



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
2 SEPTEMBER 2020**

Application Number	20/00411/FUL
Location	Land South Of Red Lyons Lodge, Burnham Road, Latchingdon Essex
Proposal	New dwelling with cart lodge garage
Applicant	Mr Baldock
Agent	Mr Sebastian Walsh - Hibbs And Walsh Associates Ltd
Target Decision Date	EOT 07.08.2020
Case Officer	Annie Keen
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Departure from Local Plan

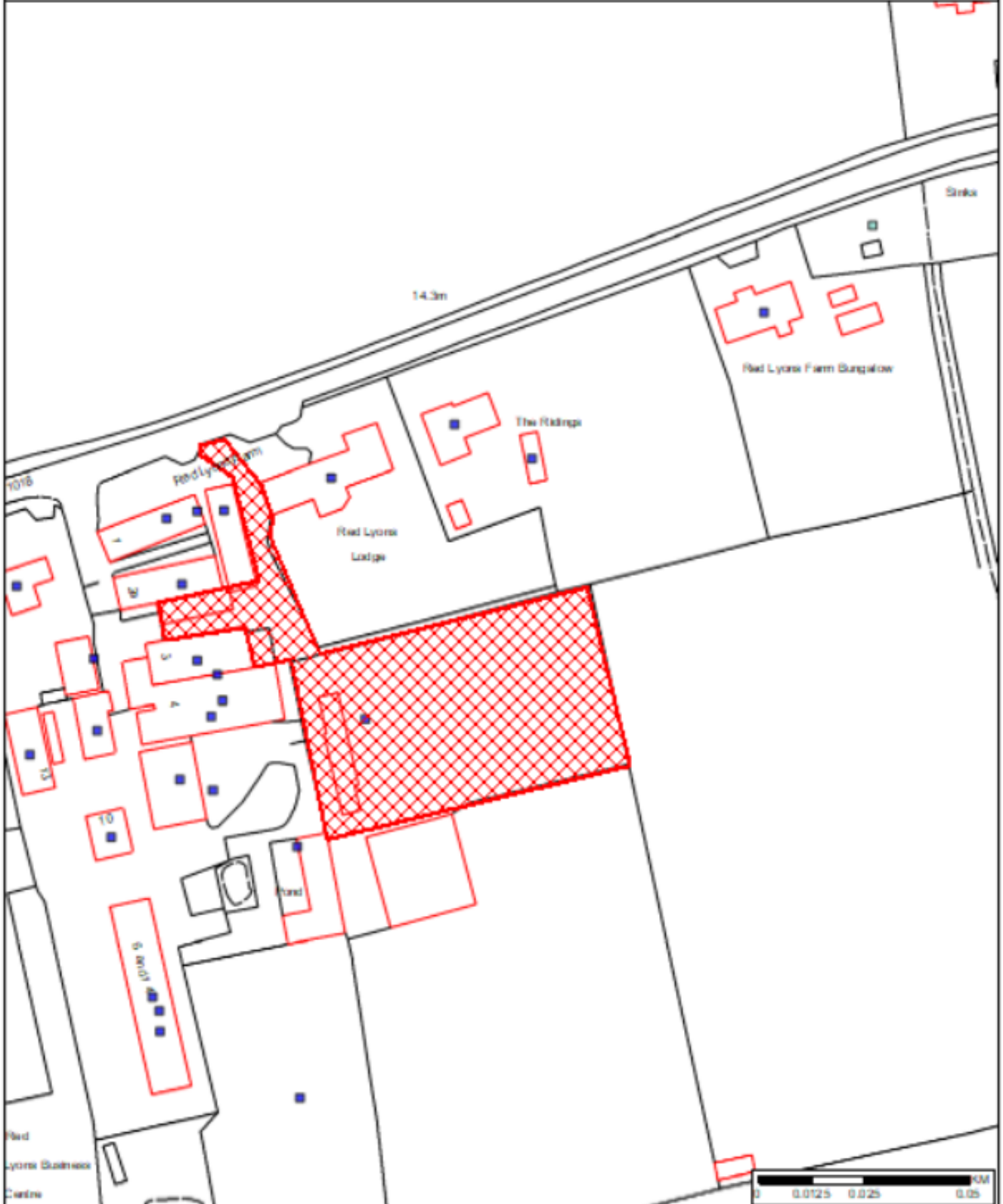
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Land South of Red Lyons Lodge, Latchingdon
20/00411/FUL



