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**St John's Nursery, Earls Hall Drive
Clacton-on-Sea**

Heritage Impact Assessment
For e3 Design and Planning Consultants Limited

August 2018





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1.0 Summary of Heritage Impact Assessment

1.1 Introduction

Donald Insall Associates was commissioned by e3 design and planning consultants limited in March 2018 to assist them in the preparation of proposals for St John's Nursery, Earls Hall Drive, Clacton-on-Sea. Please note that this report only covers above ground heritage assets; an archaeology report has been undertaken separately.

The investigation has comprised historical research, using both archival and secondary material, and a site inspection. An illustrated history of the site and buildings, with sources of reference and bibliography, is in Section 2; the site survey findings are in Section 3. The investigation has established the significance of the wider site, which is set out below. This understanding has informed the development of proposals for change to the site, by e3 design and planning consultants and Chetwoods. Section 4 provides a justification of the scheme according to the relevant planning policy and guidance.

1.2 The Buildings and their Legal Status

St John's Nursery is a horticultural nursery located between St Oswyth and Clacton-on-Sea in the Tendring District. It is in the setting of two Grade II-listed buildings, Earls Hall Lodge and Duchess Farm. The statutory list descriptions are included in Appendix I and extracts from the relevant planning policy documents are in Appendix II.

The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision-making on applications that relate to the historic environment. Section 66 the Act impose a statutory duty upon local planning authorities to have 'special regard to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess'.

In considering applications for planning permission, local authorities are also required to consider the policies on the historic environment set out in the National Planning Policy Framework 2018. At the heart of the Framework is 'a presumption in favour of sustainable development' and there are also specific policies relating to the historic environment. The Framework states that heritage assets are 'an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'. The Glossary to the National Planning Policy Framework defines a heritage asset as:

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Setting is defined in the National Planning Policy Framework (NPPF) as:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral.

The Framework, in paragraph 189, states that:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. 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.

Section 1.3 of this report – the assessment of significance – meets this requirement and is based on the research and site surveys presented in sections 2 and 3, which are of a sufficient level of detail to understand the potential impact of the proposals.

The Framework also, in paragraph 193, requires 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 (and that 'the more important the asset, the greater the weight should be). This is irrespective of whether the any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The Framework goes on to state at paragraph 194 that:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

Section 4 of this report provides this clear and convincing justification.

The Framework requires that local planning authorities categorise harm as either 'substantial' or 'less than substantial'. Where a proposed development will lead to 'substantial harm to (or total loss of significance of) a designated heritage asset', the Framework states, in paragraph 195, that:

... local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

Where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, the Framework states, in paragraph 196, that:

...this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Framework requires local planning authorities to look for opportunities for new development within conservation areas and world heritage sites and within the setting of heritage assets to enhance or better reveal their significance. Paragraph 200 states that:

Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

1.3 Assessment of Significance

1.3.1 St John's Nursery and its Setting

St John's Nursery was built in the early-1970s as a commercial nursery, with a series of vast single-storey pitched glasshouses and associated outbuildings and boiler houses. Some of the glasshouses have been recently replaced. These buildings are of no architectural or historic significance. The site is surrounded by heavy planting and fencing and is largely screened in views from St John's Road and Earls Hall Drive. The immediate setting comprises arable farmland and low-rise residential development to the south along St John's Road. Slightly further afield are two farm properties and two listed buildings, which are discussed below.

1.3.2 Duchess Farmhouse (Grade II) and its Setting

Duchess Farmhouse is a 17th century farmhouse, with 18th and 19th century alterations. Its associated farm buildings lay to the west and appear to have remained associated with the farmhouse until the late-20th century. Duchess Farmhouse was listed at Grade II in 1986. It has since been severed from the ancillary farm buildings by a high timber fence and a late-20th century mock-Tudor 'farmhouse' has been built to the south – that site is now known as Duchess Farm. The farm buildings appear to be mostly 20th century.

Duchess Farmhouse is significant as a 17th century farmhouse with modest architectural features including dentilled cornice and prominent red tiled roof with pitched dormers. As such, its external elevations are of primary significance. Although not inspected as part of this study, its internal features are also noted in the listing description, and are of significance:

'...C17 exposed timber frame to rear wing. Fully framed staggered side purlin roof to front range. Alcove cupboards either side of ground floor fireplace. Adam style fire surrounds with cast iron grates to ground floor lounge and 2 bedrooms. Stick balusters to staircase.'

