



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
23 JUNE 2021**

<b>Application Number</b>	<b>21/00300/FUL</b>
<b>Location</b>	Restawyle, Fambridge Road, Althorne Essex
<b>Proposal</b>	New 4No. bedroom bungalow. New front boundary wall and gate including soft and hard landscaping; proposed cladding and canopy to join shipping container to existing shed.
<b>Applicant</b>	Mr & Mrs Danielle and Paul Beney
<b>Agent</b>	Mr Alan Green – A9 Architecture
<b>Target Decision Date</b>	25 June 2021
<b>Case Officer</b>	Hannah Dungate
<b>Parish</b>	<b>ALTHORNE</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call-in by Councillor M.G.Bassenger citing Policies S1 and D1

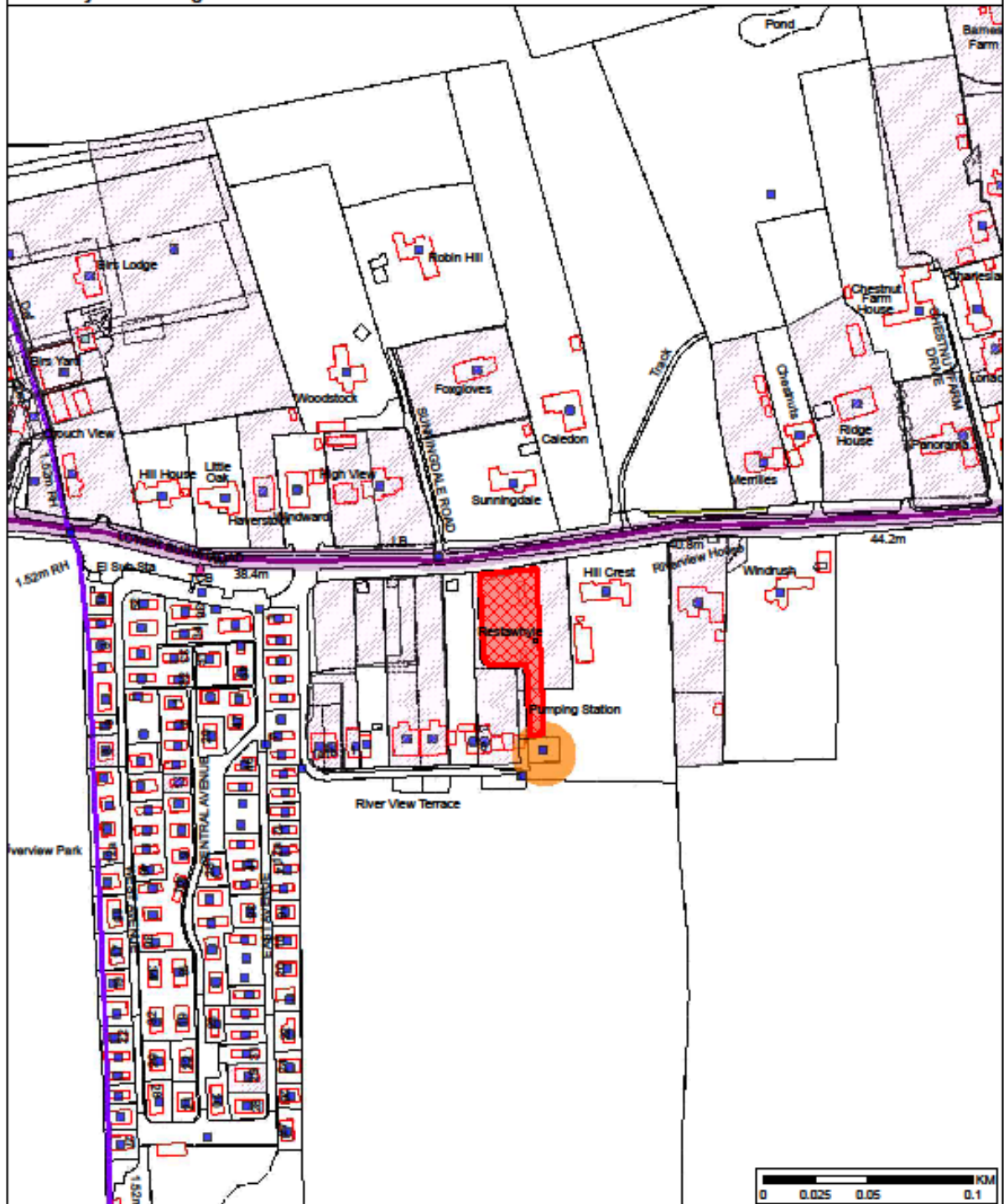
**1. RECOMMENDATION**


**REFUSE** for the reasons as detailed in Section 8 of this report.

**2. SITE MAP**

Please see below.

**21/00300/FUL**  
**Restawyle Fambridge Road Althorne Essex**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	11/06/2021
	www.maldon.gov.uk	MSA Number:

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the south side of Fambridge Road, outside of the defined settlement boundary of the village of Althorne. The landscape character along Fambridge Road is rural, containing some scattered forms of development. The southern part of this section of the road is largely open, with a small cluster of dwellings, located south west of the application site accessed from Fambridge Road along River View Terrace. The land falls considerably to the south, away from the road towards the river. To the north and east of the application site, development is sporadic, with detached dwellings being sited in large sized plots. Further to the west of the site there is a mobile home park.
- 3.1.2 The application site is mainly soft landscaped with a number of trees planted along the highway boundary, as well as within the site. There are some temporary structures within the site, such as a caravan, storage containers and some small-scale buildings, such as timber sheds. The site also appears to be used for the storage of boats. In 1994, a Lawful Development Certificate (LDC) was granted for the stationing of a mobile home for seasonal occupation at the site (94/0006/LDE refers). As such, the site has an existing leisure use. In 2005, permission was granted for the retention of a boat shed at the site which appears to be located towards the front of the site (05/01018/FUL refers). In 2010, planning permission