



## TENDRING DISTRICT COUNCIL

### Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

**AGENT:** Mr Paul Newbould  
Planning & Building Design  
78 Kings Avenue  
Holland-on-Sea  
Essex CO15 5EP

**APPLICANT:** Mr M Godfrey (Chairman)  
Great Oakley Community Hub  
Maybush Inn  
Farm Road  
Great Oakley Essex CO12 5AD

#### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 18/01046/FUL

**DATE REGISTERED:** 9th July 2018

Proposed Development and Location of Land:

**Demolition of Red House to allow for proposed Community Hub Building incorporating restaurant/tea rooms with 3no. one bedroom flats above. Use of land as community car park.  
Red House High Street Great Oakley Harwich**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted for the following reason(s)

- 1 The National Planning Policy Framework (NPPF) states Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The Council has a statutory duty to ensure that developments protect or enhance the character and appearance of the conservation area. In this instance the proposal is to totally demolish 'Red House' and re-build. The Great Oakley Conservation Area Review refers specifically to Red House and states 'The Red House, in a state of exterior disrepair, is pivotal in turning the corner from High Street into Farm Road'. The appraisal structure map also identifies this area of the High Street as an important space within the conservation area given its location adjacent to a small square and shows The Red House as occupying a key facade and important boundary.

Therefore to demolish the building the criteria of saved policy EN20 (Demolition within Conservation Areas) must be met. This policy states that the demolition of a building that



makes a contribution will only be permitted where;

- supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair; or
- viable alternative uses cannot be found and an applicant has supplied evidence to demonstrate this to the satisfaction of the local planning authority; and
- the redevelopment would preserve the area's character and would produce substantial benefits that would outweigh the loss of the building or structure.

The National Planning Policy Framework (2018) states at paragraph 201 that 'not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole'.

The Great Oakley Conservation Area Appraisal identifies 'The Red House' as pivotal due to its sensitive corner plot siting facing onto an important space within the conservation area. The form, age, materials and location of the building therefore means it forms a key facade facing onto the High Street and Farm Road and one which positively contributes to the character and appearance of the Great Oakley Conservation Area.

Consequently, the demolition of this building is considered to cause substantial harm to the Great Oakley Conservation Area and therefore the requirements of paragraph 195 of the NPPF apply. This paragraph states that, 'where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss'. Further, paragraph 189 of the NPPF states that, 'local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'.

In this instance insufficient information has been provided to demonstrate that the requirements of saved policy EN20 and the relevant paragraphs of the NPPF stated above have been met. A fully detailed heritage statement outlining the significance of the heritage asset affected and the potential impact of the proposal upon its significance has not been provided. Furthermore, mention is made of the building being beyond economic repair due to deterioration over many years including area of rotten timbers and wall plates. However this assertion has not been demonstrated through a building condition survey.

The submitted planning statement also makes reference to the fact the building is to be utilised as a community hub with three 'affordable' housing units above and therefore the public benefits outweigh any harm to the heritage asset. However, little information is submitted to demonstrate that a restaurant/tea room community hub would provide significant public benefits for the community. Furthermore, the three flats at first floor level would be sold as market housing and not classed within the true definition of affordable.

The significant detrimental impact that the development proposal would have upon the conservation area is reflected by the lack of any detailed analysis within the application supporting documents in respect of the significance of the heritage asset affected and an understanding of the potential impact of the proposal upon its significance.

- 2 The proposal for erection of a dwelling is considered contrary to the National Planning



Policy Framework 2018, saved Policies QL9, QL10, QL11, HG3 and EN17 of the Tendring District Local Plan (2007) and draft Policies SPL3 and PPL8 and of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

The Framework attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. 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.

The Framework states Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected. Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Saved policy EN17 concerns development within conservation areas and states that development must preserve or enhance the character or appearance of the conservation area. The policy goes on to add that development will be refused where it would harm the character or appearance of the conservation area including historic plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain or significant natural or heritage features. The policy also states that development will not be supported where the height, siting, form, massing, proportions, elevation, design or materials would not preserve or enhance the character of an area. Saved Policy HG3 states within the defined development boundaries residential development will be permitted provided it satisfies amenity and design criteria and can take place without material harm to the character of the local area. These aims are echoed in the draft policies stated above. Saved Policy QL9 states all new development must make a positive contribution to the quality of the local environment, new buildings must be well designed and maintain local character, and development must relate well to its site and surroundings particularly in relation to its siting, scale and design.

