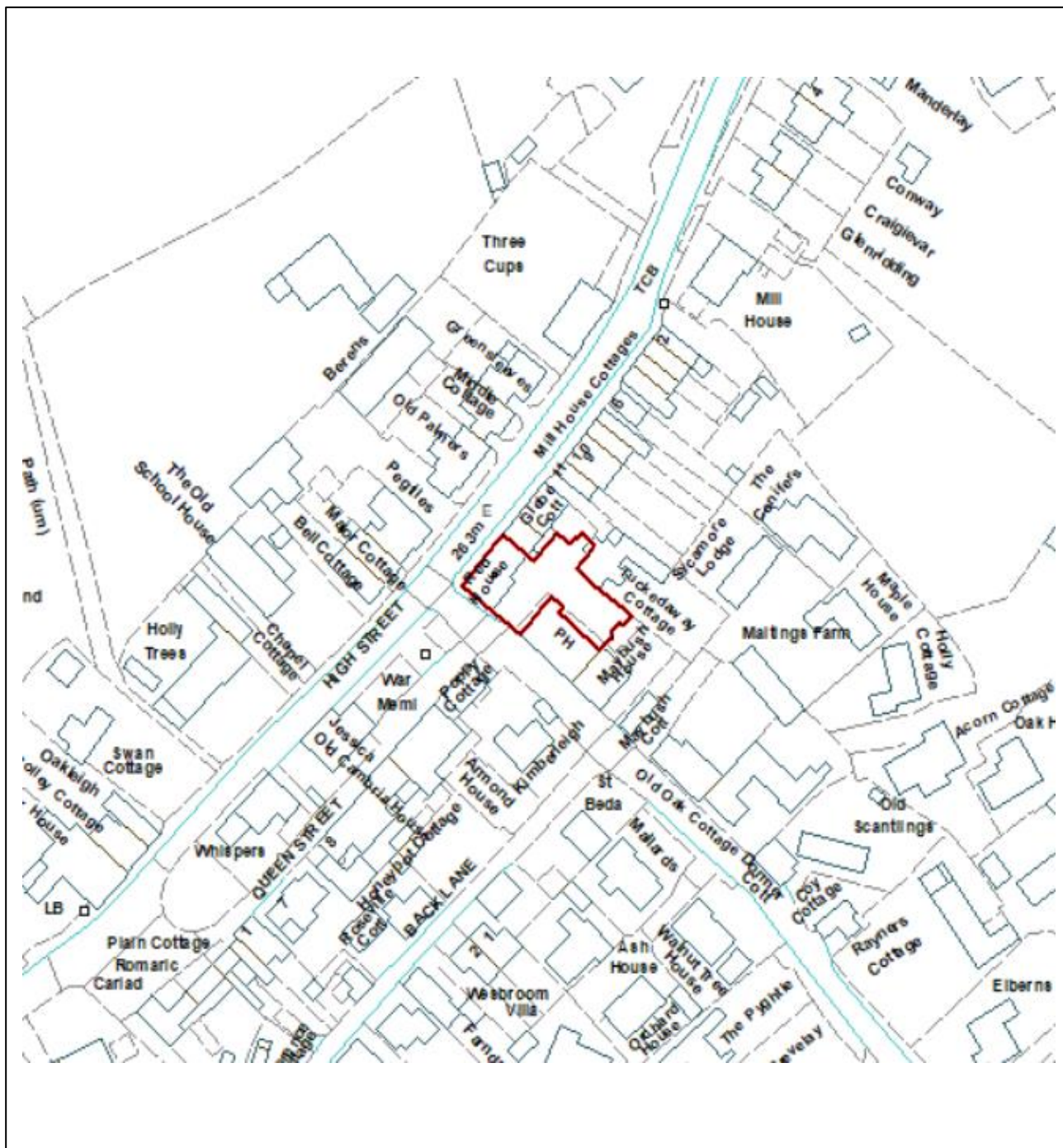


PLANNING COMMITTEE

13 MAY 2025

REPORT OF THE DIRECTOR OF PLANNING

A.2. PLANNING APPLICATION – 24/00280/FUL – RED HOUSE HIGH STREET GREAT OAKLEY HARWICH



DO NOT SCALE

© Crown Copyright and database right 2025. Ordnance Survey Licence No.100018684.

Application:	24/00280/FUL	Expiry Date:	24th April 2024
Case Officer:	Michael Pingram	EOT Date:	16th May 2025
Town/ Parish:	Great Oakley Parish Council		
Applicant:	Great Oakley Community Hub		
Address:	Red House High Street Great Oakley, Harwich Essex CO12 5AQ		
Development:	Demolition of Red House to allow construction of two conventional arrangement dwellings comprising one 2-bedroom dwelling and one 3-bedroom dwelling, and an infill extension between Red House and The Maybush Inn to form a further one bedroom flat incorporating a multi use community facility to the Public House at ground level.		

1. Executive Summary

- 1.1 This application is before the Planning Committee following a call-in request from Councillor Bush in the event the application was recommended for refusal, and seeks full planning permission for the demolition of Red House followed by the construction of a like-for-like replacement building and infill extension to create three flats and a multi-use community facility.
- 1.2 The site falls within the Settlement Development Boundary for Great Oakley and the enhanced community facilities are in accordance with Policy HP2, and therefore the principle of the development is acceptable. In addition, Officers consider there is sufficient private amenity space and the impact to neighbours is not significantly harmful.
- 1.3 That said, Red House is a non-designated heritage asset that makes a positive contribution to the area despite its condition and some previous inappropriate alterations, and its demolition results in a level of less than substantial harm to the Great Oakley Conservation Area. Following the submission of a Structural Engineering Inspection Report, this has confirmed the building can be retained and repaired, albeit with extensive works, and therefore there is not clear and convincing justification for the complete loss of the significance of the building and the consequential harm to the setting of the Great Oakley Conservation Area.
- 1.4 Furthermore, despite some amendments/improvements to the design, the proposed replacement building does not preserve or enhance the character of the area, lacking the authenticity and inherent historic interest of the existing building. On this occasion Officers consider that the public benefits of the scheme, including the proposed multi-use community area and extension to the garden area, do not outweigh this identified level of less than substantial harm.
- 1.5 ECC Highways have also raised an objection due to insufficient parking provision and the impacts that would generate to the highway network. Officers acknowledge the proposal represents an enhancement to the District's community facilities, there is no parking for the existing building and the site is within a sustainable location, however on balance conclude that the harm through insufficient parking provision is such that it justifies recommending a reason for refusal.

