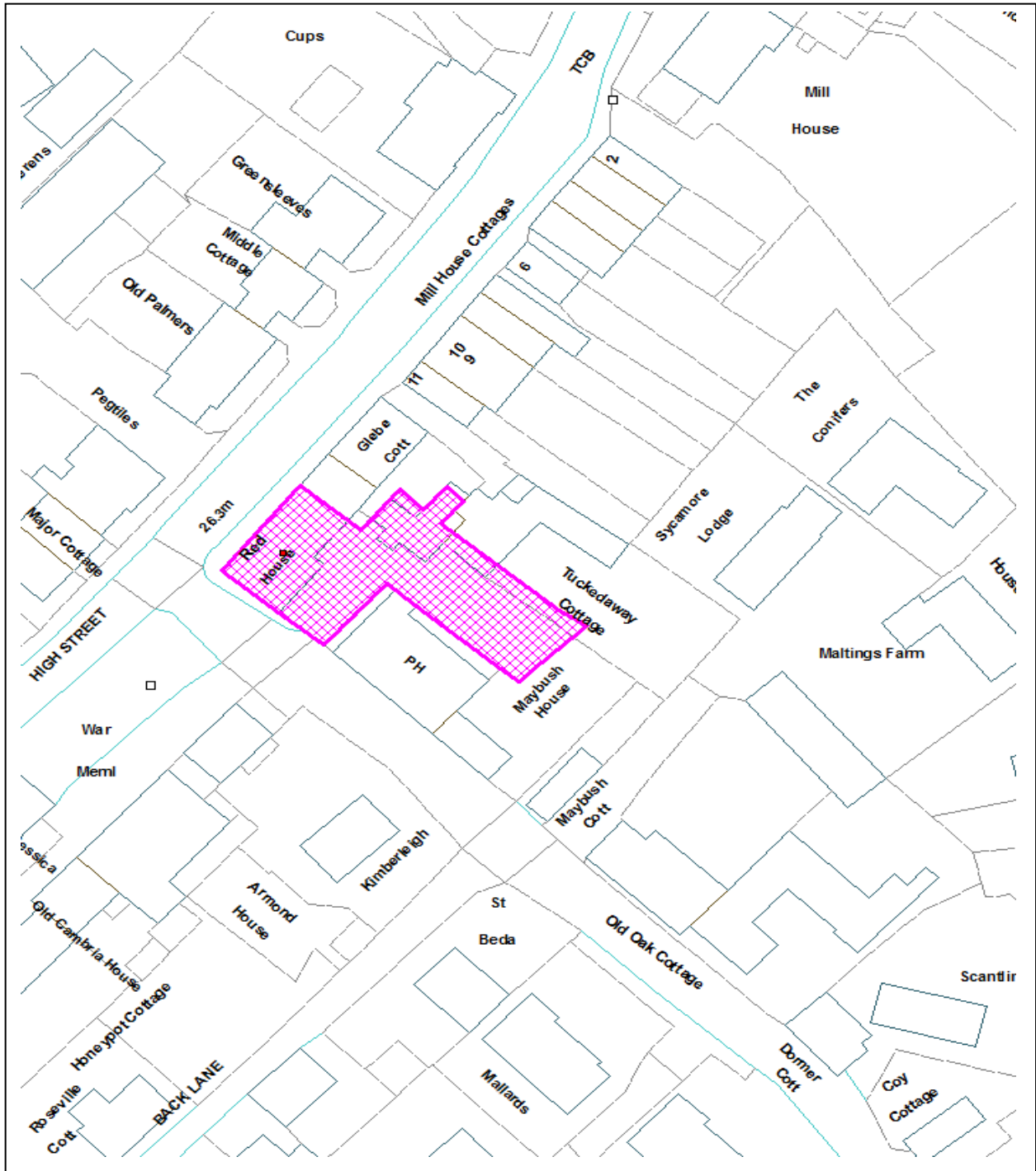


PLANNING COMMITTEE

9 APRIL 2019

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 19/00090/FUL - RED HOUSE, HIGH STREET, GREAT OAKLEY, CO12 5AQ



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Application:	19/00090/FUL	Town / Parish: Great Oakley Parish Council
Applicant:	Great Oakley Community Hub	
Address:	Red House High Street Great Oakley	
Development:	Demolition of Red House to allow for proposed Community Hub Building incorporating cafe/tea rooms with community and social centre and 3no. one bedroom flats above. Use of land as community car park.	

