



**REPORT of
INTERIM HEAD OF PLANNING SERVICES**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
13 MARCH 2017**

Application Number	FUL/MAL/16/01484
Location	Land south of Red Lyons Lodge, Burnham Road, Latchingdon
Proposal	Demolish existing dwelling house, store, 2 stable buildings, hay barn and erect replacement dwelling house and detached garage/cart lodge
Applicant	Mr Baldock
Agent	Hibbs and Walsh Associates
Date Valid	21 December 2016
Target Decision Date	15 February 2017
Case Officer	Nigel Hebden, TEL: 01621 875741
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Parish Trigger

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, Burnham Road, Latchingdon
FUL/MAL/16/01484



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 Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 16/01484/FUL

Date: 28/02/2017

MSA Number: 100018588

3. SUMMARY

3.1 Application Site

- 3.1.1 The application site is located on the south side of Burnham Road about 1km east of Latchingdon. The site has a narrow frontage which is occupied by the footprint of a dilapidated prefabricated bungalow. To the south the site widens out with disused stables and an open paddock. To the west are a variety of ex-farm and other buildings that comprise the Red Lyons Business Centre. To the south there is a large agricultural building which it is said was used as an indoor equestrian centre and to the east open fields with extensive views across open countryside.

3.2 Proposal

- 3.2.1 It is proposed to demolish the bungalow on the frontage and as well as two stable blocks, retaining one set of stables in a nib of land to the west, and erect a new dwelling within the paddock area. A new dwelling is to be erected in the centre of the paddock area and a garage/store in the location of the western stable block.

3.3 Conclusion

- 3.3.1 The principle of developing a replacement dwelling in this general location has been established by the grant of previous planning permissions. The proposal is larger than those previously approved and in a marginally more prominent location. However, the design is considered to be better and any additional harm to the character and appearance would not warrant rejecting the proposal.

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:

- **Para 17:** Take account of the different roles of different areas and recognise the intrinsic character and beauty of the countryside.
- **Para 47:** Deliver a wide choice of high quality homes.
- **Para 56:** Require good design.

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 Development outside development boundaries
- CC6 Landscape Protection
- CC22 Replacement dwellings
- BE1 Design of New Development and Landscaping
- 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:

- S1 Sustainable development

- D1 Design quality and the built environment.

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of the development has been established by the two previous approvals which accepted the principle of a new replacement dwelling albeit of a larger size (4 bedrooms) located further back from the frontage which is quite restricted. In each case the proposed new dwelling was proposed to be located within the western part of the paddock area and the existing stables would be demolished. In the case of permission Ref FUL/MAL/15/00012 it was proposed to replace the western range of stables with a new stable block and hay store in a similar location. The principle of the proposal which is a replacement dwelling outside the settlement boundary for the village has been established by the previous decisions.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The approved dwellings were to be located directly on what is now the western boundary of the paddock. It is now proposed that the main western wall of the dwelling would be 12 metres further to the east so that the dwelling is located in a more central location within the paddock. The building would also be of a different design with a total footprint of 284 sq metres as opposed to 218 sq metres for the previously approved schemes. The ridge height is marginally lower being 7.5 metres as opposed to 7.7 metres for the approved schemes.
- 5.2.2 The design approach however is quite different; the approved scheme has low swept eaves level with rooms in the roof and 10 dormer windows. In the Planning Statement that accompanies the application, it is stated that the design takes the form of a traditional masonry barn which takes reference from the Arts and Crafts movement. The building would be clad in stone with prominent buttress features a “midstrey”, slit windows and a large window that can be covered with double “doors”. The structure is 1.5 storeys but whilst there are roof lights there are no dormer windows. However, a balcony is included within the southern elevation which is not a “barn” feature. However, the general quality of the design can be considered to be superior to that which was approved.
- 5.2.3 The Parish Council considers that the new location is “greenfield”. The approved scheme was to be mainly located within the paddock area. However, it will be moved to a potentially more prominent location. The two barns nearby would still be demolished to form the access and driveway for the house. The proposed site is in a slightly more exposed location. However, it would sit behind Red Lyons Lodge and a new bungalow is being built to the east on the road frontage. In addition, from many viewpoints the dwelling would be viewed in conjunction with the collection of buildings that comprise the Red Lyons Business centre to the west. Given that there is an extant consent for a dwelling close by it is not considered that the proposed dwelling and its location would cause materially greater harm to the quality of the landscape or character of the area than that that has already been approved.