Recommendation: Refusal

- 1) That the Head of Planning and Building Control be authorised to refuse planning permission subject to the reasons as stated at paragraph 10.2, or varied as is necessary to ensure the

wording is precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the reasons for refusal as referenced is retained; and,

- 2) The informative notes as may be deemed necessary.

2. Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19th December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in November 2023, and demonstrates a 6.44-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

3. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

4. Planning Policy

4.1 The following Local and National Planning Policies are relevant to this planning application.

National Planning Policy Framework:

National Planning Policy Framework (2025)

National Planning Policy Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2:

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP2 Community Facilities
- HP5 Open Space, Sports and Recreation Facilities
- DI1 Infrastructure delivery and impact mitigation
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL8 Conservation Areas
- PPL9 Listed Buildings
- PPL10 Renewable Energy Generation and Energy Efficiency Measures
- CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

5. 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
19/00090/FUL	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.	Withdrawn	26.03.2019
21/00080/FUL	Proposed conversion of dwelling into two flats (Red House), infill extension between	Approved	06.10.2021

dwelling and The Maybush Public House to form further flat with multi-use community facilities extension to Public House at ground level. Proposed Change of Use of garden area behind public house from residential to use associated with Public House / Community Use and proposed external landscaping works.

22/01404/DISCON	Discharge of conditions 5 (Programme of historic building recording), 6 (Historic buildings report), and 7 (Programme of archaeological monitoring) of application 21/00080/FUL.	Approved	26.09.2022
-----------------	--	----------	------------

6. Consultations

Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.

All consultation responses are available to view, in full (including all recommended conditions and informatives), on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

Essex County Council Archaeology

08.04.2024

The above application is for demolition of Red House to allow construction of two conventional arrangement dwellings comprising one 2-bedroom dwelling and one 3-bedroom dwelling, and an infill extension between Red House and The Maybush Inn to form a further one bedroom flat incorporating a multi use community facility to the Public House at ground level.

The building known as the Red House lies in a prominent position on the corner of what may have been a market square in the historic settlement of Great Oakley. The Chapman and Andre map of 1777 depict buildings in this location and historic maps show buildings in the location of the proposed new infill extension. A historic building record was requested to be carried out as part of the conditions on a previous application. A report was submitted which concluded that the building was likely constructed in the early 18th century. The building originated as two properties, the Tithe map of 1841 identifies the two buildings as a house and bake office and a house and shop. By the early 20th century the building was combined and extended into a single property known as the Red House. The report reveals that much of the original building survives despite later alterations.

The historic building report was carried out prior to the conversion of the building which would be considered a non-designated heritage asset and the previous application was for the retention of the historic building. Paragraph 205 of the NPPF affords great weight to the conservation of heritage assets and the above application would result in the total loss of a non-designated heritage asset.

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.

A programme of archaeological monitoring was requested on the previous application, this investigation has not been completed. A Written Scheme of Investigation (WSI) for this work was approved in 2022. The WSI will need to be updated and re-submitted with details pertinent to this application.

The following recommendations are made in line with the National Planning Policy Framework:

RECOMMENDATION: Archaeological monitoring.

(i) No development or preliminary ground works shall take place within the site until a Written Scheme of Investigation for a programme of archaeological work has been submitted to and approved in writing by the local planning authority.

(ii) During the groundworks associated with the development a programme of archaeological monitoring will be undertaken, in accordance with the approved Written Scheme of Investigation. A report detailing the results of the monitoring will subsequently be submitted for approval in writing by the local 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.

Essex County Council Heritage

03.04.2024 – Initial Comments

The application is for the demolition of Red House to allow construction of two conventional arrangement dwellings comprising one 2-bedroom dwelling and one 3-bedroom dwelling, and an infill extension between Red House and The Maybush Inn to form a further one bedroom flat incorporating a multi use community facility to the Public House at ground level.

The site is located within the Great Oakley Conservation Area. As a prominent building of likely eighteenth century origin with nineteenth century alterations located in the historic core of the village. The building makes a positive contribution to the character and appearance of the Conservation Area. It has also been identified (in previous consultation responses) as a non-designated heritage asset due to its local historic and architectural interest.

Previous applications for the proposed demolition of the building have been refused (18/01046/FUL) and withdrawn (19/00090/FUL) due in part to the loss of a positive building within the Conservation Area and the lack of justification for its demolition. The Structural Inspection (Steven Heard Associates, October 2018) submitted with the withdrawn application (19/00090/FUL) was a high-level condition survey highlighting defects in the building, and this was not considered to be sufficient to justify the proposed demolition. Subsequently, an application for the retention and conversion of the building was approved (21/00080/FUL) with an infill extension between the Red House and the Maybush Inn. A Structural Report from Davies Burton Sweetlove Ltd. (January 2021) was submitted which considered the retention and repair of the building as 'Option 1'.

