



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
18 JANUARY 2023**

<b>Application Number</b>	<b>22/00882/FUL</b>
<b>Location</b>	The Ridings Burnham Road Latchingdon Essex CM3 6EY
<b>Proposal</b>	Retention of dwelling as built, detached garage and associated works (further to 16/00968)
<b>Applicant</b>	Mr and Mrs Friend
<b>Agent</b>	Mr Ashley Wynn
<b>Target Decision Date</b>	
<b>Case Officer</b>	Vikki Bowles
<b>Parish</b>	<b>LATCHINGDON</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2017

**1. RECOMMENDATION**

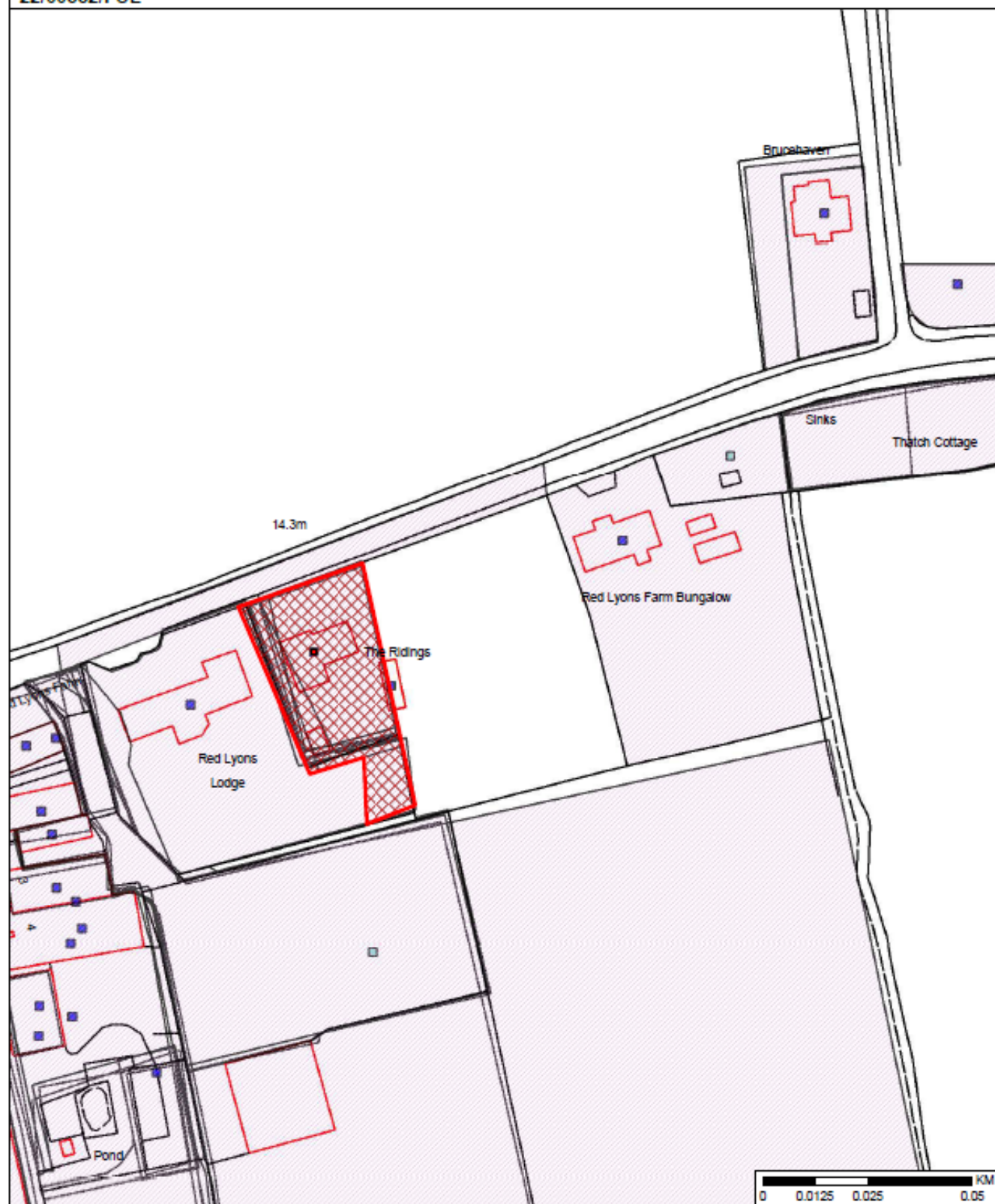
**APPROVE** subject to the condition (as detailed in Section 8 of this report).