There are certain elements of the building's setting which contribute to its significance:

- The gardens, which appear to retain their original form;

- The mature trees surrounding the site;
- The arable farmland to the north and east;
- To a modest extent the collection of farm buildings to the west (although they are later structures); however, the fact that they are now separated from the farmhouse diminishes this contribution.

Also within the immediate setting is the 20th century mock-Tudor house to the west, the busy St John's Road and modern residential ribbon development, which do not contribute to the significance of the building. Its wider setting contains St John's Nursery, which due to screening by mature planting has little or no bearing on the listed building's setting. The wider setting also comprises 20th century residential development to the east, which is largely screened by trees - thus limiting its impact. Earls Hall Wind Farm lies within the wider setting of the building. Whilst the turbines are visible and are at odds with the underlying character of the area (semi-rural and suburban), they do not adversely affect the arable farmland which forms part of the building's setting.

1.3.3 Earls Hall Lodge (Grade II) and its Setting

Earls Hall Lodge was constructed in the early-19th century on the east side of a track now known as Earls Hall Drive. It appears to have been built in close proximity to an earlier manor (on the west side of the track). The house is significant as a handsome early-19th century lodge with features and detailing typical of the period. Its principal elevations are of primary significance, these are faced in stucco, with rusticated quoins and decorative window surrounds; topped by a hipped slated roof and prominent chimney stacks. The interior was not inspected.

There are certain elements of the building's setting which contribute to its significance, these include:

- The walled gardens which appear to retain their original form;
- The surrounding arable farmland;
- To a modest extent the collection of farm buildings to the west, which represent the historical development of the site, though these structures are mostly modern.

The building's immediate setting is encroached to the south by a modern bungalow, which detracts. Its wider setting comprises St John's Nursery, which due to screening by mature planting has a very limited impact on the building's setting. The five turbines of Earls Hall Wind Farm also fall within the wider setting of the building; as above, they do not adversely affect the arable farmland which forms part of the building's setting.

1.4 Summary of Proposals and Justification

These proposals seek to redevelop the site known as St John's Nursery, which covers an area of approximately 7.4 Hectares (18 acres), for residential and business use. This would require the demolition of a complex of glasshouses and ancillary buildings and a bungalow, which date from the 1970s onwards. The accompanying plans by Chetwoods show the extent of the site and the development proposals.

The significance and settings of Duchess Farm and Earl's Hall Lodge (both Grade II) are explained in Section 1.3 above, which concludes that the St John's Nursery site falls within the wider setting of both listed buildings however it has little or no bearing on their setting due to screening by

mature planting. The proposed development is suitably low-rise, uses materials appropriate to its context and would maintain appropriate screening (both retained and newly-proposed); as such the impact of the development on the setting of the listed buildings would be neutral. Building heights follow those established in the area and should any elements of the development be visible in longer views, this would be in the context of nearby 20th century housing along St John's Road and to the east; therefore visibility within this suburban context would be unlikely to have an impact on the significance of the two listed buildings or their settings. Whilst this report concludes the proposed development would cause no harm to the heritage assets, should the decision maker find differently the benefits of the proposed scheme which would outweigh any 'less than substantial' harm are outlined below:

- Development of this brownfield site would avoid threatening Green Belt land and would put the site, which is occupied by a number of disused buildings and large areas of hardstanding, to a better use providing much needed housing;
- Removing flues and defunct buildings from the site;
- Provision of a mixture of housing, public amenity space and business units which would support a vibrant community;
- The proposed development would sit comfortably within the wider landscape through its boundary planting, appropriate palette of materials and careful layout (NPPF, paragraph 124);
- The wider environmental benefit of providing more sustainable buildings on the site.

1.5 Conclusion

In accordance with The Planning (Listed Buildings and Conservation Areas) Act 1990 the proposed development would have no impact on the setting of the two Grade II-listed buildings, and their special architectural and historic interest would be preserved. This would therefore meet the tests for sustainable development in the National Planning Policy Framework insofar as they relate to the historic environment; should any 'less than substantial harm' be identified this would be significantly outweighed by the public benefits of providing a range of housing on a disused brownfield site.