Pre-application advice (23/30173/PREAPP) was provided in a letter dated 28/09/2023. This letter reiterated that the proposed demolition and rebuilding would result in 'less than substantial' harm to the significance of the Conservation Area and the complete loss of a non-designated heritage asset. It was advised that 'at least' the original facades and central chimney should be retained in order to preserve the Conservation Area. The pre-application advice letter goes on to state that should this be assessed not to be structurally feasible or unsafe, then the like-for-like reconstruction of the building re-using historic materials would be considered

acceptable. The current application for the demolition and rebuilding of the Red House is accompanied by a Structural Inspection by Davies Burton Sweetlove Ltd. (January 2024). It details the defects of the building and considers the retention of the façades to Farm Road and High Street, concluding that such work would be hazardous and high risk, recommending the like-for-like rebuilding of the structure. It does not explore in detail the retention of the building and the works required to retain and repair the building.

The loss of the building would result in 'less than substantial' harm to the Conservation Area (as also concluded in the applicant's Heritage Statement). Paragraph 205 of the NPPF affords great weight to the conservation of heritage assets, and paragraph 206 requires clear and convincing justification for any harm to the significance of a designated heritage asset. The pre-application advice noted that only if the retention of the building (as per the approved scheme) were assessed not to be structurally feasible or unsafe would its rebuilding be acceptable. The submitted Structural Inspection does not provide this clear and convincing justification for the resulting harm as it does not adequately consider the retention of the building. To address the need for clear and convincing justification, it is recommended that a second opinion is sought, preferably from a Conservation Accredited (CARE) engineer¹ who, in receiving accreditation, will have demonstrated their particular skill in the conservation of historic structures.

It is acknowledged that in considering whether the proposal will preserve or enhance the character or appearance of the Conservation Area (as per S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990) the proposal as a whole must be considered. With this in mind, and notwithstanding the concerns regarding demolition, the proposed replacement building is not considered to preserve or enhance the area's character or appearance. It does not accurately replicate the traditional appearance of the building, introducing an unsympathetic crown roof and using modern materials which lack the quality of historic and traditional materials (concrete roof tiles and modern brown bricks), and does not preserve the architectural interest of the existing building. The proposed replica building also lacks the authenticity and inherent historic and archaeological interest of the existing building. The historic building stock makes a huge contribution to the character and appearance of the Conservation Area and the existing building has been identified as a building which makes a positive contribution, despite its condition and some inappropriate alterations. A replica building, particularly one with an unsympathetic roof form and modern materials, would not hold the same heritage interests as the existing building.

In conclusion, the clear and convincing justification (NPPF para. 206) for the demolition and replacement of the existing building, which has been found to make a positive contribution to the Conservation Area and is a non-designated heritage asset in its own right, is lacking. Notwithstanding the harm resulting from the demolition of the building, the proposed replacement building would result in the loss of heritage significance from the site due to its design which would not preserve the existing archaeological, architectural and historic interest. The proposal therefore does not preserve or enhance the character or appearance of the Conservation Area (as per S72(1) of the 1990 Act) and it would result in less than substantial harm to the area's significance (NPPF para. 208) and the total loss of significance of a non-designated heritage asset (NPPF para. 209). As per paragraph 212, the loss of the building which makes a positive contribution to the significance of the Conservation Area should be treated, in this case, as less than substantial harm. Consideration should also be given to paragraph 205 which affords great weight to the conservation of heritage assets.

The proposal to demolish and replace Red House is not supported.

UU Open Spaces

08.04.2024

Public Realm Assessment

Play Space - current deficit:

- Deficit of 0.76 hectares of equipped play in Great Oakley

Formal Play - current deficit:

- Adequate open space to cope with some development

Settlement provision:

- School Road Playground and open space 0.3 miles from the development

Officer Conclusions and Recommendations

Contribution necessary, related, and reasonable?
to comply with CIL Regs*

- No contribution is being requested on this occasion.

Identified project*:

(In consultation with Town / Parish Council on upcoming projects or needs for maintenance)

- N/a

ECC Highways Dept

14.03.2024

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

The Highway Authority will protect the principal use of the highway as a right of free and safe passage of all highway users.

As far as can be determined from the submitted plans and similar to the previous application: 21/00080/FUL, the proposal fails to provide sufficient off-road parking facilities in accord with current Parking Standards. The proposal would lead to the introduction of two dwellings and one flat in place of the single dwelling, with no off-street parking being provided, with the likelihood of additional vehicles being left parked in the adjoining highway adding to the existing parking stress in this area and in the immediacy of Priority Junctions and link roads, causing conditions of congestion, and obstruction, contrary to the interests of highway safety.

The site is a corner plot part of which fronts the High Street which is a B' Road and Secondary Distributor in the County Council's Route Hierarchy, the function of which is to carry traffic safely and efficiently between substantial rural populations and on through routes in built up areas. Although the junction of Farm Road and High Street is covered by some existing waiting restrictions, the majority of houses in the vicinity of the proposal and in the surrounding side roads have little or no off-street parking as a result this proposal will add additional kerbside stress, obstruction, or congestion contrary to highway safety. In turn, impact on deliveries to The Maybush Public House.

Although the proposal is within an urban location and is close to some existing public transport facilities, it is a village location, as such the overall parking provision is considered to be inadequate for the density and size of the application. The proposal if permitted would set a precedent for future similar developments which would likely lead to inappropriate parking detrimental to the general safety of all highway users and undermine the principle of seeking to discourage or adding to on-street parking in the locality.

The proposal is therefore contrary policies DM1 and DM8 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Environmental Protection

07.03.2024

With reference to the above application; please see below for comments from the EP Team:

Demolition / Construction Method Statement: In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Protection ask that the following is submitted prior to the commencement of any construction or demolition works - the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control. This should at minimum include the following where applicable.

o Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

o Emission Control

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site.
- 3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

REASON: to protect the amenity of nearby residential dwellings.

This advice letter follows a previous letter dated 03/04/2024 and should be read in conjunction.

Revised drawings have been submitted showing an amended design which has removed the previously proposed crown roof, replacing it with a dual pitched roof. This has addressed one of the previous concerns regarding the non-traditional design of the roof of the replacement building.