was refused and an appeal dismissed for the construction of a wooden storage shed within the site. Although this does not appear to have been constructed, a storage container is now located at the site. When looking at aerial images, it is not clear when this storage container was first located at the site, however, from looking at the planning history, there does not appear to be a planning application relating to this structure; as such it appears to be unauthorised. There is also no planning history to suggest that the site has been used for permanent residential accommodation since the grant of the LDC.
- 3.1.3 The site forms part of a heavily landscaped area. Heavily vegetated frontages are a feature of the area and the site is flanked by large deciduous trees, which positively contributes to the rural character of the area and to the visual separation between dwellings, which helps to reinforce the rural and countryside setting of the locality.
- 3.1.4 Planning permission is sought for the replacement of the existing caravan on site with a detached dwelling. The new dwelling would be one-and-a-half storeys in height and would have a T-shaped layout. Due to the sloping ground level, the proposal would include significant engineering operations towards the front of the site to create a level driveway serving the new property. This area of hardstanding would extend over the entire frontage width of the property. Also proposed is the retention of the shipping container, which would adjoin the existing shed by a number of external alterations including a metal canopy and timber cladding. From the plans provided, it is not clear what the existing or proposed use of these outbuildings would be. A front gate, a brick wall with brick piers and close board fences would also be proposed along the northern boundary of the site. The close board fence would extend along the front boundary of the site and would measure 1.5m in height. The brick piers

would sit next to the opening of the access drive and the brick wall would slope downwards with the lay of the land adjacent to the access drive. The brick wall would measure between 1.5m and 2m in height.

3.1.5 The new house would measure 19.7m wide, 15m in depth, and approximately 6m in height at the ridge. It would have a pitched roof design and would have front and rear facing projections. Within the main roof slope would be 4 pitched roof dormers, two at the front and two at the back.