2.0 Historical Background

2.1 Area History

2.1.1 Clacton-on-Sea

Until the mid-19th century, Clacton-on-Sea was a modest settlement surrounded by agricultural land, which served a series of small hamlets and isolated farms **[Plate 1]**. The construction of three Martello towers and batteries along the seafront in 1801-12 emphasised the town's strategic military location and spurred its development **[Plate 2]**. In 1864 Peter Bruff, who was connected with the development of Walton on the Naze and Frinton-on-Sea further north, purchased the majority of the land in Clacton-on-Sea and devised a scheme for the laying out of the town in 1870. By the late-19th century the town was fully developed into a seaside resort, with its development controlled by the Clacton-on-Sea General Land, Building and Investment Co Ltd. In the 1930s Clacton boasted a population of over 15,000. The holiday trade in Clacton boomed during this period, due to two main factors – firstly, the 'Holidays With Pay Act' was passed by Parliament (1938), which guaranteed all industrial workers at least one week's paid holiday per year and secondly, the opening of Billy Butlin's holiday camp at West Clacton in the same year. Despite the camp closing in 1983, the town has expanded further and continues to rely in part on the seasonal holiday industry. Great Clacton, to the north west of the earlier development, is a residential suburb of Clacton-on-Sea which was initiated in the 19th century and largely comprises a series of mid- to late-20th century housing developments.

2.1.2 St Osyth

The village of St Osyth is situated to the west of Clacton-on-Sea on low-lying land within the sloping borders of the St Osyth creek. The village served as the home to a priory for Augustine canons from c.1118 and contains elements of a medieval settlement. General development of the village occurred from the 17th-century but was bolstered in the late-19th and early-20th century by the seaside development at nearby Clacton-on-Sea. 19th-century ribbon development linked the medieval town to the creek in the west and several new housing developments were added to the east of the village in the mid-20th century. More recently, the village's proximity to beaches has resulted in the local economy becoming increasingly reliant on the static caravan industry.

2.1.3 St Johns Road

St Johns Road is a primary historic route which has linked St Osyth to Great Clacton since before 1777. It was known as St Osyth Main Road until its renaming as St Johns Road in the late-20th century **[Plate 1]**. The land between these two developments has remained largely agricultural, though ribbon development along St John's Road from Coppins Hill Wood to Pump Hill Farm began in the 1920s and 1930s. In the 1950s, further residential development appeared to the south of Duchess Farm and by the 1980s, the area south of Coppins Hill Farm, on the outskirts of Clacton, was fully developed. At the same time a garage was built to the west of St John's Road, near Pump Hill Farm. At present this forms part of the 'Pump Hill Car Centre'.



1. A reproduction of a map of the county of Essex, 1777 (Essex Record Office)



2. Ordnance Survey map, 1856 (Vision of Britain)

2.1.4 Duchess Farm and Earls Hall Lodge

Towards the centre, on the north side of St Johns Road, is Duchess Farm (Grade II). This farmhouse was constructed in the 17th-century and was altered in the 18th-century. The Register of Electors for Tendring Hundred records that, in 1842, the farm – then known as 'Dutches Farm' - was occupied by Benjamin Baker.¹

The 1856 Ordnance Survey map shows two buildings on the site **[Plate 2]** and the 1874 Ordnance Survey map shows Duchess Farmhouse and four buildings to its west, to the north of a large pond **[Plate 3]**. The building's northern wing appears to have been shortened between the 1920s and 1930s **[Plates 4-5]**. The farm buildings to the west are shown grouped on the 1939 Ordnance Survey map, perhaps indicating a large area of hardstanding. This can be seen in a 1951 aerial view of St John's Road, which shows a long rectangular building to the west and a series of smaller outbuildings **[Plate 6]**. In the late-20th century, the buildings to the south were replaced by a mock-Tudor house. This house now forms a grouping with the farm buildings (known as Duchess Farm), whilst the original farmhouse - Duchess Farmhouse - has been separated from them as an independent dwelling.

The Chapman and Andre map of Essex (1777) shows a building, likely a manor, at the end of a track leading north from St Osyth Main Road (St John's Road). According to *The Tendring hundred in the olden time* (1877) the manor belonged to Eustace, Earl of Bologne at the time of the Conquest.² In the early-19th century, a building now known as Earls Hall Lodge was constructed here on the east side of the track. The Register of Electors records that in 1842, the property was occupied by Edward Cole.³ It was put up for sale in 1858, the description of the property at this time was as follows: '*farm-house, agricultural buildings &c., also several enclosures of arable, meadow, pasture, and woodland, together, 381a 2r 31p – sold for £11,000.*'⁴ The 1874 Ordnance Survey map shows Earls Hall Lodge and another small building enclosed by trees to the west of a long track **[Plate 3]**. To the north east are several other buildings and a saw pit, also enclosed by trees. By the 1950s, the site had been developed with a few small buildings north of the house. In the late-20th century, a bungalow named 'Hodges' was built directly south of the gardens of Earls Hall Lodge **[Plate 7]**.