1. Executive Summary

- 1.1 Councillor Mike Bush has called for the application to be determined by the Planning Committee as he wholly supports the scheme, which will see the reconstruction of a building in extremely poor condition that is not historically listed. He states there are significant benefits that outweigh the harm caused by the buildings demolition; namely an improved street scene, infilling the gap in the street scene between Red House and Maybush Inn, provision of public garden and rental accommodation, and provision of a community facilitate within the village.
- 1.2 Under planning reference 18/01046/FUL, permission was refused for a similar scheme. Proposed amendments to that scheme include the car parking area being reduced to accommodate 12 vehicles, the removal of the recycling container and the vehicular access point adjacent to 'Elberns' has been reduced to pedestrian access only. A Structural Report has also been undertaken, while changes to the design of the replacement building have been incorporated by replacing the previous UPVC windows and modern door with timber joinery in a painted finish, and smaller dormers. Further, the dining room has been reduced from being able to seat 40 people to 20 people, with the additional area to be utilised as a community and social area.
- 1.3 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 mean 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.
- 1.4 The submitted Heritage Statement is not detailed enough to fully assess the significance of this building; more detailed research to understand the buildings evolution and its evidential/historic/aesthetic/communal values both in terms of the conservation area and its interior plan form/fixtures and fittings would be expected. Further, the structural survey does not justify and provide a robust case for the buildings demolition.
- 1.5 The detailed design of the replacement building includes large first floor windows that would break the eaves line and partly occupy the roof slope, and the construction of a weatherboarded link and undercroft, which proposes to enclose the gap between The Red House and Maybush Public House, appearing overly urban and out of character. Therefore the development is not considered to preserve or enhance the special character of this section of the Great Oakley Conservation Area.
- 1.6 The construction of a car parking area measuring approximately 50m 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.

- 1.7 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a Special Protection Area must provide mitigation. A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast RAMS requirements.

Recommendation: Refusal

Reasons for Refusal:

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 (2019) 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. The proposal includes the demolition of a non-designated heritage asset. The submitted Heritage Statement is not detailed enough to fully assess the significance of this building; more detailed research to understand the buildings evolution and its evidential/historic/aesthetic/communal values both in terms of the conservation area and its interior plan form/fixtures and fittings would be expected.

Further, the structural survey, which is a high level condition survey, highlights defects and lists a scheme of works likely to be involved to retain the building, stating "*The above works are likely to be slow, intensive and difficult to execute, we envisage they will be expensive*", however concludes "*In order to establish the exact causes of the damage and the appropriate scope and the full extent of the repairs required, a much more detailed investigation would be needed.*" There are no details provided in relation to what the costs would be to retain the building, even if only partly retained, with the report itself stating "*cost will play a large part in determining which the most viable course of action is and professional advice should be sought in this respect.*" While there has been some intrusive alteration to the building, including the existing fenestration, which detracts from the aesthetic value of the building, this could easily be improved. Accordingly, the survey does not justify and provide a robust case for the buildings demolition.

Consequently in the absence of the historic statement providing sufficient analysis of the affected heritage assets and the structural survey not sufficiently justifying a robust case for the buildings demolition, the proposal is considered to be contrary to the aforementioned local and national planning policies.

2. The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

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.

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 weatherboarded 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 street scene 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.

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 construction of a car parking area accommodating 12 parking spaces and measuring approximately 50m 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 parking area would be particularly harmful from the public footpath running from east to west along the southern boundary of the site.

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

4. Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a Special Protection Area must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast RAMS requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites.

The proposal is therefore considered to be contrary to Policies EN6 and EN11a of the Saved Tendring District Local Plan 2007 and Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

2. Planning Policy

NPPF National Planning Policy Framework February 2019

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

EN6 Biodiversity

EN11a Protection of International Sites: European Sites and RAMSAR Sites

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
PPL4 Biodiversity and Geodiversity
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

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate

buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

3. Relevant Planning History

18/01046/FUL	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.	Refused	03.09.2018
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4. Consultations

Essex County Council
Heritage

The application is for demolition of Red House to allow for proposed Community Hub Building incorporating cafe/tea rooms.