3.1.6 The proposed dwelling would contain 4 bedrooms, two at first floor and two at ground floor. Also proposed within the ground floor of the property is a shared kitchen diner and living room space, two lounge/play rooms, a study, a dressing room and en-suite serving the master bedroom and a bathroom. At first floor, a sitting and 'lobby' area is proposed along with the third bathroom and two of the four bedrooms.

## **3.2 Conclusion**

3.2.1 Having taken all material planning considerations into account, an objection is raised to the principle of the proposed development by reason of its location outside the defined settlement boundary and the consequent impacts as a result. The proposed development would be disconnected from services and facilities by reason of its inaccessible location and would provide poor quality and limited access to public transportation, resulting in an increased need of private vehicle ownership. Furthermore, due to the design and layout of the proposed development, the proposal would result in significant harm to the character and appearance of the countryside. In light of the above, it is considered that the development would be contrary to the policies of the development plan to an extent that cannot be outweighed by the limited positive aspects of 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 2019 including paragraphs:**

- 7 Sustainable development
- 8 Achieving sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-57 Planning conditions and obligations
- 80-84 Building a strong, competitive economy
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 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
- S7 Prosperous Rural Communities

- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Change
- E5 Tourism
- N2 Natural Environment and Biodiversity.
- T1 Sustainable Transport
- T2 Accessibility

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

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

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

5.1.1 The Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the National Planning Policy Framework (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 Local Development Plan (LDP).

5.1.2 The proposed development is for the construction of a new four-bedroom house.

5.1.3 As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five-Year Housing Land Supply (5YHLS). The Council has published an up to date 5YHLS which concludes that the Council cannot currently demonstrate a 5YHLS.

5.1.4 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 7, of the NPPF which states:

*“For decision taking this means:*

*“(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*“(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*“(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

*Footnote 7 - 7 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73)*

- 5.1.5 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘presumption’) which is central to the policy approach in the Framework, as it sets out the Government’s policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5YHLS cannot be demonstrated (Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC [2017] UKSC 37).
- 5.1.6 It is necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. However, where the development plan is ‘absent, silent or relevant policies are out of date’, planning permission should be granted ‘unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted’.
- 5.1.7 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.1.8 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be ‘sustainable development’ through the three dimension tests of the NPPF, the LPA are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.

5.1.9 Paragraph 78 of the NPPF states that:

*'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'*

5.1.10 The nearest settlement to the application site is Althorne, which is around 0.5 miles from the application site. Althorne has a limited range of facilities/services, including a relatively small post office/store to the north of the village and public house to the east. Whilst it is acknowledged that there is a footpath running along the northern side of Fambridge Road, opposite the application site, this is unlit. There is also a bus stop adjacent to the site, but the frequency of bus services at this bus stop are limited, running only once a day between Burnham-on-Crouch and Chelmsford, and twice a day between Basildon and Burnham-on-Crouch. To the south of the site there is a railway station, however, much of the walking route from the application site to the station is shared with vehicles on an unlit, narrow road. Whilst existing residents rely on the private car in this part of the district, this in itself would not be a justification for allowing additional dwellings in an essentially unsustainable location. Althorne is a reasonable distance away and is not readily accessible by safe public footpaths or public transport. The future occupiers of the dwelling would need to travel for day to day services and facilities to other nearby villages and towns. The proposal would therefore conflict with the aforementioned policies and the principles contained within the NPPF in terms of sustainable development.

5.1.11 It is worth noting that since the introduction of the NPPF (2012), new development in Althorne has been consistently resisted, by the Council, due to its inaccessible location. Where the decisions have been appealed, they have all been supported by Inspectors. This has even been the case when the Council has been unable to demonstrate a 5YHLS in recent years. Given the above, it is not considered that the proposed development would amount to a sustainable development.