 <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. Unauthorized 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:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Area Committee
	Date:	13/07/2020
MSA Number:	100018588	

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the south of Burnham Road outside the settlement boundary of Latchingdon. The site would be situated to the south of Red Lyons Lodge and to the east of the commercial units of Red Lyons Farm. The buildings on the site at present comprise of stables and an outbuilding, the dwelling that occupied the site has been demolished.
- 3.1.2 Planning permission is sought for the construction of a one and a half storey detached dwelling with an associated detached garage and studio. The proposed dwelling would have rooflights, solar panels, a balcony and an external staircase.
- 3.1.3 The proposed dwelling would measure 25.9 metres in width and 17.5 metres in depth with a maximum eaves height of 4.6 metres and a maximum ridge height of 7.5 metres. The proposed eastern projection would measure 5.4 metres in width and 1.1 metres in depth with a maximum height of 3.8 metres to the top of the balustrade.
- 3.1.4 The proposed garage would measure a maximum of 11 metres in width and a maximum of 8.5 metres in depth with an eaves height of 2.6 metres and a ridge height of 6.3 metres.
- 3.1.5 The proposed external materials would be grey slate stone cladding with conservation weathered clay roof tiles and Indian sandstone paving.
- 3.1.6 This application follows 16/01484/FUL which was approved on 14 March 2017, there have been no alterations made to the design of the proposed development.

3.2 Conclusion

- 3.2.1 The principle of developing a dwelling in this general location has been established by the previous use of the site as residential and through the granting of previous planning permissions. There have been no alterations made to the scale or design of the proposal since that approved under 16/01484/FUL and the development would not detrimentally impact upon car parking, private amenity or neighbouring occupiers. The proposed development would therefore be in accordance with the policies contained within the Local Development Plan (LDP) and the guidance within the Maldon District Design Guide (MDDG) and 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 2019 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
- 117 – 123 Making effective use of land
- 124 – 132 Achieving well-designed places
- 170-183 Conserving and enhancing the natural environment

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
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Planning Policy Guidance (PPG)
- Maldon District Design Guide (MDDG)
- Maldon District Vehicle Parking Standards SPD (VPS)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.

5.1.2 Along with policies S1 and S2, policy S8 of the approved LDP seeks to direct development to within settlement boundaries. This is to ensure the countryside will be protected for its landscape, natural resources and ecological value as well as its character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.

5.1.3 Although the proposed development is a departure from the development plan, consideration should be had to the three previous approvals for replacement dwellings on the site. Due to these previous approvals the principle of a new dwelling has been established and accepted. The applicant states the existing dwelling has been demolished in line with the Condition 5 of application 16/01484/FUL which stated, *'prior to commencement of the development hereby approved, the existing dwelling*

on the site shall be demolished and the resulting material removed from the site', however three years have passed since the granting of this approval and no applications have been received to discharge the other pre-commencement conditions of the approval.

- 5.1.4 The above-mentioned permission was subject to pre-commencement conditions relating to samples of materials, details of hard and soft landscaping works, ground floor slab levels and foul and surface water drainage, but these were never discharged.
- 5.1.5 It is considered that the ground floor slab level and the foul and surface water drainage conditions, in particular, were a condition precedent that goes to the heart of the permission. Therefore, the failure to discharge these conditions prior to the commencement of the works means that technically the permission was not implemented and there is no extant permission. However, an appeal decision (APP/X1545/W/18/3194812) discussed when, in the event that planning permission is not granted, an enforcement notice is served or an appeal dismissed and there is a realistic prospect the original permission could be implemented which would result in a very similar residential development being brought forward at the appeal site, then the historic permission is considered a material consideration of significant weight.
- 5.1.6 Having regard to the above, there are a no alterations proposed between the previous permission and that subject of this application and therefore it is considered that despite the previous permission not being extant it is a material consideration in the determination of this application. Consequently, given the fact that the principle of development has previously been established at the site it is not considered reasonable to raise an objection as part of this application.