Red House is located in the Great Oakley Conservation Area. The building forms part of the village's historic building stock and makes a positive contribution to the character and appearance of the conservation area, as such it is considered a 'non-designated heritage asset' with regard to the NPPF.

Considering the proposal includes for the demolition of a non-designated heritage asset, I do not consider the submitted Heritage Statement detailed enough to fully assess the significance of this building. Given the proposal will result in total loss I would hope for more detailed research, an understanding of the building's evolution and an understanding of the building's evidential/historic/aesthetic/communal values both in terms of the conservation area and its interior plan form/fixtures and fittings. This has not been realised in this application.

Having reviewed the documents submitted with the application, I do not believe that a robust case has been made for the building's demolition. The structural survey, which is a high level condition survey, highlights defects. However, I do not consider this justifies the building's demolition at all. Furthermore I do not give any material weight to the 'do nothing' scenario outlined in the planning statement.

A review of this application, and desk based resources, indicates that Red House forms part of the village's historic building stock and is

located in a prominent part of the conservation area. There has been some intrusive alteration to the building, including the existing fenestration, which detracts from the aesthetic value of the building but this element could easily be improved. Given the significance of the building has not been fully understood and its demolition (based on condition) not fully justified, I cannot support the demolition of this heritage asset. Notwithstanding the above comments, if the building were to be demolished, I do not support the proposed building which is not a faithful reconstruction but more of a pastiche of the existing building. I consider this would be intrusive to the character and appearance of the conservation area.

Based on the information submitted, and my review of the building, I do not support this scheme - particularly in terms of demolishing the existing building.

I recommend the following considerations with regard to the NPPF: Paragraph 189: Given the proposal will result in the total loss of a heritage asset, I do not consider the Heritage Statement adequate in understanding the significance of the building which would be affected. As such I do not consider the application compliant with paragraph 189.

Paragraph 196: The proposal, in terms of both demolition of the existing building and the proposed new design, will cause 'less than substantial harm' to the Great Oakley Conservation Area.

Paragraph 197: The proposal will result in the complete loss of a non-designated heritage asset. As such this is considerably harmful and should be give weight under paragraph 197.

Paragraph 201 states:
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.

Red House is a building which makes a positive contribution to a prominent part of the conservation area, as such paragraph 195 could be considered relevant.

I do not support this application. I recommend the applicant considers the potential to sustainably conserve this heritage asset in a manner which enhances its significance and also the character and appearance of the conservation area.

ECC Highways Dept

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to first occupation of the proposed residential development,

the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. Prior to the proposed access for the dwellings on the proposed residential development being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. No unbound materials shall be used in the surface treatment of any of the proposed vehicular accesses within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4. Prior to the first use of the proposed car park, the car parking and turning area, shall be provided in accord with the details shown in Drawing Numbered 1814-06-E. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

5. Prior to the occupation of the proposed residential development, details of the provision for the storage of bicycles for each dwelling sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

6. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities
- v. the means or method of protecting the travelling public within the highway whilst working from height above and adjacent to the highway

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

UU Open Spaces

Current Position

There is currently a deficit of -0.76 hectares of equipped play in Great Oakley.

There is one play area in Great Oakley, located off Orchard Close. This play area has recently been upgraded and is classified as a Local Equipped Area for Play.

Recommendation

Due to the size of the current development it is unlikely that there will be a significant impact on the current facilities. Therefore no contribution is being requested on this occasion.

Tree & Landscape Officer

The application relates to two separate areas of land; one being the Red House and immediately adjacent land and the other a parcel of agricultural land in Farm Road; to the south east of the Red House.

In terms of the land in the vicinity of the Red House there are no trees or other significant vegetation that would be affected by the development proposal. There is little scope for or benefit to be gained by new soft landscaping.

With regard to the area of agricultural land it is important to note that the land is constrained by an existing countryside hedgerow that is afforded protection by the Hedgerow Regulations 1997.

The proposed use of the agricultural land as car park does not appear to necessitate the removal of any major sections of the hedgerow as

access and egress would be by way of existing field entrances. The development proposal may require slight widening of the access and egress points, but this would not, in itself, significantly compromise the integrity of the hedgerow.