## **5.2 Principle of Development – Replacement Dwelling**

5.2.1 Policy H4 contains the necessary requirements to make replacement dwellings acceptable. These are as follows:

- 1) The residential use of the original dwelling has not been abandoned;
- 2) The original dwelling is not a temporary or mobile structure;
- 3) The original dwelling is not worthy of retention because of its design and relationship to the surrounding area;
- 4) The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape;
- 5) The proposed replacement dwelling is of a design appropriate to its setting;  
and
- 6) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.

5.2.2 The applicant refers to the mobile home as a caravan, which according to the section 29 of Part 1 of the 1960 Act defined as “any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or (b) any tent. Caravans are mobile structures and thus, due to criterion (2) of policy H4, the proposal cannot provide grounds for a replacement dwelling. The development cannot be considered to constitute a replacement dwelling on the basis of requirements set out in policy H4 and will be assessed as a new dwelling.

### **5.3 Housing Mix**

5.3.1 The proposal would provide a four bedroom dwelling. The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of smaller 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.

5.3.2 Policy H2 of the LDP and its 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, and around 71% of all owner occupied properties having three or more bedrooms.

The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. Therefore, the proposal which proposes to provide a four bedroom dwelling would not contribute towards the identified need for smaller houses. Even if a two bedroom dwelling was proposed, the benefit of this in terms of providing the size of housing that is required within the District, would not outweigh the other fundamental grounds of objection that are set out above and below.

### **5.4 Design and Impact on the Character and Appearance of the Countryside**

5.4.1 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.

5.4.2 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 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”.

5.4.3 Paragraph 64 also states that “*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*”. This principle of good quality design is



reflected in the approved MDLDP. The basis of policy D1 of the approved Maldon District 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*

- 5.4.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.4.5 As noted above, the site is located outside the settlement boundary of Althorne, within a rural location with small clusters of houses, most of which are sited a substantial distance away from the public highway. The application site, together with the adjacent sites to the east and west, comprises part of a larger green space occupied by heavy vegetation between developments along Fambridge Road that makes a positive contribution to the rural character of the area. This gap between the small cluster of houses to the east and the mobile home park to the west, contributes to the visual amenity of the area and enhances the countryside setting of the locality and the rural landscape more widely.
- 5.4.6 The proposal comprises a large formal parking area to the front of the proposed dwelling, together with a brick boundary wall curving into the site, piers to the road side and set within the site with gating, and associated residential garden land at the rear. The rear garden would comprise substantial elements of hard surfacing, partly as a result of the engineering works to both support and level up the land to take the building works. Access to lower parts of the garden would be through the introduction of steps to the east and south. Taking also into consideration that the site is largely open to the front and given that the structures contained within the site are temporary or of a limited scale, the residential dwelling would inherently result in a substantial urbanisation of the site in this rural locality to the detriment of the countryside. The development, although it would be set back and down from the public highway, would still be visible from the public vantage points. Whilst it is noted that due to the sloping ground level, the property would be largely screened from Fambridge Road, it is not considered that this would mitigate the impact or provide a justification to the conflict with the planning policy or the identified harm.
- 5.4.7 Furthermore, the existing hedgerow and mature landscaping along Fambridge Road contributes to the rural setting of this part of Althorne. Although there appears to be a close-board fence located towards the front of the site at present, this does not appear to benefit from planning permission and is therefore unauthorised. At present

the fence is slightly set back from the highway edge and there is some landscaping to the front of it. As part of the proposal, this fence would be relocated so that it would run along the front boundary of the property, immediately abutting the highway. This would mean that most of the landscaping to the front of the site would be lost in order to facilitate the erection of the fence, as well as create a parking area for the proposed property. The proposed car dominated frontage, as well as the erection of a close-boarded fence along the front boundary of the site, would be urban in appearance and would not be sympathetic to the rural setting of the site. In these ways, the development would have a significant harmful impact on the visual amenity of the area to the detriment of the intrinsic rural character of the countryside.