However, previous concerns regarding the need for 'clear and convincing' justification for the harm caused to the heritage assets (as per NPPF para. 206) remain unaddressed. It was suggested previously that the opinion of a CARE (conservation accredited) engineer was sought. Without a relevant independent specialist scrutinising the information submitted and reassessing the potential of retaining the building, it is not considered that there is sufficient clear and convincing justification for the complete loss of the significance of the building and the resulting harm to the significance of the Conservation Area.

Whilst efforts have been made in regards to the proposed design and materiality of the replacement building, the previous advice remains. The proposed replacement building is not considered to preserve or enhance the area's character or appearance because it lacks the authenticity and inherent historic and archaeological interest of the existing building; these aspects of its significance will be completely lost. The historic building stock makes a huge contribution to the character and appearance of the Conservation Area and the existing building has been identified as a building which makes a positive contribution, despite its condition and some inappropriate alterations. A replica building would not hold the same inherent heritage interests or significance as the existing building.

It is noted that the revised Design and Access Statement lists 'white window frames' under materials (page 35) to reproduce the existing materiality on the site. Replicating the existing poor quality uPVC windows, which currently detract from the character and appearance of the Conservation Area, would not be a sympathetic approach.

In conclusion and as per previous advice, the clear and convincing justification (NPPF para. 206) for the demolition and replacement of the existing building, which has been found to make a positive contribution to the Conservation Area and is a non-designated heritage asset in its own right, is lacking as the submitted supporting information has not been adequately scrutinised (or supported) by a second relevant specialist as previously advised. Notwithstanding the harm resulting from the demolition of the building, the proposed replacement building would result in the loss of heritage significance from the site, and it would not preserve the existing archaeological, architectural and historic interest inherent in the building's surviving historic fabric. The proposal therefore does not preserve or enhance the character or appearance of the Conservation Area (as per S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990). It would result in less than substantial harm to the area's significance (NPPF para. 208) and the total loss of significance of a non-designated heritage asset (NPPF para. 209). As per paragraph 212, the loss of the building which makes a positive contribution to the significance of the Conservation Area should be treated, in this case, as less than substantial harm. Consideration should also be given to paragraph 205 which affords great weight to the conservation of heritage assets.

The proposal to demolish and replace Red House is not supported. However, if the application were to be approved, it is recommended that the following conditions are attached:

Building recording:

- No demolition or alteration shall commence until a programme of historic building recording has been secured in accordance with a written scheme of investigation (WSI) to be submitted by the applicant and approved in writing by the local planning authority.
- No demolition or alteration shall take place until the satisfactory completion of the recording in accordance with the WSI submitted.
- The applicant will submit to the local planning authority a report detailing the results of the recording programme and confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI.

Additional details:

- Notwithstanding the details included in the Design and Access Statement, details of the types, colours and manufacturer of all external materials shall be submitted to and approved in writing by the LPA prior to their first use on site.
- Detailed drawings of new windows, doors, cills, eaves, verges and fascias, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved in writing by the LPA prior to their first installation or construction on site.
- Details of the size, design and placement of the new solar panels shall be submitted to and approved in writing by the LPA prior to their first installation on site.
- Details of the design and placement of any new external signage, lighting, grills, vents, satellite dishes, meter boxes, alarm boxes or other external fixtures shall be submitted to and approved in writing by the LPA prior to their first installation on site.

Essex County Council Heritage

14.04.2025 – additional comments

following submission of Structural Engineering Inspection Report

This advice letter follows the submission of a Structural Engineering Inspection Report (January 2025) by CTP Consulting Engineers. Previous letters dated 03/04/2024 and 30/07/2024 raised concerns regarding the need for 'clear and convincing' justification (NPPF para. 213) for the harm arising to the significance of the Conservation Area and the loss of the non-designated heritage asset. The opinion of a CARE (conservation accredited) engineer has now been provided within the submitted Structural Engineering Inspection Report.

The report concludes that "...it is possible to reinstate this building through a programme of extensive structural repairs..." (para. 5.1.1) which are then detailed in Section 5 of the report. It is noted that further detailed investigations are required to determine the full scope of repairs. The report also advises that if the proposal to lower the floor levels was omitted from a scheme to convert the building, the extensive underpinning proposed would not be required (para. 4.2.10).

The report does not provide justification for the demolition of the building as it demonstrates that it can be retained and repaired, albeit with extensive repairs. No further information has been submitted to demonstrate that these repairs are not economically viable. Therefore, there remains insufficient clear and convincing justification for the complete loss of the significance of the building and the resulting harm to the significance of the Conservation Area.

Notwithstanding the concerns arising from the demolition of the building, in considering the proposal as a whole, the proposed replacement building is not considered to preserve or enhance the Conservation Area's character or appearance because it lacks the authenticity and inherent historic and archaeological interest of the existing building. These aspects of its significance will be completely lost. The historic building stock makes a huge contribution to the character and appearance of the Conservation Area and the existing building has been identified as a building which makes a positive contribution, despite its condition and some inappropriate alterations. A replica building would not hold the same inherent heritage interests or significance as the existing building.

In conclusion and as per previous advice, the clear and convincing justification (NPPF para. 213) for the demolition and replacement of the existing building, which has been found to make a positive contribution to the Conservation Area and is a non-designated heritage asset in its own right, is lacking. The submitted Structural Engineering Inspection Report (reviewed by a CARE engineer) demonstrates that the building is capable of retention and repair. Notwithstanding the harm resulting from the demolition of the building, the proposed replacement building would result in the loss of heritage significance from the site, and it would not preserve the existing archaeological, architectural and historic interest inherent in the building's surviving historic fabric. The proposal therefore does not preserve or enhance the character or appearance of the Conservation Area (as per S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990). It would result in less than substantial harm to the area's significance (NPPF para. 215) and the total loss of significance of a non-designated heritage asset (NPPF para. 216). As per paragraph 220, the loss of the building which makes a positive contribution to the significance of the Conservation Area should be treated, in this case, as less than substantial harm. Consideration should also be given to paragraph 212 which affords great weight to the conservation of heritage assets.

