIL</p> <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p> <p>www.maldon.gov.uk</p>	Scale:	1:2,500
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/00203
	Date:	05/05/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The current application is a resubmission following a recent refusal by application FUL/MAL/16/01088 for the construction of an outbuilding for storage of historic motor vehicles including change of use to class B8. The application was refused for the reasons set below:-

1. *The proposed use of the building for B8 use would result in an unrestricted industrial use in the countryside, to the detriment of the character and appearance of the locality, contrary to the requirements of BE1 and CC6 of the Maldon District Replacement Local Plan, D1 of the submitted LDP, and the National Planning Policy Framework.*
2. *The Flood Risk Assessment submitted with this application fails to demonstrate that the development will be safe for its lifetime, taking into account climate change. As such, the proposal fails to comply with the requirements set out in paragraph 94 and 102 of the National Planning Policy Framework and Policy D5 of the submitted Local Plan.*

3.1.2 The application site is located to the north of Hatfield Road and comprises a manege and paddock land associated with Orchard Cottage, Hatfield Road. The site is located within a predominantly rural area, with open countryside located to the north and east. Orchard Cottage, the Grade II listed donor property, is located to the west of the site.

3.1.3 Full planning permission is sought to demolish an existing outbuilding on site and for the erection of a building to be used to store classic motor vehicles solely by the Applicant. This building would be located within the existing manege, to the east of the existing outbuildings associated with Orchard Cottage.

3.1.4 The current application forms an amendment to application FUL/MAL/16/01088 which was refused for the reasons set out in Paragraph 3.1.1 of the report. There will be no changes to the external dimensions, scale, height, bulk and design of the development proposal.

3.1.5 The building takes the form of an 'L' shape with a central element and one wing projection forming a courtyard. The building measures approximately 28.1 metres in length, between 6.5 metres and 14.1 metres deep with a height of 6 metres to ridge level. The external materials are to include black boarding with brick plinth and clay pantiles to the roof.

3.1.6 It is proposed that the building would accommodate eight car parking spaces and a stable element.

3.2 Conclusion

3.2.1 The current application relates to the demolition of an existing outbuilding on the site, which accommodates a stable block, and to erect a new outbuilding for the storage of classic motor vehicles. The proposal has overcome the two reasons for refusal as set

out in planning application FUL/MAL/16/01088 and as such, the proposal would be in compliant with Development Plan Policies.

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, 14, 17, 56, 60, 99, 100, 109

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 - Development Outside Development Boundaries
- BE1 - Design of New Development and Landscaping
- BE16 – Extensions, Alterations to and Additional Buildings in the curtilage of Listed Buildings
- CC6 - Landscape Protection.
- CC7 – Special Landscape Areas
- T1- Sustainable Transport and Location of New Development
- T2 - Transport Infrastructure in New Developments
- T8 - Vehicle Parking Standards

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- D1 - Design Quality and Built Environment
- D3 - Conservation and Heritage Assets
- D5 – Flood Risk and Coastal Management
- N2 - Natural Environment and Biodiversity
- T1 - Sustainable Transport
- T2 - Accessibility
- S1 - Sustainable Development
- S8 - Settlement Boundaries and the Countryside

4.4 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 principle of constructing an outbuilding to provide incidental facilities in association with residential use of the site is considered acceptable and in compliance

with Development Plan Policies. Other material planning considerations are discussed below.

5.2 Design and Impact on the Character of the Area

5.2.1 The NPPF advises on good design and in paragraph 56 states that:

‘The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’

5.2.2 Such design principles are dealt with by policy BE1 of the adopted local plan which seeks to ensure that new development is compatible with its surroundings in terms of design, scale, layout, appearance and architectural style and make a positive contribution to the landscape and open countryside. It should be noted that design is not just about how buildings will appear visually, but also how buildings function and relate to their surroundings, with regard to sustainable development. Policy D1 of the Local Development Plan deals with design quality and the built environment and is applicable to the consideration of this application.