**2. SITE MAP**

Please see below.

# The Ridings

22/00882/FUL



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 21/12/2022

MSA Number: 100018588

### **3. SUMMARY**

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

##### *Site description*

3.1.1 The application site is located on the southern side of Burnham Road, a 60 mph road, in a predominantly rural setting, outside of the defined settlement boundary of Latchingdon which lies 1 km west. The site comprises of a single storey detached dwelling, detached garage and a large area of hardstanding to the front which are subject to this application. Prior to the works subject of this application taking place, the site had planning permission for a single storey dwelling which is no longer extant.

3.1.2 There is a large open area to the east which is in the same ownership as the application site and to the east of this is Red Lyons Farm Bungalow which is about 60 metres from the site. To the west is Red Lyons Lodge, approximately 6.7 metres from the application site. There is open countryside to the north and south.

##### *Description of proposal*

3.1.3 Planning permission is sought for a single storey dwelling, detached garage and associated works, it is noted that the development has already been undertaken and therefore the application is retrospective in nature.

3.1.4 It should be noted that application 16/00968/FUL gave permission for a bungalow on the site, however, conditions pertaining to parking, boundaries and drainage were not discharged and the permission is considered to be no longer extant.

3.1.5 It is noted that the existing dwelling and associated work is different to the previously approved application.

3.1.6 The differences to the previous application in relation to the dwelling are:

- The current application site is slightly different in that the curtilage has increased and it has increased in width from 29 metres to 36 meters wide, the length of the curtilage appears to be the same.
- There is also an area at the rear of the land to the east of the property, which is confirmed to be outside the curtilage of the dwelling and includes the drainage run for the bungalow.
- The original application was for a three-bedroom bungalow however this application is to regularise a two bedroom bungalow on the site,
- Furthermore, it appears that the bungalow has not been constructed in the correct location, the western boundary with Red Lyons Lodge is located at the centre of a line trees, however, the development has been constructed using a boundary line slightly further east of the trees and further from Red Lyons Lodge.

3.1.7 It is also noted that the current application includes a garage, hardstanding to the front and around the dwelling and associated works which were not included in the 2016 application.

3.1.8 The external design and footprint of the bungalow is identical to the previously approved dwelling. It is 16.5 metres wide and has a maximum depth of 11 metres;

the height to the ridge is 5.5 metres and is finished in brick and tile. and the access is located in the north east corner of the site.

3.1.9 The submitted plans also include a scheme for surface drainage.

### **3.2 Conclusion**

3.2.1 Although the previous 2016 permission is no longer extant, it is not considered that there are changes to the dwelling, to the site or to Policy that are significant enough to alter that stance. Likewise, it is not considered that the alterations to the previous scheme have resulted in demonstrable harm to the character and appearance of the site or the countryside which would justify the refusal of the application. Notwithstanding, a significant area of hardstanding has been built on the site surrounding the dwelling and extending significantly into the site, particularly the frontage and the eastern side. However, it is considered that subject to appropriate conditions to reduce the hardstanding and ensure appropriate hard and soft landscaping, the development would not result in any significant harm to the landscape and amenity character of the area.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework (NPPF) 2019, including paragraphs:**

- 7-8 Achieving sustainable development
- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-79 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 117-118 Effective use of land
- 124-132 Achieving well-designed places

### **4.2 Maldon District Local Development Plan (LDP) 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
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

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

- Planning Practice Guidance (PPG)

- Maldon District Design Guide Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The application site lies outside of the defined settlement boundary. However, it is noted that in 2016 application 16/00968/FUL for a bungalow on this site was approved and so the principle of erecting a dwelling here has been established.
- 5.1.2 The proposed development is for the erection of a detached chalet bungalow which would be sited outside the settlement boundary.