The proposal to demolish and replace Red House is not supported. However, if the application were to be approved, it is recommended that the following conditions are attached:

Building recording:

- No demolition or alteration shall commence until a programme of historic building recording has been secured in accordance with a written scheme of investigation (WSI) to be submitted by the applicant and approved in writing by the local planning authority.
- No demolition or alteration shall take place until the satisfactory completion of the recording in accordance with the WSI submitted.
- The applicant will submit to the local planning authority a report detailing the results of the recording programme and confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI.

Additional details:

- Notwithstanding the details included in the Design and Access Statement, details of the types, colours and manufacturer of all external materials shall be submitted to and approved in writing by the LPA prior to their first use on site.
- Detailed drawings of new windows, doors, cills, eaves, verges and fascias, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved in writing by the LPA prior to their first installation or construction on site.
- Details of the size, design and placement of the new solar panels shall be submitted to and approved in writing by the LPA prior to their first installation on site.
- Details of the design and placement of any new external signage, lighting, grills, vents, satellite dishes, meter boxes, alarm boxes or other external fixtures shall be submitted to and approved in writing by the LPA prior to their first installation on site.

7. Representations

7.1 Great Oakley Parish Council have not provided any comments on the application.

7.2 The application has been called to be determined by the Planning Committee by Councillor Bush in the event that it be recommended for refusal, on the basis that the existing building is derelict and beyond economical repair, and that the proposal will recreate a dwelling that reflects the original form and features of the building, re-establishing a street scene within the Conservation Area.

7.3 There have been a total of three objections letters received, with the following points raised:

- Insufficient parking provision;
- Overdevelopment of a site in a Conservation Area;

- Harm to character and appearance of the Conservation Area;
- It would be possible to renovate the existing building instead; and
- Use of materials are not like-for-like.

7.4 In addition, there have been a total of 16 letters of support received, with a summary of the comments received below:

- Red House is now a derelict eyesore and is no longer of heritage significance;
- A visual improvement to the existing building;
- Current building is not safe to be left standing;
- Proposal would benefit the community;
- The design is in-keeping with the existing building;
- The state of the current building devalues neighbouring properties;
- Building does not make a positive contribution to the Conservation Area; and
- Benefits of the proposal include three social houses.

8. Assessment

Site Description

- 8.1 The application site is Red House, which is a two storey vacant building located in a prominent location on the corner of High Street Farm Road, within the parish of Great Oakley. The surrounding area is largely urban in nature, with predominantly residential properties to all sides. Adjacent to the south-east is the Maybush Inn, a public house, with a convenience store located approximately 50 metres to the north-east.
- 8.2 The site falls within the Settlement Development Boundary for Great Oakley within the adopted Local Plan 2013-2033, and is also within the Great Oakley Conservation Area. There are also numerous Grade II Listed Buildings located further out to the north, south-east, south-west and north-west of Red House.

Planning History

- 8.3 Under reference 18/01046/FUL, planning permission was refused in August 2018 for the demolition of Red House, followed by the construction of a replacement building of a similar design to the current building, and which would have accommodated three flats at first floor level and a community hub at ground floor. In addition, additional parking provision was proposed via a 600sqm area of land situated to the south-eastern end of Farm Road.
- 8.4 The application was refused on the basis that the demolition of the building would cause substantial harm to the Conservation Area, and insufficient information accompanied the application to outline the significance of the building or to demonstrate through a building condition survey that the building was beyond economic repair. Furthermore, the detailed design of the replacement building was not considered to preserve or enhance the Conservation Area, and the proposed separate parking area was considered harmful to the character of the area, resulting in an unjustified intrusion into open countryside.
- 8.5 Under reference 21/00080/FUL planning permission was granted in October 2021 for the conversion of Red House into two flats, as well as an infill extension between Red House and Maybush Inn to form a further flat and multi-use community facilities. This permission remained extant until 6th October 2024. That notwithstanding, the supporting submission has identified that this approach has been investigated in detail and the technical delivery of the project due to soil condition and current state of the building could make the delivery of the refurbishment unviable and unsafe.

Description of Proposal

- 8.6 This application seeks planning permission for the demolition of Red House and in its place the construction of a replacement building of the exact appearance of the current building that would accommodate two flats. In addition, an infill extension is proposed between Red House and Maybush Inn to form a further flat at first floor level and a multi-use community facility (Class F2) at ground floor level.
- 8.7 Furthermore, the works would also involve the change of use of the garden area behind Maybush Inn from residential use to a use associated with the Public House/Community Use.

Principle of Development

- 8.8 The site is located within the Settlement Development Boundary (SDB) for Great Oakley, as established in the Adopted Local Plan. Adopted Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies. As such, at an overarching high level, the principle of residential development on the site is acceptable, subject to the detailed considerations below.
- 8.9 In addition, the works involve the change of use of the existing residential garden area so that it can be occupied in relation to the Public House use at Maybush Inn as well as in relation to the proposed community facility use. This is in accordance with Policy HP2, which states new development should support and enhance community facilities where appropriate by providing on site or contributing towards new or enhanced community facilities.