A small tree to the west of the proposed access is shown as retained.

The change of the use of the land from agricultural land to car park it is considered that although moderate in scale it would cause harm to the character of the area as it would contribute to the urbanisation of the village and the gradual erosion of the countryside.

In terms of the layout of the proposed new car park the plan includes details of soft landscaping on the exposed perimeter of the car park to soften its appearance and screen it from view from the surrounding countryside. The plan contains sufficient information relating to plant species and specification.

Building Control and
Access Officer

No adverse comments at this time.

Environmental Protection

With reference to the above planning application, pollution & Environmental Control would like to make the below request:

"A full construction method statement including hours of operation"

Essex County Council
Archaeology

A recommendation for historic building recording was recommended on the previous application (18/01046/FUL). The age of the Red House is unknown however its prominent position along the High Street suggests it was a significant building. The reports submitted show the building is in a poor state of repair; however there may be fixtures and fittings surviving which relate to its origin and evolution over time. A historic building record should be completed prior to its demolition to establish the date and function of the building.

The proposed development lies within a Historic Environment Characterisation (HEC) zone which is characterised by elements of early prehistoric activity as well as later prehistoric and Roman settlement. Within the immediate area there is the possibility of surviving below ground archaeological deposits of medieval date associated with the historic dispersed settlement pattern.

The following recommendations are made in line with the Department for Communities and Local Government National Planning Policy Framework:

RECOMMENDATION: Historic building record and archaeological monitoring.

1. No development or demolition can commence until a historic building record has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. Following completion of the historic building record, the applicant will submit to the local planning authority a report ready for deposition with the EHER.

2. No development or preliminary ground-works can commence until a programme of archaeological monitoring has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.

Reason for recommendation

The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with a surviving historic building and potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets.

Further Recommendations:

A brief outlining the level of historic building recording and archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

If you have any questions about this advice, please do not hesitate to contact me.

5. Representations

- 5.1 Great Oakley Parish Council fully support the Community Hub and their ambitions and agree the site needs redevelopment. Whatever redevelopment takes place, the appearance of the 'original' Red House should be preserved or replicated to preserve the street scene. A food facility of significantly downsized scale would seem beneficial to the community with additional public resources such as an internet-café, library, post office etc as well as provision of tea and coffee should be included in the approved scheme. Great Oakley Parish Council are aware of the strength of opinion so far expressed and hope Planning can achieve a compromise to suit all schools of thought.
- 5.2 The application has attracted 32 objections and 19 letters of support. The representations received are summarised below;

Support

- Will benefit the village
- Proposal is more historically accurate
- Red House currently looks dilapidated and untidy
- No food facilities at the adjacent Maybush Inn
- 1 bedroom flats ideal for those looking to downsize
- The building is beyond economical repair
- Restaurant will provide food for less able local people

Objections

- Impact to character of the area
- Parking is too far away
- Highway safety concerns
- Harm to the landscape as a result of proposed car park
- Red House is an iconic building and should not be demolished

- Red House can be maintained and restored
- Impact to Great Oakley Conservation Area
- A restaurant is not needed in this location
- No changes from previous application
- No street lighting around proposed car park area
- Car park will attract anti-social behaviour, noise nuisance and increased traffic
- Will be a rival business to the Maybush Inn
- Not sufficient evidence Red House is beyond economical repair
- Negative impact to Great Oakley Conservation Area
- Noise and Odour impacts
- Loss of a historic building
- Proposed car park is not tenable or realistic
- Will result in disruption to local village

6. Assessment

Site Context

- 6.1 This application relates to two red line sites; one is situated to the northern end of Farm Road, where this road joins the main B1414 High Street. This site currently supports a two-storey residential dwelling (Red House), noticeable by its red colouring and prominent position within the village. This site is located within the Great Oakley Conservation Area. The neighbouring property to the south-east is the Maybush Inn Public House, and this property was saved from closure as a public house by the applicant in 2016. The property has since been reopened on behalf of the community.
- 6.2 The second red line site relates to an area of arable farm land situated at the south-eastern end of Farm Lane outside of the conservation area. This area of land is in agricultural use and is enclosed to the lane by a mature hedgerow. The land has an informal access at its northern end and there is an existing concrete access at its southern end.