Duchess Farm and Earls Hall Lodge were added to the Statutory List in July 1986. Essex Country Record Office has very little archival information regarding these buildings. There is no existing planning history of Duchess Farmhouse on the Tendring Council Planning Portal.

In 2009, an application for a wind farm to the north of Earls Hall Farm was consented on appeal. The wind farm, known as Earls Hall Wind Farm, consists of five wind turbines spread across several fields in the setting of Earls Hall Farm and Earls Hall Lodge.



3. Ordnance Survey map 1874



4. Ordnance Survey map 1923



5. Ordnance Survey map 1939



6. Aerial view of St Johns Road, Clacton-on-Sea, 1951 (Britain from Above)



7. Ordnance Survey map 1980

2.2 Development of the Site: St John's Nurseries

The site is situated between the village of St Osyth and the seaside town Clacton-on-Sea. The road immediately to the south, now known as St John's Road, is an historic principal route which links St Osyth to Clacton-on-Sea.

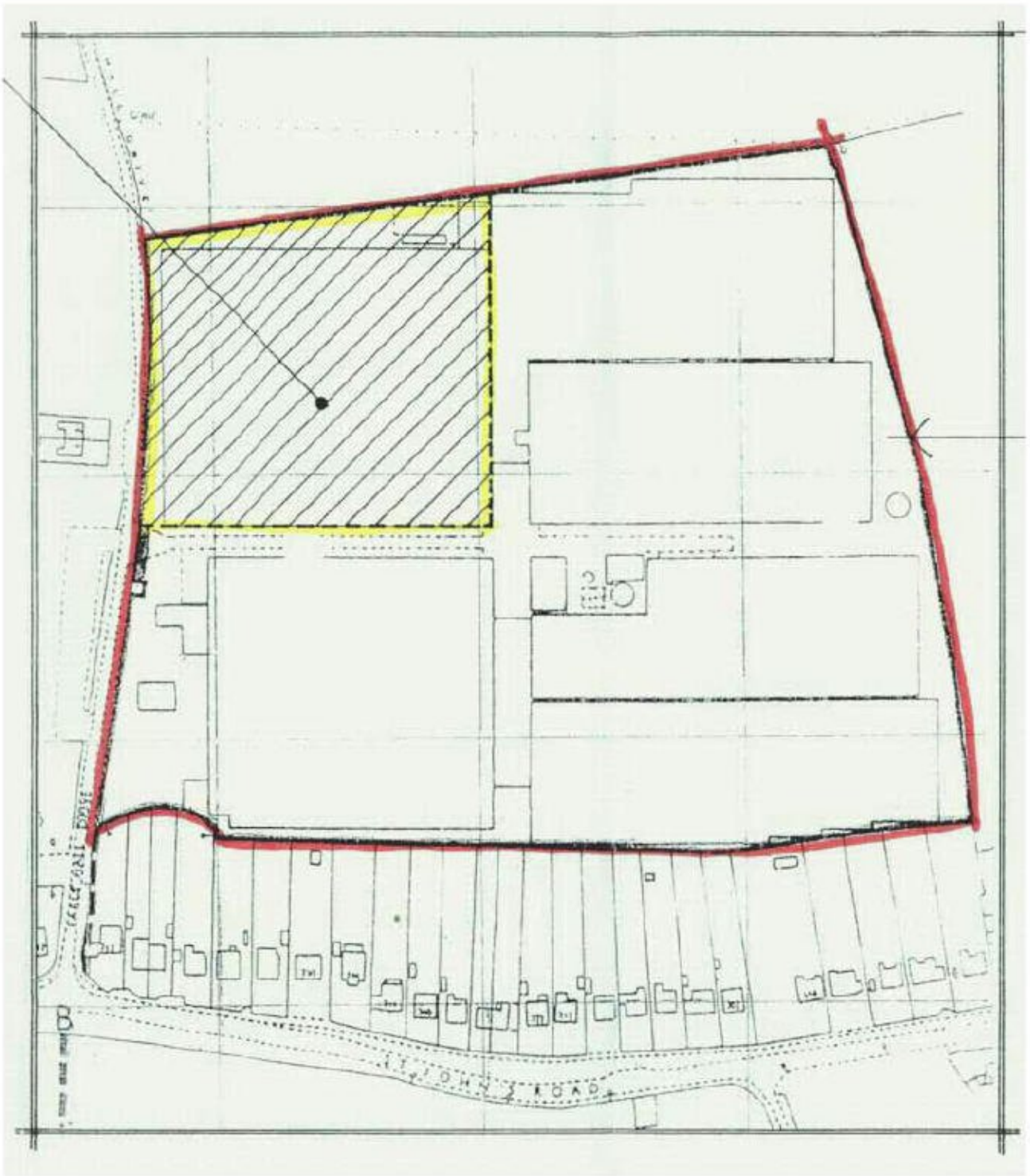
Early Ordnance Survey maps show that the site formed part of a single agricultural holding, presumably belonging to Earls Hall Lodge. It was separated from other holdings, including that of Duchess Farm, by boundaries to the north and east and roads to the south and west, a gravel pit occupied the southwest corner by 1923 [Plates 3 & 4].