Heritage Impacts

- 8.10 Paragraph 212 of the National Planning Policy Framework (2025) 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 213 adds that any harm or loss to a heritage asset should require clear and convincing justification.
- 8.11 Paragraph 215 of the NPPF confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.12 Adopted Local Plan Policy PPL8 states that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area. Policy PPL9 adds that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.
- 8.13 The application site falls within the Great Oakley Conservation Area and is also within proximity to a number of Listed Buildings. As such ECC Place Services (Heritage) have been consulted and initially identified a level of less than substantial harm through the demolition of Red House, with the submitted Structural Inspection not providing the necessary clear and convincing justification for the resulting harm. In addition, ECC Heritage also considered that the replacement building did not conserve or enhance the character and appearance of the area, with specific concerns raised in relation to a unsympathetic crown roof and use of modern materials. Following a request from Officers, the agent for the application has provided amended drawings that replaced the crown roof with a dual-pitched roof.
- 8.14 Following the submission of amended plans, ECC Heritage were re-consulted and again confirmed the demolition of Red House, which is considered to be a non-designated heritage asset that makes

a position contribution to the area despite its condition and some previous inappropriate alterations, results in a level of less than substantial harm to the Great Oakley Conservation Area. Without the opinion of a Conservation Accredited engineer to confirm it would not be possible to retain the building, there was not clear and convincing justification for the complete loss of the significance of the non-designated heritage asset and the consequential harm to the setting of the Great Oakley Conservation Area. Furthermore, despite some amendments/improvements to the design, the proposed replacement building still did not preserve or enhance the character of the area, lacking the authenticity and inherent historic and archaeological interest of the existing building.

- 8.15 In order to address some of the concerns detailed above, a Structural Engineering Inspection Report has been prepared by CTP Consulting Engineers, which confirms a visual structural inspection was undertaken in January 2025. The building was vacant and considered to be in a poor state of repair, however it would be possible to retain the building through a programme of extensive structural repairs. Short terms preventative works would include replacement guttering, local repairs to the roof, and the remains of the partially collapsed chimney should be removed. Short to medium repair works would include replacing rotten built in bond timbers, installation of supplementary joists, replacement render, repointing of chimney and gable wall and repair/replace concrete slabs. It is, however, noted that a number of further detailed investigations are required to determine the full scope of repairs necessary.
- 8.16 Following the submission of this Report, ECC Heritage were again consulted, and have confirmed the following:

“This advice letter follows the submission of a Structural Engineering Inspection Report (January 2025) by CTP Consulting Engineers. Previous letters dated 03/04/2024 and 30/07/2024 raised concerns regarding the need for ‘clear and convincing’ justification (NPPF para. 213) for the harm arising to the significance of the Conservation Area and the loss of the non-designated heritage asset. The opinion of a CARE (conservation accredited) engineer has now been provided within the submitted Structural Engineering Inspection Report.

The report concludes that “...it is possible to reinstate this building through a programme of extensive structural repairs...” (para. 5.1.1) which are then detailed in Section 5 of the report. It is noted that further detailed investigations are required to determine the full scope of repairs. The report also advises that if the proposal to lower the floor levels was omitted from a scheme to convert the building, the extensive underpinning proposed would not be required (para. 4.2.10).

The report does not provide justification for the demolition of the building as it demonstrates that it can be retained and repaired, albeit with extensive repairs. No further information has been submitted to demonstrate that these repairs are not economically viable. Therefore, there remains insufficient clear and convincing justification for the complete loss of the significance of the building and the resulting harm to the significance of the Conservation Area.

Notwithstanding the concerns arising from the demolition of the building, in considering the proposal as a whole, the proposed replacement building is not considered to preserve or enhance the Conservation Area’s character or appearance because it lacks the authenticity and inherent historic and archaeological interest of the existing building. These aspects of its significance will be completely lost. The historic building stock makes a huge contribution to the character and appearance of the Conservation Area and the existing building has been identified as a building which makes a positive contribution, despite its condition and some inappropriate alterations. A replica building would not hold the same inherent heritage interests or significance as the existing building.

In conclusion and as per previous advice, the clear and convincing justification (NPPF para. 213) for the demolition and replacement of the existing building, which has been found to make a positive contribution to the Conservation Area and is a non-designated heritage asset in its own right, is lacking. The submitted Structural Engineering Inspection Report (reviewed by a CARE engineer)

demonstrates that the building is capable of retention and repair. Notwithstanding the harm resulting from the demolition of the building, the proposed replacement building would result in the loss of heritage significance from the site, and it would not preserve the existing archaeological, architectural and historic interest inherent in the building's surviving historic fabric.

The proposal therefore does not preserve or enhance the character or appearance of the Conservation Area (as per S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990). It would result in less than substantial harm to the area's significance (NPPF para. 215) and the total loss of significance of a non-designated heritage asset (NPPF para. 216). As per paragraph 220, the loss of the building which makes a positive contribution to the significance of the Conservation Area should be treated, in this case, as less than substantial harm. Consideration should also be given to paragraph 212 which affords great weight to the conservation of heritage assets.

The proposal to demolish and replace Red House is not supported. However, if the application were to be approved, it is recommended that the following conditions are attached:

Building recording:

- No demolition or alteration shall commence until a programme of historic building recording has been secured in accordance with a written scheme of investigation (WSI) to be submitted by the applicant and approved in writing by the local planning authority.*
- No demolition or alteration shall take place until the satisfactory completion of the recording in accordance with the WSI submitted.*
- The applicant will submit to the local planning authority a report detailing the results of the recording programme and confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI.*

Additional details:

- Notwithstanding the details included in the Design and Access Statement, details of the types, colours and manufacturer of all external materials shall be submitted to and approved in writing by the LPA prior to their first use on site.*
- Detailed drawings of new windows, doors, cills, eaves, verges and fascias, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved in writing by the LPA prior to their first installation or construction on site.*
- Details of the size, design and placement of the new solar panels shall be submitted to and approved in writing by the LPA prior to their first installation on site.*
- Details of the design and placement of any new external signage, lighting, grills, vents, satellite dishes, meter boxes, alarm boxes or other external fixtures shall be submitted to and approved in writing by the LPA prior to their first installation on site."*

8.17 Therefore, taking the above comments into consideration, the Structural Engineering Inspection Report has failed to provide the necessary justification that the building cannot be retained and repaired, albeit it does confirm that extensive works would be required. No further information has been provided to demonstrate whether it would be financially viable to undertake these works, and overall there remains insufficient clear and convincing justification for the complete loss of the significance of the non-designated heritage asset and the consequential harm to the setting of the Great Oakley Conservation Area. Furthermore, despite some amendments/improvements to the design, the proposed replacement building does not preserve or enhance the character of the area, lacking the authenticity and inherent historic interest of the existing building.