5.2.3 Furthermore the core planning principles of the NPPF includes recognition of the intrinsic character and beauty of the countryside. Paragraph 109 of the NPPF advises that valued landscapes should be enhanced and protected. Policy CC6 of the Local Development Plan is also relevant when considering this application, as it seeks to ensure that no harm is caused to the landscape character of the locality of the application site.

5.2.4 In the previous planning application FUL/MAL/16/01088, the Council had raised concerns regarding the overall scale and bulk of the outbuilding and its impact on the rural character of the area. The planning application was presented to Members at the North Western Area Planning Committee on 28 November 2016. Members at that committee had raised no concerns regarding the scale, bulk, height, design and appearance of the proposed development but the use of the building for B8 purposes (Class Use B8 ‘Storage and Distribution’).

5.2.5 The current scheme would form a ‘L’ shaped building with a maximum length of 28.1 metres, 14.1 metres in depth with a maximum height of 6 metres to ridge level. The external materials to be used would include black boarding with brick plinth and clay pantiles to the roof. As the development would be akin to outbuildings which are commonly found in rural areas, it is considered that the development would broadly be in compliance with policy BE1 of the adopted local plan and policy D1 of the Local Development Plan. The removal of the use of the building for B8 purposes would go further to protect the countryside and its wider rural setting in accordance with policy CC6 of the adopted local plan.

5.3 Impact on Residential Amenity

5.3.1 The nearest residential property would be the donor property Orchard Cottage at a distance of 35 metres. Given the distance of the proposed new building from the neighbouring property, concerns regarding overlooking and overshadowing are not considered to be demonstrable to the neighbouring amenity.

5.3.2 Having considered the use of the site and the building for the storage of historic cars to be used for the existing occupiers at 'Orchard Cottage', it is considered that the development would not have a detrimental impact on the neighbouring residential properties by reason of noise and disturbance to warrant a refusal. An appropriately worded planning condition can also be imposed to restrict the use of the building solely to the storage of classic cars, to ensure the amenity of the area is protected.

5.4 Access, Parking and Highway Safety

5.4.1 The existing access to the site on the southern boundary of the site would be utilised as part of this application. It is considered that the proposed vehicular access would not be to the detriment of highway safety or the free flow of traffic. Furthermore, Essex County Highways made no comments in relation to the proposal.

5.4.2 Given the nature of the proposed building for the storage of classic cars, the requirement for additional parking outside of the storage building is not considered to be a requirement. The site is however considered to be large enough to accommodate additional vehicles and to provide sufficient turning facilities if necessary.

5.5 Impact on the Conservation Area and adjacent Listed Building

5.5.1 The site is located opposite the Chelmer and Blackwater Navigation Conservation Area and therefore policy BE13 of the adopted local plan is applicable to this current scheme. This policy states that development in conservation areas would only be permitted if criteria can be met relating to design, protection of important open spaces, protection of views within, into and out of the conservation area and trees and landscape features. Although the site is not in the conservation area, development of this site has potential to affect the views of the conservation area. The NPPF also indicates the importance of protecting the historic environment.

5.5.2 In addition, the application site is located adjacent to Orchard Cottage, a late-medieval hall house which is Grade II listed. Policy BE16 seeks to protect the setting of listed buildings and is therefore relevant.

5.5.3 The impacts of the proposal on the setting of the listed building, or on the character and appearance of the conservation area, was not raised as a concern in determining the previous scheme on the site. The Conservation Officer has been consulted and has raised no objection to the proposal as the development would not cause harm to the setting or significance of Orchard Cottage.

5.5.4 Based on the above, it is considered that the proposal would comply with policies BE13 and BE16 of the adopted local plan and core planning principles and guidance contained in the NPPF.