The layout of the site remained the same until the 1930s, when residential development began south of the site, on the north side of St John's Road. The 1939 Ordnance Survey map shows this development - comprising a series of detached houses and bungalows set back from the main road within narrow yet generous plots [Plate 5]. At the same time, the land to the west of the Duchess Farm holding was separated from the land to the north by a formal boundary running east-west. An aerial view of the area from 1951 shows the site in the form of a large agricultural field with a series of dwellings to the south of the site [Plate 6]. There was a gap between these dwellings, which was developed in the 1960s with a row of bungalows. Earls Hall Lodge can be seen in the far left of the image and Duchess Farm to the right of centre, beyond the dwellings.

From 1951, the site was used as a caravan and camp site and in 1953 and 1954 the site was excavated for sand and ballast testing. In 1972, a planning application was approved for the construction of glasshouses and ancillary structures including boiler houses, storage tanks and packing, which can be seen in the 1980 Ordnance Survey map [Plate 7]. Since this time, there have been several applications for extensions and additions to the glasshouses and ancillary buildings on site including the addition of a 1000 gallon underground petrol storage tank in 1973, the construction of a sub-station, oil tank, administration and packing area and temporary offices in 1974, and extensions to the glasshouses in 1975. In 1990 there was an application for the extension to the complex to form a connective link between the glasshouses and the dispatch area.

One of the glasshouses was damaged by fire in 1991 and an application was submitted for the replacement of the glasshouse at a greater height than the previous one. At the same time, a mobile home was positioned on site for use by staff for constant security/ surveillance.

In 2004 the glasshouses in the northwest corner of the site were replaced with new, slightly taller glasshouses (2 metre increase). A site plan from this application shows the layout of the site at this time [Plate 8]. Since then, there have only been two approved planning applications that imposed changes to the site. In 2016 a storage barn was erected in the northwest corner of the site and at the end of 2017 planning permission was granted for an extension to the carpark to the south of the site.



8. Site plan of St John's Nursery, Clacton, 2004 (Tendring Council Planning, 04.01686)

2.3 Relevant Planning History

2.3.1 St John's Nursery Site

91/00081/FUL Permitted: 08.03.1991

The siting of a mobile home for use by on site staff for security and supervision of the environmental equipment at the nursery on a 24 hour basis.

91/00132/FUL Permitted: 08.03.1991

Replacement of fire damaged glasshouse.

04/01686/FUL Permitted: 21.10.2004

Demolition of existing glass house and erection of new glass house for horticultural purposes.

16/00612/FUL Permitted: 07.07.2016

Proposed storage barn.

17/01770/FUL Permitted: 08.12.2017

Extension to car park.

2.3.2 Earls Hall Lodge

92/00982/LBC Permitted: 04.09.1992

(Earls Hall Farm, Earls Hall Drive, Clacton-on-Sea) Replace window with French windows.

98/00282/FUL Permitted: 04.03.1998

(Earls Hall Farm, St Johns Road, St Osyth) Erection of portal framed steel building for grain storage and general purpose agricultural use.

01/00662/FUL Permitted: 09.08.2001

Change of use of redundant agricultural buildings to provide storage for building materials, buildings A, B and C and part use of building for the purposes of training.

02/01480/FUL Permitted: 07.08.2002

Motor vehicle storage within redundant silage clamp.