8.18 In line with the requirements of Paragraph 215 of the NPPF (2025), as a level of less than substantial harm has been identified, it is for Officers to weigh this harm against any public benefits the development would generate. On this occasion, Officers acknowledge a minor level of public benefits, through the proposed multi-use area that would connect to the Public House as well as an extension to the garden area, although would note that the communal area is part of the proposed infill extension so could be undertaken without the demolition of Red House. The introduction of three

market dwellings is an additional benefit, however given the Council can currently demonstrate a sufficient five year housing land supply, little weight is given to this. Overall, whilst the public benefits of the proposal are acknowledged, on this occasion it is considered that the identified less than substantial harm outweighs this.

Scale, Layout and Appearance

- 8.19 Paragraph 135 of the National Planning Policy Framework (NPPF) (2025) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.
- 8.20 Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Adopted Policy SPL3 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.
- 8.21 The proposed infill element is in-keeping with that approved under 21/00080/FUL. The height of the proposal is similar to the former building and connects to the existing roof profiles. The proposal will be two storeys and although visible to the street scene the scale is in keeping with the immediate area, and also aligns with the historic appearance of the location.
- 8.22 The change of use of the land behind the pub to a garden area to serve the public house and community facility will not cause any material harm and will not materially alter the appearance of the site.
- 8.23 Furthermore, the three proposed flats are to be served by a communal garden area measuring approximately 90sqm. Policy LP4 states that private amenity space should be of a size and configuration that will appropriately meet the needs and expectations of the future occupants and which is commensurate to the size of dwelling and the character of the area. Officers consider the provision shown meets these requirements.

Impact to Neighbouring Amenities

- 8.24 Paragraph 135 of the National Planning Policy Framework (2025) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.25 Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 8.26 While the building is proposed to be demolished, it is to be replaced on a like-for-like basis with the same footprint as existing. Furthermore, the existing windows (number, size and position) would remain exactly the same. In this context, this element of the building will result in a neutral impact to neighbouring amenities. With regards to the proposed infill element, there are two first floor rear elevation windows which both serve bedrooms. While these windows would result in some small level of overlooking to the private garden area to the north, it is acknowledged there is good separation distance and this area already consists of numerous first floor windows that also overlook. Therefore, the increase to this would not be significant and it is therefore no objections are raised on this basis.

Highway Safety

- 8.27 Paragraph 115 of the National Planning Policy Framework (2025) seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 116 adds that

development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy SPL3 (Part B) of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.

- 8.28 Essex Parking Standards state that for a residential dwelling with one bedroom there should be a provision of one parking space measuring 5.5m x 2.9m, and for a dwelling of two bedrooms or more there should be two spaces at the above measurements. On this occasion it is acknowledged that the proposal includes no parking provision.
- 8.29 Essex Highways Authority have confirmed that from a highway and transportation perspective the impact of the proposal is not acceptable on the grounds that there is insufficient parking provision, which would lead to additional vehicles being left parked in the adjoining highway adding to the existing parking stress in this area, and would also set a precedent for future similar developments which would likely lead to inappropriate parking detrimental to the general safety of all highway users. In addition, the site is a corner plot, part of which fronts the High Street which is a 'B' Road and Secondary Distributor in the County Council's Route Hierarchy, the function of which is to carry traffic safely and efficiently between substantial rural populations and on through routes in built up areas. Although the junction of Farm Road and High Street is covered by some existing waiting restrictions, the majority of houses in the vicinity of the proposal and in the surrounding side roads have little or no off-street parking, and as a result this proposal will add additional kerbside stress, obstruction, or congestion contrary to highway safety.
- 8.30 The above notwithstanding, within the determination of planning application 21/00080/FUL, Officers previously weighed up that despite no parking provision there were other benefits to the wider scheme in bringing back into active use a vacant property that is also an important heritage asset, as well as enhancing the community facilities. Therefore, on balance, the lack of parking was not considered so harmful that it justified a reason for refusal. However, the current application differs to 21/00080/FUL in that it would not retain the existing heritage asset and increases the overall number of proposed bedrooms from five to six, as well as the increase in the communal space. Therefore, whilst Officers acknowledge there would still be an enhancement to the community facilities, the existing use of the building provides no parking, the flats are of a relatively small size, and the site is within a sustainable location, on balance the identified harm through the lack of any parking provision is to such an extent that it warrants recommending a reason for refusal.

Renewable and Energy Conservation Measures

- 8.31 Paragraph 117 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.
- 8.32 Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.
- 8.33 The proposal includes for a development that has the potential to incorporate renewable features, however it is equally noted that the building is in situ and the proposal is large just a change of use, with only minor external alterations. As such, on this occasion Officers do not consider that it would be reasonable or necessary to recommend a planning condition requiring the submission of further details.

Foul Drainage

- 8.34 Paragraph 187 of the Framework (2025) states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 198 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.
- 8.35 Policy PPL5 of Section 2 of the adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.
- 8.36 The agent for the application has confirmed on the application form that the development would be connected to the existing public foul sewer. This is in accordance with the above policy requirements and is therefore considered to be acceptable in the event of an approval.

Biodiversity and Geodiversity

- 8.37 Paragraph 193 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. The NPPF goes on to state the hierarchy that should be applied to mitigate any harm to ecology that is identified. Paragraph 187 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value. TDLP Policy PPL4 states that proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.