- 5.4.8 In light of the above, it is considered that the proposed dwelling would fail to provide visual enhancement to the wider rural locality and would intensify the urban appearance of this rural area. As such, it would have a significantly harmful impact on the character and appearance of the area and it would ruin the open character of this green gap, which currently contributes to the rural character of the area and the open countryside. The development is considered to be harmful to the character and appearance of the countryside contrary to the stipulations of policies S1, S8, and D1 of the LDP.

## **5.5 Impact on Residential Amenity**

- 5.5.1 The basis of policy D1 of 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 (2017)
- 5.5.2 Due to the location of the application site, which is located a substantial distance away from any neighbours, there is limited development within the surrounding area, which will be affected by the proposal. Based on the submitted plans, the proposed dwelling would be sited 25.5m away from the nearest dwelling to the east (Hill Crest) and 50m away from no. 6 Riverview Terrace to the south. It is considered that the distance maintained would be sufficient to prevent any adverse impacts caused to the residential amenity of the nearby neighbours, in terms of loss of light, domination, sense of enclosure or overlooking.

## **5.6 Access, Parking and Highway Safety**

- 5.6.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. 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.

- 5.6.2 The proposed conversion would result in the creation of a four-bedroom dwelling. The recommended parking provision for a four-bedroom dwelling is three car parking spaces, which could be accommodated to the front of the site.
- 5.6.3 The existing access to the site would be utilised and the highway authority has been consulted and raised no objection to the proposal. Therefore, no concerns in terms of parking, access or highway safety are raised.

## **5.7 Private Amenity Space and Landscaping**

- 5.7.1 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 dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.7.2 The proposed amenity area would be in excess of 100m<sup>2</sup>. Therefore, no concerns in this respect are raised.
- 5.7.3 A condition in respect of the landscaping scheme and boundary treatments would be imposed should the application be approved.

## **5.8 Ecology regarding development within the zone of influence (Zol) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)**

- 5.8.1 The application site falls within the Zol for one or more of the European designated sites scoped into the emerging Essex Coast 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 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 new 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. NE does not need to be re-consulted on this Appropriate Assessment.
- 5.8.4 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE would not provide bespoke advice. However, NE'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.
- 5.8.5 The Essex Coast RAMS is currently under preparation and it therefore, constitutes an emerging document for the Council. This document states that the flat rate for each new dwelling has been calculated at £127.30, based on the RPI uplift, and thus, the developer contribution should be calculated using this figure. However, in the absence of a signed legal agreement to secure the abovementioned contribution, the impact of the development may not be able to be mitigated and thus, this would constitute a reason for refusal of the application.

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

- **10/00922/FUL** – Erection of wooden storage shed. Refused 22/12/2010. Appeal Dismissed 21/04/2011.
- **05/01018/FUL** – Retention of boat shed. Approved 25/10/2005.
- **94/00006/LDE** – Use of land for station of mobile home for seasonal occupation. Approved 05/05/1994.

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Althorne Parish Council	Recommend refusal for	Noted

Name of Parish / Town Council	Comment	Officer Response
	the following reasons: Outside the village envelope Unsafe access	

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways Authority (ECC)	No objection	Noted
Natural England	No comments	Noted

## 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Conditions relating to drainage and informatives recommended	Noted

## 7.4 Representations received from Interested Parties

7.4.1 No representations have been received for the application.

## 8. REASONS FOR REFUSAL

- 1 The proposed development would be disconnected from services and facilities by reason of its inaccessible location and would provide poor quality and limited access to public transportation, resulting in an increased need of private vehicle ownership. The limited sustainability credentials of the site and its locality would significantly and demonstrably outweigh any benefits of the proposal. The development would therefore be unacceptable and contrary to policies S1, S8, D1, H4 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 2 The proposed development, due to its design and layout, would result a substantial urbanisation of this rural site which is would result in significant harm and detract from the character and appearance of the countryside. The proposal is therefore contrary to policies S1, D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the Maldon District Design Guide and the National Planning Policy Framework.
- 3 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the NPPF.