02/01481/FUL Permitted: 26.09.2002

Change of use of redundant agricultural buildings to provide storage for building materials. (Renewal and variation of planning permission 01/00662/FUL).

05/00422/FUL Permitted: 09.03.2005

Motor vehicle storage within redundant silage clamp.

05/00695/FUL Permitted: 15.04.2005

Erection of 50 m. high meteorological mast for a temporary period of three years.

10/00408/FUL Permitted: 17.06.2010

To excavate a fishing lake on land which is currently in agricultural production.

13/00002/HRN Permitted: 29.01.2013

Removal of section of hedge marked 1 on the plan.

13/00010/HRN **Permitted: 29.01.2013**
Removal of section of hedge marked 2 on the plan.
13/00011/HRN **Permitted: 29.01.2013**
Removal of section of hedge marked 3 on the plan.

2.4 Sources and Bibliography

Tendring Planning Archives

Building Case File
Redevelopment Drawings

Published Sources

Pevsner, N. Buildings of England: Essex (London, 2007)
The Solicitor's Journal & Reporter, September 4th 1858
Copy of the Register of the Electors, of the Northern Division of the County of Essex, for the year commencing Nov. 1st., 1841, and ending Oct. 31st., 1842
The Tendring Hundred in the olden time (1877) p143

Unpublished Sources

Tendring District Council: Clacton-on-Sea Conservation Area Appraisal (2005)
Tendring District Council: St Osyth Conservation Area Appraisal (2010)

3.0 Site Survey Descriptions

3.1 The Setting of the Building

3.1.1 Wider Setting

The site lies between the settlements of Clacton (to the south east) and St Osyth (to the west), just to the north of St John's Road. St John's Road runs east to west between Old Road and Pump Hill. To the east, Great Clacton is made up of a series of 20th century cul-de-sac housing developments, which stretch to Jaywick Lane, off St John's Road. St Osyth is an historic settlement, established around a priory and creek. The historic marketplace, priory and creek have been designated as a conservation area (and indeed contain a high number of listed buildings and scheduled monuments), whilst its eastern portion contains a series of 20th century housing estates, laid out on a triangular piece of land outside of this designation. Along the north side of St John's Road, close to the site, is a condensed section of residential ribbon development, which runs roughly from Duchess Farmhouse to Pump Hill. There are a few semi-detached cottages dotted along the south side of the road, otherwise to the south are large swathes of arable farmland. To the north of the site, the area is also mostly arable farmland, but also contains Earls Hall Wind Farm - with its five turbines. Overall, the character of the area is a combination of semi-rural and suburban.

3.1.2 Immediate Setting

Opposite the site, on the west side of Earls Hall Drive is a large area of hardstanding, screened from the road by mature planting. Immediately north of this is a set of 20th century semi-detached houses (Nos.1 and 2), set back from the road behind front gardens. Further north there are two fields. Earls Hall Lodge and Earls Hall Farm lie north along Earls Hall Drive, and are described in more detail below. To the south of the site, fronting St John's Road is a band of residential development – mostly 1960s bungalows or two-storey semi-detached houses laid out on narrow plots. The properties are all set back from the main road behind front gardens and driveways, most with dwarf brick walls and mature planting **[Plate 9]**. They have long rear gardens, some of which have further houses to the rear (Nos.710, 714 and 716). The property boundaries, which back onto St John's Nursery carpark, are mostly made up of high timber fencing and semi-mature and mature planting **[Plate 10]**. To the east of the site is a field, which is bound on its west, south and east sides by mature trees and on its north boundary by hedges. Immediately to the north is a larger field with mature planting only on its south side, with hedges forming its western boundary to Earls Hall Drive and its eastern boundary.



9 Bungalows along St John's Road



10 St John's Nursery Carpark, looking west

3.1.3 Duchess Farmhouse (Grade II) and Duchess Farm

Duchess Farmhouse is a 17th-century farmhouse which was altered in the 18th- and 19th-centuries. It is two storeys plus an attic and is T-shaped in plan. It is timber framed, with a painted brick façade and pitched red tile roofs, with gabled dormers and chimneystacks to the east and west. Its front elevation is three bays wide and features a dentilled eaves cornice. Its windows are small-paned sliding sashes. It has a central gabled porch with tracery to its support posts (19th century) and a four-panelled door with top light, moulded surround and frieze. Its rear wing features rich red brick elevations and a chimneystack **[Plates 11 and 12]**. The interior was not inspected.