Proposal

- 6.3 The proposal is to create a new community hub building, by demolishing the existing Red House and rebuilding this property (and extending) to adjoin the Maybush Inn. The proposal will involve the formation of a community & social area, dining room, reception, kitchen, lobby, W.Cs and store areas at ground floor level (with underpass providing access to rear).
- 6.4 The first floor will support 3no. one-bedroom flats, each providing a living room, kitchen, bathroom and double bedroom. A shared garden area is created to the rear of the Maybush Inn.
- 6.5 Each flat will be provided with a dedicated car parking space to the rear of the building. A new turning area will be provided. Site deliveries and waste provision will also be catered for to the rear of the property.
- 6.6 Additional parking provision is to be made at available via an area of land situated to the south-eastern end of Farm Road. This land will serve as a community car park capable of parking 12 vehicles.

Site History

- 6.7 Under planning reference 18/01046/FUL, permission was refused for the demolition of Red House to allow for a proposed community hub which would incorporate restaurant/tea rooms with 3 x one bedroom flats above. The application also included the use of land to the south-east as a community car park for 24 vehicles and a recycling area.

- 6.8 The application was refused on numerous grounds; namely that insufficient information was provided to demonstrate the significant building within the Great Oakley Conservation Area needs to be demolished, the detailed design neither preserved nor enhanced the Great Oakley Conservation Area, and the car park and recycling area would be detrimental to the areas rural character.
- 6.9 While the proposed scheme is similar to that previously refused, there are some key differences. The car parking area has been reduced to accommodate 12 vehicles and has also ensured the vehicular access point adjacent to 'Elberns' has been reduced to pedestrian access only. Full details of proposed planting adjacent to the proposed car park have been supplied, and the plans have also removed the recycling containers. A Structural Report has also been undertaken, while changes to the design of the replacement building have been incorporated; namely replacing the previous UPVC windows and modern door with timber joinery in a painted finish, and smaller dormers. Further, the dining room has been reduced from being able to seat 40 people to 20 people, with the additional area to be utilised as a community and social area.

Heritage Impact

- 6.10 Paragraph 193 of the National Planning Policy Framework (2019) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 6.11 Paragraph 197 of the National Planning Policy Framework (2019) states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.12 Policy EN17 of the Adopted Local Plan states that development should look to either preserve or enhance the character and appearance of a conservation Area. The sentiments of this are carried forward within Policy PPL8 in the Emerging Local Plan.
- 6.13 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.
- 6.14 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.
- 6.15 The National Planning Policy Framework (2019) 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'.

- 6.16 As stated above 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.
- 6.17 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 National Planning Policy Framework apply. This paragraph states that, 'where a proposed development will lead to substantial harm to (or total loss or 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'.
- 6.18 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. Following consultation, Essex County Council Place Services state that considering the proposal includes the demolition of a non-designated heritage asset, the submitted Heritage Statement is not detailed enough to fully assess the significance of this building; more detailed research to understand the buildings evolution and its evidential/historic/aesthetic/communal values both in terms of the conservation area and its interior plan form/fixtures and fittings would be expected.
- 6.19 Further, the structural survey, which is a high level condition survey, highlights defects and lists a scheme of works likely to be involved to retain the building, stating "*The above works are likely to be slow, intensive and difficult to execute, we envisage they will be expensive*", however concludes "*In order to establish the exact causes of the damage and the appropriate scope and the full extent of the repairs required, a much more detailed investigation would be needed.*" There are no details provided in relation to what the costs would be to retain the building, even if only partly retained, with the report itself stating "*cost will play a large part in determining which the most viable course of action is and professional advice should be sought in this respect.*" Following consultation with Essex County Council Place Services, they state that while there has been some intrusive alteration to the building, including the existing fenestration, which detracts from the aesthetic value of the building, this could easily be improved upon. Accordingly, the survey does not justify and provide a robust case for the buildings demolition.
- 6.20 The submitted planning statement also makes reference to the public benefits of the scheme, including enhancement of the street scene and conservation area, infilling of the 'gap' in the street scene between Red House and Maybush Inn, enhancement of amenity area, provision of rental accommodation, provision of a community facility and local business in the centre of the village and improvements to highway safety. However, little information is submitted to demonstrate that a restaurant/tea room community hub would provide significant public benefits for the community, while there are also no significant public benefits as a result of three residential units that outweigh the harm discussed previously.
- 6.21 Consequently in the absence of the historic statement providing sufficient analysis of the affected heritage assets and the structural survey not sufficiently justifying a robust case for

the buildings demolition, the proposal is considered to be contrary to the aforementioned local and national planning policies.