5.2 Housing Need and Supply

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 60 of the NPPF where it requires local authorities *'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for'*. Paragraph 61 continues stating that *"Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies"*.
- 5.2.2 Following the publication of the February 2019 Government results of the Housing Delivery Test (HDT), the Council has revised the October 2018 Five Year Housing Land Supply (5YHLS) statement to apply a 5% buffer for choice and competition. On the basis of the March 2019 5YHLS results the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' (6.34) worth of housing against the Council's identified housing requirements.
- 5.2.3 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two-bedroom units to create a better housing offer and

address the increasing need for smaller properties due to demographic and household formation change.

- 5.2.4 Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the SHMA shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two-bedroom units, with around 71% of all owner-occupied properties having three or more bedrooms. The Council therefore encourages in policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.5 The proposed development would provide one five bedroomed dwelling and therefore, it would not contribute towards the identified need for smaller dwellings.
- 5.2.6 Although it is accepted that the Council can demonstrate a housing supply in excess of five years, it is considered for all the reasons explained in the 'Principle of Development' section of this report, it would be unreasonable to raise an objection to the proposed dwelling at this location.

5.3 Design and Impact on the Character of the Area

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:
- “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*
- “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.*
- 5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;

- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

5.3.4 Policy H4 states that “*all development will be design-led and will seek to optimise the use of land having regard to the following considerations:*

- 1) *The location and the setting of the site;*
- 2) *The existing character and density of the surrounding area;*
- 3) *Accessibility to local services and facilities;*
- 4) *The capacity of local infrastructure;*
- 5) *Parking standards;*
- 6) *Proximity to public transport; and*
- 7) *The impacts upon the amenities of neighbouring properties”.*

5.3.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

5.3.6 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

5.3.7 The application site lies outside the defined settlement boundaries. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.3.8 The application site is located to the rear of Red Lyons Lodge within an area of land used as a paddock. The existing stables to the south of the site and outbuildings shown in orange on the Block Plan are to be removed whilst the stables to the west are to be retained.

5.3.9 The proposed dwelling, which would have the appearance of an old stone barn, would be a large addition to the site along with a detached cartlodge with a first-floor studio. The dwelling would be one and a half stories in height with an external staircase to the first floor. The dwelling would be located close to the southern boundary of the site, in the same location as the previously approved application 16/01484/FUL.

5.3.10 The proposed design of the dwelling has not been altered since the previously approved application with the proposed design taking the form of a traditional

masonry barn. The dwelling would be clad in grey slate stone with narrow slit windows and a large window that can be covered with double “doors”. The structure, which would be 1.5 stories in height, would have roof lights but no dormer windows. A balcony is proposed on the southern elevation which is not characteristic of a traditional “barn” style feature, however, this does not detract from the appearance of the dwelling. The proposed design was previously approved under application 16/01484/FUL and therefore no objections are raised to the proposed design of the dwelling.

- 5.3.11 The proposed cartlodge / studio would be located near to the western boundary of the site. The proposed design of the cartlodge / studio, which would form an ‘L’ shape with a pitched roof and a rooflight in the northern roof slope, has not been altered since the previously approved scheme. Due to this no objection is raised regarding the proposed garage/studio.
- 5.3.12 The proposed materials are the same as that approved under 16/01484/FUL and therefore no objections are raised to the proposed materials.

5.4 Impact on Residential 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. Similarly, policy D2 of the approved LDP requires all development to minimize all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.4.2 The nearest existing dwelling is ‘Red Lyons Lodge’ which is located 49 metres to the north west. Due to the separation distance and hedging separating the two properties it is considered the proposed dwelling would not result in overlooking, overshadowing or be unduly overbearing. It is therefore considered; the development will not adversely affect the amenities of neighbouring occupiers.

5.5 Access, Parking and Highway Safety

- 5.5.1 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.
- 5.5.2 The proposed dwelling will utilise an existing access and adequate car parking provision would be provided to the front of the proposed dwelling. A consultation response from the Highways Authority raised no objections to the proposal subject to conditions relating to unloading / loading and storage of materials. However, this condition is not considered reasonable due to the small-scale nature of the development.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.6.2 The private amenity space that adjoins the dwelling exceeds the required 100m² stated in the Maldon District Design Guide. Most of the boundaries are marked by trees or post and rail fencing including the paddock area. The application suggests that the existing post and rail fencing be retained. Previous approvals have required that hedging be provided along most of the boundaries, but it is suggested that the only direct interface with open countryside is eastern and south eastern boundaries of the paddock where the domestic garden would be formed. It is recommended that if the application is to be approved, hedging should be required for these boundaries only.