11 Duchess Farmhouse, south east corner

Duchess Farmhouse is set back from St John's Road behind a large front garden and formal driveway and is largely screened from the main road by mature hedges and timber fencing **[Plate 13]**. To the north is a rear garden, planted with mature trees to the east. The east boundary is lined with mature hedges. The west boundary runs alongside Duchess Farm and is lined with high timber fencing.

To the west is Duchess Farm, which comprises a mock-Tudor 1980s house and farm buildings / outhouses arranged loosely in a quadrangle. Duchess Farmhouse originally formed part of this plot – being its original farmhouse. There is a large area of hardstanding to the north (rear) which is enclosed by stone walls. The house is set back from St John's Road behind densely-planted front gardens and a drive **[Plates 14-15]**.



12 Duchess Farmhouse, north elevation



13 Duchess Farmhouse from St John's Road, looking north west



14 Duchess Farm



15 Hardstanding to the rear of Duchess Farm

3.1.4 Earls Hall Lodge (Grade II) and Earls Hall Farm

Earls Hall Lodge is a two-storey, early-19th century house which lies on the east side of Earls Hall Drive. Its elevations are plastered brick, with rusticated quoins and a moulded eaves cornice. Its roof is hipped and slated, with two gault brick chimneystacks. Its main elevation (west) is three bays wide, with a central enclosed porch with moulded parapet. All sash windows with margin glazing bars and wide moulded surrounds; those at ground floor also have flat bracketed entablatures, whilst the central window at first floor (west elevation) has a segmental head. One window on the south elevation has been converted into French doors **[Plate 16]**. There is a lower two-storey range to the north, with a hipped slated roof and red brick chimneystack; modern windows following pattern of those of the main house. There is an adjoining outbuilding with pitched pan-tiled roof **[Plate 17]**. The interior was not inspected.



16 Earls Hall Lodge, south elevation

It has a garden stretching to the south, enclosed by timber fencing. Immediately to the south of this garden is a modern bungalow, with a wide pitched roof, set within a small plot **[Plate 18]**. The eastern garden of Earls Hall Lodge is walled. Beyond, the lodge backs onto a field, where there is a hedge boundary and a series of temporary structures including a dog enclosure **[Plate 19]**. To the north of the house, adjoining the walled garden are some timber-and asbestos-clad 20th century farm buildings. To the north west is Earls Hall Farm; there is a series of mostly 20th century farm buildings of a variety of materials, and 'Pond House' - a pair of red brick Victorian cottages which have been converted into a holiday home **[Plate 20 and 21]**.



17 Earl's Hall Lodge, north west corner



18 Bungalow, Earl's Hall Drive, looking south from Earl's Hall Drive



19 Earl's Hall Lodge, from the south



20 Farm buildings, Earl's Hall Farm, looking north from Earl's Hall Drive



21 Farm buildings, Earl's Hall Farm, looking north west from Earl's Hall Drive

3.2 The Site and its Buildings

St John's Nursery site is roughly square. The majority of the site is taken up by one- and two-storey pitched-roof glasshouses and associated buildings, including timber-clad reception building and metal-clad stores **[Plates 22 and 23]**. The centre of the site contains a heating plant with two flues. There are floodlights mounted on tall lampposts dotted across the site. Along the eastern boundary there are two silos, and close to the northernmost entry point is a further silo.



22 Interior of a glasshouse on the site

The site is bound to the north and east by mature deciduous and non-deciduous trees and planting and post and wire / corrugated metal fencing **[Plate 24]**. The southern boundary backs onto the residential properties lining St John's Road; this boundary is lined with a variety of high timber fencing, many gardens contain mature planting to the rear of their plots. Its western boundary fronts Earls Hall Drive and is lined with mature evergreen trees and fencing. The main entrance to the site is from Earls Hall Drive and there are two additional entry points further north along the road. The southern portion of the site contains a large carpark **[shown in Plate 10]**.



23 View looking north over the north service yard



24 The site from adjacent to Bungalow on Earl's Hall Drive

4.0 Commentary on the Proposals

4.1 Description of the Proposals and their Impact on the setting of the Listed Buildings

These proposals seek to redevelop the site known as St John's Nursery, which covers an area of approximately 7.4 Hectares (18 acres), for residential and business use. This would require the demolition of the complex of glasshouses and ancillary buildings which date from the 1970s onwards as well as a late-20th century bungalow. The accompanying plans by Chetwoods show the extent of the site and the development proposals.