### **5.2 Housing Need and Supply**

- 5.2.1 The development provides a two-bedroom dwelling and Policy H2 of the LDP contains a policy and preamble which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced number of dwellings of four or more bedrooms, with lower proportions than any of the other areas studied including Essex, the East of England and England for one- and two-bedroom units. The Council therefore, encourages, in Policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA, published in May 2021, identifies the same need requirements for 35-45% of new housing to be for two-bedroom units and 25-35% for three-bedroom units.
- 5.2.2 Having regard to the above, the bungalow is a two-bedroom unit and makes a small contribution to the District's Housing Need.

### **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:

*This principle has been reflected in the approved LDP. 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.*

- 5.3.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide 2017 (MDDG).
- 5.3.4 The application site lies outside of any defined development boundary. 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.
- 5.3.5 Although no longer an extant permission, it has been previously accepted that the site can accommodate a dwelling of this size, scale and bulk. Furthermore, it is not considered that there have been significant changes to policy which would alter this stance. The size, style and external materials used to construct the dwelling has not altered and it is considered that the slight change in the western boundary, away from the neighbouring dwelling and therefore the change in position of the bungalow is acceptable, having no impact on the site and has moved the development away from its nearest neighbour.
- 5.3.6 Additional development has been included within this application as set out above in paragraphs 3.1.6 and 3.1.7. It is therefore, necessary to consider the impact of these alterations on the character and appearance of the dwelling and the intrinsic character and beauty of the countryside.
- 5.3.7 The eastern side of the southern boundary has been extended east to make the amenity area approximately 7 metres wider. The extension to the residential curtilage is considered to urbanise a part of an otherwise open area of land to the east of the dwelling. However, this is not considered to have a significant impact on the character and beauty of the countryside and on balance is not considered to harm the area to a degree that would warrant refusal.
- 5.3.8 The single detached garage has been constructed beside the western boundary at the rear of the site and is accessed via hardstanding alongside the western elevation. It is constructed of brick and red tile to match the existing dwelling and the hipped roof form echoes the roof of the dwelling. The garage is set back from Burnham Road in excess of 32.65 metres and is not a prominent feature in the streetscene, it is modest in scale and is not considered to have a detrimental impact on the character of the area or of the dwelling.
- 5.3.9 The hardstanding which wraps around the property is created from what appears to be paving stones in patio areas and large areas of what appears to be resin bonded gravel to the front and the drive to the garage. The large amount of hardstanding to the front of the site represents a stark feature against the rural and verdant surroundings of the site and appears incongruous taking into account the modest scale of the dwelling. Furthermore, the bulk of the hardstanding beside the highway creates a prominence within the streetscene. Taking account of the previous comments, it is considered that the hardstanding to the front of the property results in material harm to the character and appearance of the area and overwhelms the scale

of the existing dwelling. However, this could be remedied by condition to secure a reduction in the hardstanding particularly to the front and east of the site and a landscaping scheme to improve the appearance of the site in context of its rural location.

- 5.3.10 Overall, it is considered that the dwelling by way of its scale, bulk and design does not cause material harm to the character and appearance of the site or the surrounding area, nor does it harm the intrinsic beauty of the countryside in accordance with policies S1, S8, D1 and H4 of the LDP and guidance contained within the MDDG. However, the hardstanding is considered to be detrimental to the character and appearance of the site and surrounding area but a suitable condition can be imposed to remedy this harm through its reduction and landscaping.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 The basis of Policy D1 of the 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. Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.
- 5.4.2 The bungalow is in excess of 10 metres and 55 metres away from the nearest neighbouring residential properties. The development will not result in an adverse impact on the amenity of residents.