5.7 Ecology regarding development within the Zone of Influence (ZoI) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)

- 5.7.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within Maldon District Council(MDC) are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational ‘zones of influence’ of these sites cover the whole of the Maldon District.
- 5.7.2 Natural England anticipate that, in the context of the local planning authority’s duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered ‘alone’ or ‘in combination’. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.7.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) - Natural England have provided an HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.4 The application site falls within the ‘Zone of Influence’ for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.

5.7.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.

5.7.6 To accord with Natural England's requirements, an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows (read in relation to **APPENDIX 1**):

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes - The planning application relates to one dwelling

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

5.7.7 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.

5.7.8 In this instance, given that this was not a requirement as part of the previous permission and there is a reasonable assumption that this scheme could be implemented if this one was refused, it is considered that it would be unreasonable to require the developer to provide a contribution at this time.

5.8 Other Material Considerations

5.8.1 The proposed dwelling will be sited within the same area as the previously approved dwelling so that both schemes could not be implemented; there is therefore no need

for a planning obligation to secure non-implementation of the existing 2016 permission.

- 5.8.2 The conditions imposed on 2016 permission have been reviewed and have been re-imposed where they are considered to meet the six tests for planning conditions. Some of the conditions have been amended to reflect updated guidance.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
11/01098/FUL	Demolish dwelling house, store, three stables buildings, barn and hay barn and erect replacement dwelling house and cart lodge/garage, stables and hay barn	Approved
15/00012/FUL	Demolish dwelling house, store, three stable buildings, barn and hay barn. Erect replacement dwelling house and cart lodge/garage, stables and hay barn	Approved
16/01484/FUL	Demolish existing dwelling house, store, 2 stable buildings, hay barn and erect replacement dwelling house and detached garage/cart lodge	Approved

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	Unanimously supported by the Parish Councillors	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	As the proposal is utilising the existing vehicular access, the Highway Authority has no objection to the proposal, subject to conditions.	Comments noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No response	N/A

7.4 Representations received from Interested Parties

7.4.1 There were no letters of representation received for this application.

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)
- 2 The development shall be carried out in accordance with the following approved plans and documents: 20/26/01, 20/26/02 Rev A, 20/26/03 Rev C, 20/26/04 Rev A, 20/26/05 Rev A, 20/26/06 Rev A, 20/26/07, 20/26/08, 20/26/09.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No development works above ground level shall take place until written details or annotated high-quality photographs of 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 the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- 4 Within the first available planting season (October to March inclusive) following the commencement of the development a hedgerow shall be planted and maintained along the boundaries of the access to the site and along the east and south eastern boundaries of the site. Unless otherwise first agreed in writing with the local planning authority the hedgerow shall be of the following specification: -
 - Field Hedge - A mixed indigenous hedgerow to be made up of at least 80% Hawthorn (*Crataegus monogyna*), with the remaining a mixture of other locally indigenous species such as holly, hazel, blackthorn, or elder, and incorporating within the hedgerow trees of a species chosen from the following - Oak (*Quercus robur*), Ash (*Fraxinus excelsior*), Field Maple (*Acer campestre*). The hedgerow plants shall be planted as a double staggered row, with rows 300mm apart and plants spaced at 450mm centres along each row.
 - The plants shall be planted into ground previously cleared of all weed growth and mulched with a fabric / polythene sheet mulch and/or organic mulch.
 - Shrub guards should be used to protect the plants. If within five years of the planting of the hedge any plant is removed, uprooted, destroyed or dies

another plant of the same species and size shall be planted in the first available planting season, unless the local planning authority gives written consent to any variation.

REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

6 The outbuildings hereby permitted shall only be used for those purposes ancillary and incidental to the use of the dwelling house to which it relates and not for any commercial or business purpose or as annex accommodation. The stables hereby to be retained shall be used solely for the private stabling of horses and no business or commercial use including for the purposes of livery or any riding school activity shall take place at the site.

REASON: To ensure the outbuildings are used for their specific and justified purpose in the interests of site's location within the rural countryside in accordance with policies S8 and D1 of the Local Development Plan.

7 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON: To protect the character and appearance of the rural countryside from any significant outbuilding development within the site in accordance with policies S8 and D1 of the Local Development Plan.