Detailed Design

- 6.22 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.23 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.
- 6.24 Notwithstanding the concerns raised above in respect of the demolition of the existing building, 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.
- 6.25 While there have been amendments to the previous design, 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 weatherboarded 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 street scene 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.

Car Park Visual Impact

- 6.26 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 12 parking spaces (previously 24) and has removed the recycling area within the previous submission, and also now proposes new hedging to the exposed perimeter to help soften the impacts. Notwithstanding this point, the construction of a car parking area measuring approximately 50m 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 parking area would be particularly harmful from the public footpath running from east to west along the southern boundary of the site.

- 6.27 The Council's Trees/Landscaping Officer agrees with the view that the car park would be harmful but in respect of the impact upon trees states that while it is important to note the land is constrained by an existing countryside hedgerow, the proposed use of the car park does not appear to necessitate the removal of any major sections of the hedgerow, as the access and egress would be by way of existing field entrances.

Residential Amenities

- 6.28 The redevelopment of the site would not result in any additional harm to local residents in respect of privacy, outlook or the light they receive. The building would occupy largely the same footprint and would include the rear facing window as it does currently. At the rear the parking and bin store areas would be located where a current garage building is situated and would not therefore cause any harm in respect of noise or disturbance to existing residents.
- 6.29 The tea room/restaurant use at ground floor may require extraction equipment. This could however be conditioned to control its position and noise levels. Further conditions controlling the demolition process in view of the proximity of nearby residents would be included if approval is forthcoming.
- 6.30 In terms of amenity space the flats will be provided with a communal space of a size that accords with the requirements of saved policy HG9.

Highway Safety

- 6.31 Essex County Council Highway have no objections to the development subject to a number of conditions relating to the vehicular access, visibility splays, the use of no unbound materials, a car parking and turning area for the car park, details of cycle storage provision and the submission of a Construction Method Statement.
- 6.32 One parking space is proposed for each property which is in accordance with the requirements of the parking standards. The 12 space parking area proposed for the restaurant use is of sufficient size to accord with the parking standards. Further parking is available within the square opposite the site. The Adopted Car Parking Standards state there should be provision for 1 parking space per 5sqm, which will equate to approximately 20 parking spaces. While the car park only has provision for 12 spaces, the proposal is for a community hub where it would not be expected people will visit via vehicle. Therefore, on balance, this parking provision is acceptable.

Habitat Regulations Assessment

- 6.33 Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The HRA has therefore been amended to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The recommendation seeks to secure this by way of legal agreement within six months of a Committee resolution to approve, otherwise planning permission would be refused in its absence on the grounds that there is no certainty that the development would not adversely affect the integrity of European Designated Sites.
- 6.34 A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast RAMS requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites.

- 6.35 The proposal is therefore considered to be contrary to Policies EN6 and EN11a of the Saved Tendring District Local Plan 2007 and Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Legal Obligations

- 6.36 The Council's Public Open Space and Play Team confirm there is a deficit of -0.76 hectares of equipped play in Great Oakley, however due to the size of the current development it is unlikely that there will be a significant impact on the current facilities. Therefore no contribution is being requested.

Overall Planning Balance/Conclusion

- 6.37 Significant harm has been identified in relation to the demolition of Red House, an important building which would cause substantial harm to the Great Oakley Conservation Area if demolished. Its replacement is not considered to be of a sympathetic design that respects and adheres to the areas character or appearance. Further, the proposed car park, while reduced from the previous scheme, is considered to represent an unjustified intrusion into open countryside and contribute to the urbanisation of the village and gradual erosion of the countryside. Given this, and the lack of a financial contribution for RAMS, the recommendation is one of refusal.

Background Papers

None.