#### **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 recommended standard for a two-bedroomed property is a minimum of one car parking space. The parking area accommodates in excess of this and therefore it is considered that the site provides sufficient parking for the property.
- 5.5.3 In terms of the access, which is located to the eastern corner of the front boundary, it was considered acceptable within application 16/00968/FUL and Essex Highways did not object, this stance has not changed for the current application.
- 5.5.4 Therefore, the current access and parking are considered to be in accordance with policies D1 and T2 of the Local Development Plan.

#### **5.6 Private Amenity Space and Living Conditions of the Future Occupiers**

- 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 Maldon Design Guide SPD advises a suitable garden size for each type of dwelling house, namely 100 square metres of private amenity space for dwellings with three or more bedrooms, 50 square metres for smaller dwellings and 25 square metres for flats.

- 5.6.2 Based on the large plot size of the application site, private amenity space provided within the domestic curtilage of the dwelling is in excess of the recommended standard. Therefore, there is no objection to the proposal in relation to amenity space.

## **5.7 Foul and Surface Water Drainage**

- 5.7.1 The property is already connected to the mains foul drain. A surface water drainage report has been submitted and surface water is dealt with by a soakaway. No objection has been raised by the Council's Environmental Health department.

## **5.8 European Designated Sites**

- 5.8.1 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.8.2 The development of one dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (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. The findings from HRA Stage 1: Screening Assessment are listed below:

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

Is the development within the zone of influence (Zol) 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.

- 5.8.3 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.
- 5.8.4 The Essex Coastal RAMS document has been adopted. This document states that the flat rate for each new dwelling has been calculated at £137.71 and thus, the developer contribution should be calculated using this figure. A signed legal



agreement has been submitted to mitigate the impact of the development. Therefore, the harm has been offset in this respect.

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

Application Number	Description	Decision
11/00347/LDE	Claim for a Certificate of Lawfulness: Use of 'The Bungalow' as a self-contained, single-family dwellinghouse with associated external parking, manoeuvring and access areas (Class C3)	Approved
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
12/00912/OUT	Erect detached bungalow, lay out parking and amenity areas. Stop up existing access and form new vehicular access onto Burnham Road.	Approved
14/01123/FUL	Detached bungalow with double garage	Refused
15/00490/FUL	Detached bungalow & double garage	Refused
15/00685/FUL	Caravan to be sited for duration of new build	Refused
15/00905/FUL	Detached bungalow and garage	Refused
16/00004/RES	Reserved matters application for the approval of appearance, landscaping, layout and scale on approved planning application OUT/MAL/12/00912 (Erect detached bungalow, lay out parking and amenity areas. Stop up existing access and form new vehicular access onto Burnham Road)	Approved
16/00968/FUL	Proposed bungalow.	Approved
21/05118/DET	Compliance with conditions notification 16/00968/FUL (Proposed bungalow) Condition 4 - Off street parking. Condition 6 - Treatment of the northern & eastern boundaries. Condition 7 - Surface water & foul drainage.	Conditions Refused

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

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

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	Support	Noted

### 7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No objection	Noted

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection	Noted

### 7.4 Representations received from Interested Parties

- 7.4.1 No letters of representation have been received in relation to the proposed development.

## 8. **PROPOSED CONDITION**

- 1 The dwelling and associated development hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed from the site within 6 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
- (i) within three months of the date of this decision a scheme for hard and soft landscaping shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation. The landscaping scheme shall include a boundary hedge to the eastern side of the site. For the avoidance of doubt, the large area of unauthorised hardstanding to the North, east, and southern sides of the site shall be substantially removed.
  - (ii) if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
  - (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

REASON To secure appropriate development and landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the approved Maldon District Local Development Plan.