General duty on all authorities

- 8.38 The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: “For the purposes of this section “the general biodiversity objective” is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England.” Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.
- 8.39 This development is subject to the general duty outlined above. On this occasion, the proposal is for the demolition of the existing building and replacement building to serve three dwellings. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.
- 8.40 Therefore, the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity Net Gain

- 8.41 Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals. The application was submitted prior to the introduction of this requirement and is not therefore applicable for Biodiversity Net Gain.

Protected Species

- 8.42 In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. The proposal includes for a new commercial premises. The proposal is for the change of use of an existing building in a heavily urbanised location, and with limited external changes, and it is therefore considered that the proposal is unlikely to adversely impact upon protected species or habitats.
- 8.43 In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Financial Contributions – RAMS

- 8.44 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site 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.
- 8.45 The application scheme proposes a residential on a site that lies within the Zone of Influence (Zol) being approximately 1.7km away from Hamford Water RAMSAR and SAC. New housing development within the Zol would be likely to increase the number of recreational visitors to these sites and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.
- 8.46 A unilateral undertaking has been prepared to secure this legal obligation. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

9. Planning Balance and Conclusion

- 9.1 This application seeks planning permission for the demolition of Red House followed by the construction of a like-for-like replacement building and infill extension to create three flats and a multi-use community facility. The site falls within the Settlement Development Boundary for Great Oakley and the enhanced community facilities are in accordance with Policy HP2; therefore the principle of the development is acceptable. In addition, Officers consider there is sufficient private amenity space and the impact to neighbours is not significantly harmful.
- 9.2 The above notwithstanding, Red House is a non-designated heritage asset that makes a positive contribution to the area despite its condition and some previous inappropriate alterations, and its demolition results in a level of less than substantial harm to the Great Oakley Conservation Area. Following the submission of a Structural Engineering Inspection Report, this has confirmed the building can be retained and repaired, albeit with extensive works, and therefore there is not clear and convincing justification for the complete loss of the significance of the building and the consequential harm to the setting of the Great Oakley Conservation Area.
- 9.3 Furthermore, despite some amendments/improvements to the design, the proposed replacement building does not preserve or enhance the character of the area, lacking the authenticity and inherent historic interest of the existing building. On this occasion Officers conclude that the public benefits of the scheme, including the proposed multi-use community area and extension to the garden area, do not outweigh this identified level of less than substantial harm, and the proposal is therefore contrary to local and national planning policies and is recommended for refusal.
- 9.4 ECC Highways have also raised an objection due to insufficient parking provision and the impacts that would generate to the highway network. Officers acknowledge the proposal represents an enhancement to the District's community facilities, there is no parking for the existing building and

the site is within a sustainable location, however on balance conclude that the harm through insufficient parking provision is such that it justifies recommending a reason for refusal.

10. Recommendation

10.1 The Planning Committee is recommended to refuse planning permission.

10.2 Reasons for Refusal

- 1 Paragraph 212 of the National Planning Policy Framework (2025) 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 206 adds that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Paragraph 215 of the NNPF confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Adopted Local Plan Policy PPL8 states that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area. Policy PPL9 adds that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.

The application site falls within the Great Oakley Conservation Area and is also within proximity to a number of Grade II Listed Buildings. The demolition of Red House, which is a non-designated heritage asset and makes a positive contribution to the area despite its condition and some previous inappropriate alterations, results in a level of less than substantial harm to the Great Oakley Conservation Area, with insufficient clear and convincing justification for the complete loss of the significance of the non-designated heritage asset and the consequential harm to the setting of the Great Oakley Conservation Area having been provided. Furthermore, the proposed replacement building does not preserve or enhance the character of the area, lacking the authenticity and inherent historic interest of the existing building.

On this occasion a minor level of public benefits have been identified, through the proposed multi-use area that would connect to the Public House as well as an extension to the garden area, and the introduction of three market dwellings. However, it is concluded that the identified less than substantial harm outweighs these public benefits, and the proposal is therefore contrary to the aforementioned local and national planning policies.

- 2 Paragraph 115 of the National Planning Policy Framework (2025) seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 116 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy SPL3 (Part B) of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.

Essex Parking Standards state that for a residential dwelling with one bedroom there should be one parking space measuring 5.5m x 2.9m, and for a dwelling of two bedrooms or more there should be two spaces at the above measurements.

From a highway and transportation perspective the impact of the proposal is not acceptable on the grounds that there is insufficient parking provision, which would lead to additional vehicles being left parked in the adjoining highway adding to the existing parking stress in this area, and would also set a precedent for future similar developments which would likely lead to inappropriate parking, detrimental to the general safety of all highway users.

In addition, the site is a corner plot, part of which fronts the High Street which is a 'B' Road and Secondary Distributor, the function of which is to carry traffic safely and efficiently between substantial rural populations and on through routes in built up areas. Although the junction of Farm Road and High Street is covered by some existing waiting restrictions, the majority of houses in the vicinity of the proposal and in the surrounding side roads have little or no off-street parking, and as a result this proposal will add additional kerbside stress, obstruction, or congestion. The proposal is therefore contrary to highway safety and does not align with the requirements of the aforementioned local and national planning policies.

10.3 Informatives

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. 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 reason(s) for the refusal, approval has not been possible.

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

Drawing Numbers 22-1238/01 Revision A, 22-1238/02 Revision A, 22-1238/03 Revision A, 22-1238/10 Revision A, 22-1238/11 Revision A, 22-1238/12, 22-1238/05, and the documents titled 'Design and Access Statement' received 15th July 2024, Heritage Statement received 22nd February 2024, the document titled 'Structural Engineering Inspection Report' and the letter prepared by Davies Burton Sweetlove Ltd dated 7th January 2024 and titled 'Structural Inspection of The Red House, Great Oakley, Essex CO12 5AQ'.

11. Additional Considerations

Equality Impact Assessment

- 11.1 In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.
- 11.2 It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions

including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

- 11.3 In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Human Rights

- 11.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 11.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 11.6 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 11.7 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 11.8 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

12. Background Papers

- 12.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.