The detailed design of the replacement building is not considered to preserve or enhance the special character of this section of the Great Oakley Conservation Area. In the Great Oakley Conservation Area Appraisal it states that the High Street frontage in this location is the 'most consistently developed frontage in the village as all the properties rise from the back of the pavement and have roofs parallel to the main road'. The uninterrupted roof slopes and eaves of these properties also contribute to their consistent appearance. In this case the High Street elevation would include large first floor windows that would break the eaves line and partly occupy the roof slope. This would be at odds with the appearance of the properties situated along the High Street to the north-east and would erode the sense of consistency that the appraisal identifies as being a key characteristic of this section of the conservation area. To the Farm Road elevation a first floor link is proposed with an undercroft below to access the flats and parking areas to the rear. The link also includes windows that break the eaves which is again at odds with the appearance of properties along this Farm Road frontage. Furthermore, the construction of the weather boarded link and undercroft, which proposes to enclose the gap between The Red House and Maybush Public House, would appear overly urban and out of character in this section of Farm Road which comprises of stand alone buildings. The



enclosure of this gap within the streetscene with a feature out of keeping with the pattern of built form in the locality would not preserve or enhance the appearance of the conservation area.

Consequently, the detailed design of the proposed building is not considered to be sympathetic to the character and appearance of the locality and in the absence of a strong justification for the proposals or any wider public benefits, it is not considered that these proposals would preserve or enhance the Great Oakley Conservation Area.

- 3 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. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 124 is to always seek to secure high quality design. The NPPF at paragraph 170 also states that the planning system should take account of the different roles and character of different areas and recognise the intrinsic character and beauty of the countryside.

Saved policies QL9 and EN1 of the Tendring District Local Plan 2007 and emerging policy PPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seek to ensure that development is appropriate in its locality and does not harm the character and appearance of the rural landscape.

The proposed car parking area is to be situated within an agricultural field located at the south-eastern end of the built form present along Farm Road. The parking area would accommodate 24 parking spaces and a recycling area. No details of the intended surface finish of the car park are provided at this time. Notwithstanding this point, the construction of a large car parking area and recycling point measuring approximately 75m in length would cause harm to the character of the area as it would represent an unjustified intrusion into open countryside and contribute to the urbanisation of the village and the gradual erosion of the countryside. Whilst the mature hedgerow along Farm Road is to be retained views of the development would be particularly harmful from the public footpath running from east to west along the southern boundary of the site.

Therefore the parking and recycling area is considered to be detrimental to the rural character and contrary to the aforementioned local and national planning policies.

**DATED:** 3rd September 2018

**SIGNED:**

*Catherine Bicknell*

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Catherine Bicknell  
Head of Planning

**IMPORTANT INFORMATION :-**

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

- QL9 Design of New Development
  - QL10 Designing New Development to Meet Functional Needs
  - QL11 Environmental Impacts and Compatibility of Uses
  - ER7 Business, Industrial and Warehouse Proposals
  - HG3 Residential Development Within Defined Settlements
  - HG6 Dwelling Size and Type
  - HG7 Residential Densities
  - HG9 Private Amenity Space
  - HG10 Conversion to Flats and Bedsits
  - COM1 Access for All
  - COM4 New Community Facilities (Including Built Sports and Recreation Facilities)
  - COM23 General Pollution
  - EN1 Landscape Character
  - EN17 Conservation Areas
  - EN20 Demolition within Conservation Areas
  - EN29 Archaeology
  - TR1A Development Affecting Highways
  - TR7 Vehicle Parking at New Development
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- SPL1 Managing Growth
  - SPL3 Sustainable Design
  - HP2 Community Facilities
  - LP1 Housing Supply
  - LP2 Housing Choice
  - LP3 Housing Density and Standards
  - LP4 Housing Layout
  - PPL3 The Rural Landscape
  - PPL7 Archaeology



PPL8 Conservation Areas

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Conservation Area Character Appraisals

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

**The attached notes explain the rights of appeal.**

## NOTES FOR GUIDANCE

### WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

#### APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
  - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
  - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
  - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

#### ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.