5.6 Flood Risk

5.6.1 The Environmental Agency's maps show the application site lies within fluvial Flood Zone 3a, 2 and 1, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high, medium and low probability of flooding respectively. The

proposal is for a building for storage of historic motor vehicles, which is classified as a 'less vulnerable'

5.6.2 In support of the planning application, a site specific Flood Risk Assessment (FRA) has been submitted to the Council. The FRA provides information regarding the characteristics of flooding at the site, now and at the end of the development lifetime. The 'Site Proposal' section of the FRA, referenced 14-5548 Revision E dated January 2017 provides information regarding the site/finished floor levels. These levels can be compared with modelled flood levels to determine potential flood depths. The FRA states that the finished floor level will be set at 7.48m AOD, which is above the 1 in 100 year plus climate change flood level at the site.

5.6.3 The Environment Agency has been consulted and has raised no objection to the proposal subject to conditions. No objection or further comments have been raised by the Emergency Planner or the ECC SUDs Team.

6. ANY RELEVANT SITE HISTORY

- FUL/MAL/14/01013 - Proposed outbuilding for storage of historic motor vehicles including change of use to class B8. Withdrawn 17 December 2014
- FUL/MAL/15/00738 - Proposed outbuilding for storage of historic motor vehicles including change of use to class B8. Refused and Dismissed at appeal
- FUL/MAL/16/01088 - Proposed outbuilding for storage of historic motor vehicles including change of use to class B8. Refused on 06.01.2017

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Langford and Ulting Parish Council	The planning application has been amended so that it addresses previous reasons for refusal.	Noted in Section 7.1 of the report

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No comments to make on this application	Noted in Section 5.4.1 of the report
Environment Agency	No objection subject to conditions	Noted in Section 5.6 of the report
Emergency Planner	I have considered the above application and deem the information contained in the flood risk	Noted in Section 5.6.3 of the report

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	assessment suitable for the development. I have no further comments to make in terms of emergency planning.	
ECC SUDs Team	Whilst the site area is over 1ha, the proposed built development is only 232m ² as stated in the FRA. Our threshold to comment is 0.1ha of impermeable created by the development and therefore we will not be providing formal comments on the site.	Noted in Section 5.6.3 of the report

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Services	No objection subject to conditions and informatives	Noted in Section 8 of the report
Conservation Officer	The building will not cause harm to the setting or significance of Orchard Cottage, which is a late-medieval hall house and Grade II listed	Noted in Section 5.5 of the report

7.4 Representations received from Interested Parties (*summarised*)

No letters of representation received at the time of writing this report. Any comments received will be reported on the Members Update.

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: To ensure that the development is carried out in accordance with the details as approved.

3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

REASON: To ensure that the external materials used in the development would be appropriate to the conservation area in accordance with policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan, policies D1 and D3 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.

4 Prior to the commencement of the development a surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To ensure appropriate surface water drainage is available at the site in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan, policy D5 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.

5 The development hereby permitted shall only be used for those purposes incidental to the use of the dwelling house 'Orchard Cottage' to which it relates.

REASON: To protect the visual and residential amenity of the rural area in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.

6 The development hereby approved shall be carried out in strict accordance with the approved Flood Risk Assessment (FRA) prepared by Ken Rush Associates, referenced 14-5548 and dated January 2017 (Rev E) and the FRA Addendum dated March 2017 and the following mitigation measures detailed within the FRA:-

1. Finished ground floor levels are set no lower than 7.48 metres above Ordnance Datum (AOD).
2. The compensatory storage scheme involving the removal of the raised bund and the extension of the ditch shall be completed prior to completion of the proposed development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the risk of flooding to the proposed development and future occupant of the site in accordance with policy D5 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

INFORMATIVES

- 1 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.
- 2 The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance for Applicants and Developers and UK best-practice guidance.
- 3 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 4 The Flood Risk Assessment does not propose including flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding.

The Environment Agency recommends that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing. Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Information on preparing property for flooding can be found in the documents 'Improving the flood performance of new buildings' and 'Prepare your property for flooding' (<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings> and <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>).