8 There shall be no raising of ground levels within the site and no development works above ground level shall occur before details of the ground floor slab level have been submitted to and approved by the local planning authority and the scheme shall be implemented in accordance with the details so approved.

REASON: To ensure that the visual impact of the development in its wider setting is respected in accordance with policies S8 and D1 of the Local Development Plan.

9 No development works above ground level shall take place until full details of hard landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard-landscaped areas with the colour materials and finishes to be used and the proposed method(s) of surface water drainage. The hard landscape works shall be carried out as approved prior to the first occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority.

REASON: To ensure the appearance of appropriate hardstanding within the rural area and appropriate methods of releasing surface water through permeable surfaces across the site in accordance with policies S8 and D1 of the Maldon District Local Development Plan.

10 No development works above ground level shall commence until details of the foul and surface water drainage schemes to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed schemes shall be implemented prior to the first occupation of the development.

REASON: To ensure that no flood risk is presented to the occupiers of adjacent land and to prevent potential pollution in accordance with policy D5 of the Maldon District Local Development Plan.

Stage 1 of the HRA

Application No:	20/00411/FUL
Location:	Land South Of Red Lyons Lodge, Burnham Road, Latchingdon Essex
Proposal:	New dwelling with cart lodge garage
Consultation Expiry Date:	17.07.2020
Application Expiry Date:	07.08.2020
Parish Council Response:	Support
Case Officer:	Annie Keen
Recommendation:	GRANT PLANNING PERMISSION

1 Site Description

- 1.1 The application site is located to the south of Burnham Road outside the settlement boundary of Latchingdon. The site would be situated to the south of Red Lyons Lodge and to the east of the commercial units of Red Lyons Farm. The buildings on the site at present comprised of stables and an outbuilding, the dwelling that occupied the site has been demolished.

2 The Proposal

- 2.1 Planning permission is sought for the construction of a one and a half storey detached dwelling with an associated detached garage and studio. The proposed dwelling would have rooflights, solar panels, a balcony and an external staircase.
- 2.2 The proposed dwelling would measure 25.9 metres in width and 17.5 metres in depth with a maximum eaves height of 4.6 metres and a maximum ridge height of 7.5 metres. The proposed eastern projection would measure 5.4 metres in width and 1.1 metres in depth with a maximum height of 3.8 metres to the top of the balustrade.
- 2.3 The proposed garage would measure a maximum of 11 metres in width and a maximum of 8.5 metres in depth with an eaves height of 2.6 metres and a ridge height of 6.3 metres.
- 2.4 The proposed external materials would be grey slate stone cladding with conservation weathered clay roof tiles and Indian sandstone paving.
- 2.5 The proposed level of useable private amenity space would measure approximately 1125m².

3 Assessment

- 3.1 The Conservation of Habitats and Species Regulations 2017, section 24 (Assessment of implications for European sites) states that:

APPENDIX 1

Where it appears to the appropriate nature conservation body that a notice of a proposal under section 28E(1)(a) of the WCA 1982 relates to an operation which is or forms part of a plan or project which -

- (a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and*
- (b) is not directly connected with or necessary to the management of that site,*
they must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

3.2 Where any plan or project may have a “likely significant effect” (LSE) on a European site (as in this case) the HRA process must be followed. This is generally considered to consist of four stages which are:

1. Screening for an LSE
2. Appropriate Assessment (AA) and the Integrity Test
3. Alternative Solutions
4. Imperative reasons of overriding public interest (IROPI) and compensatory measures

3.3 The proposal falls below the threshold of that which would receive bespoke advice. Therefore, the proposed works were considered against the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 by Maldon District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

3.4 The Local Planning Authority have carried out screening for a likely significant effect and it is considered that due to the proposal only relating to one dwelling and that there would be limited additional residential activity, it is not considered that there would be a likely significant effect on any designated sites. Therefore, having carried out a ‘screening’ assessment of the project, the competent authority has concluded that the project would not be likely to have a significant effect on any European site, either alone or in combination with any other plans or projects (in light of the definition of these terms in the ‘Waddenzee’ ruling of the European Court of Justice Case C – 127/02) and an appropriate assessment is not therefore required.

4 Conclusion

4.1 The Competent Authority hereby determines that the development would not be likely to have a significant impact on the designated sites and therefore, further assessment is not required.