- 5.2.4 The proposal also includes a garage/store which is to be located on the western edge of the site as before. This will replace one of the stable blocks and is slightly larger than previously approved and includes a studio in the roof space. The garage will be seen against the backdrop of existing buildings and there is no objection on visual grounds.

5.3 Impact on Residential Amenity

- 5.3.1 The nearest existing dwelling is Red Lyons Lodge which is located 45 metres to the north and a thick conifer hedge separates the two properties so there are unlikely to be any issues of overlooking. It is, therefore, considered that the development will not adversely affect the amenities of neighbouring properties.

5.4 Access, Parking and Highway Safety

- 5.4.1 The existing point of access will be used for the new dwelling and the gating arrangements will enable cars to pull off the highway when the gates are being opened or closed. The highway authority has not raised an objection. Apart from the double garage there is ample space for parking on the driveway in front of the dwelling.

5.5 Private Amenity Space and Landscaping

- 5.5.1 The private amenity space that adjoins the dwelling more than meets the Council's adopted standards. 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.

5.6 Other Material Considerations

- 5.6.1 The proposed dwelling will just overlap the footprint of the 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 2015 permission. The existing dwelling would have to be demolished to form the access.

6. ANY RELEVANT SITE HISTORY

- **APPLICATION NO 11/01098** 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 12/04/12
- **APPLICATION NO FUL/MAL/15/00012** Demolish dwelling house, store, three stable buildings, barn and hay barn. Erect replacement dwelling house and cart lodge/garage, stables and hay barn. Approved 08/04/15

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	Object: the dwelling is now placed on a green field when there is a perfectly good brown field next to it	Two previous approvals (which the Parish either supported or did not respond to) were located substantially on the paddock

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways Dept	No objection subject to condition	Noted

7.3 Internal Consultees

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

7.4 Representations received from Interested Parties

- 7.4.1 1 letter was received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

Mr and Mrs G Palmer & Mr and Mrs Rutkin: Red Lyons Lodge, Burnham Road, Latchingdon

Supporting Comment	Officer Response
Fully support proposal as will tidy up site which is in a derelict state and provide screening in respect of industrial park to west.	Noted

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: Drawing Nos 14/90/01, 14/90/02, 14/90/03,

14/90/03 (first floor), 14/90/04, 14/90/05, 14/90/06, 14/90/07, 14/90/08 & 14/90/09.

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 materials to be used in the external finishes of the development are appropriate for the rural location in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and policy D1 of the submission Local Development Plan.

- 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 appropriate boundary treatment to the curtilage within the rural location in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and policy D1 of the submission Local Development Plan.

- 5 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.

REASON: In order to comply with the submitted details and as this development has been considered justified on a one for one basis only in accordance with policies CC22 of the adopted Maldon District Replacement Local Plan and policy H4 of the submission Local Development Plan. In addition safe access to the site for construction purposes needs to be formed at the outset.

- 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 BE1 and CC6 of the adopted Maldon District Replacement Local Plan, and policies S8 and D1 of the Submission 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 BE1 and CC6 of the adopted Maldon District Replacement Local Plan, and policies S8 and D1 of the Submission Local Development Plan.

- 8 There shall be no raising of ground levels within the site and prior to any development commencing details of the ground floor slab level shall be 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 BE1 and CC6 of the adopted Maldon District Replacement Local Plan, and policies S8 and D1 of the Submission Local Development Plan.

- 9 There shall be no burning of animal or stable wastes anywhere on the site, as shown edged in red (or blue) on the plans which form part of this permission.

REASON: To ensure the protection of amenities of the neighbouring occupiers to the site in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and policy D1 of the Submission Local Development Plan.

- 10 No works or development 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 policy policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan, and policies S8 and D1 of the Submission Local Development Plan.

- 11 No development 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 CON5 of the Maldon District Replacement Local Plan.