The development would comprise 210 residential units including detached, semi-detached and terraced properties of between two and four storeys. Towards the centre of the site the layout would be denser and would contain the tallest buildings – terraces of four storeys. Also at the centre would be a series of mixed commercial properties (containing eight live work units) of three storeys. Moving outwards from this central area would be a series of more conventional streets and homes, containing buildings ranging from two to three storeys and generally at a lower density with the most disperse layouts found at the periphery of the site.

These properties would be set back from the edge of the development by generous gardens and a combination of existing and proposed trees and planting. The materials used across the site would draw from local precedent, including brick, render and slate.

It is proposed to have a generous public open space to the south west of the centre of the scheme. A new access road to the development would be formed from St John's Road - it would comprise a 5.5m wide carriageway, with footpaths and verges to each side. This would require the demolition of 700 St John's Road, a bungalow. Land alongside the east side of Earls Hall Drive would form a secondary access to the site for pedestrians and cyclists, leading from Earl's Hall Drive into the south west corner of the site. The landscape proposals show a series of generous gardens at the periphery of the development, with retained and new trees and planting, which would continue to screen and soften the edge of this site from its surroundings. The central public open space and general greening of the site would see a much lower proportion of the site covered by buildings, softening any potential visual impact and providing attractive public spaces.

The significance and settings of Duchess Farm and Earl's Hall Lodge (both Grade II) are explained in Section 1.3 of this report, which concludes that the St John's Nursery site falls within the wider setting of both listed buildings and that the site and its buildings have little or no bearing on their setting due to screening by mature planting. As the proposed development is suitably low-rise, uses materials appropriate to its context and would maintain appropriate screening (both retained and new); the impact of the development on the setting of the listed buildings would be neutral. Building heights follow those established in the area and should any elements of the development be visible in longer views, this would be in the context of nearby 20th century housing developments of a similar

scale along St John's Road and to the east; therefore visibility within this suburban context would be unlikely to have an impact on the significance of the two listed buildings or their settings.

4.2 Justification of the Proposals

The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision making on applications that relate to the historic environment. Section 66 of the Act imposes a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and their settings and to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses.

It is the finding of this report that the impact of the proposed development on the special architectural and historic interest of Duchess Farm and Earl's Hall Lodge as Grade II listed buildings and their setting is neutral. As such their special interest would be preserved and the presumption against the grant of planning permission within the Act is not engaged.

The NPPF has crystallised previous policy approaches to the historic environment and draws focus to the 'desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and 'the desirability of new development making a positive contribution to local character and distinctiveness'. It has given emphasis to the need to weigh up the pros and cons of proposals which impact on heritage assets. In particular policy now states that benefits arising from proposals which affect the historic environment, and in particular public benefits, including securing the 'optimum viable use' of a heritage asset, should be part of the 'weighing up' process. The extent of 'public benefits required to balance any potential 'harm' to a heritage asset is dependent on whether the 'harm is 'substantial' or 'less than substantial' (Paragraphs 193 and 194). Whilst this report concludes the proposed development would cause no harm to the heritage assets, should the decision maker find differently the benefits of the proposed scheme which would outweigh any 'less than substantial' harm are outlined below:

- Development of this brownfield site would avoid threatening Green Belt land and would put the site, which is occupied by a number of disused buildings and large areas of hardstanding, to a better use providing much needed housing;
- Removing flues and defunct buildings from the site;
- Provision of a mixture of housing, public amenity space and business units which would support a vibrant community;
- The proposed development would sit comfortably within the wider landscape through its boundary planting, appropriate palette of materials and careful layout (NPPF, paragraph 124);
- The wider environmental benefit of providing more sustainable buildings on the site.

4.3 Conclusion

In accordance with The Planning (Listed Buildings and Conservation Areas) Act 1990 the proposed development would have no impact on the setting of the two Grade II-listed buildings, and their special architectural and historic interest would be preserved. This would therefore meet the tests for sustainable development in the National Planning Policy Framework insofar as they relate to the historic environment; should any 'less than substantial harm' be identified this would be significantly outweighed by the public benefits of providing a range of housing on a disused brownfield site.

Appendix I - Statutory List Description

DUCHESS FARMHOUSE, St Johns Road, Clacton-on-Sea

List entry Number: 1111522

Date first listed: 04 July 1986

Grade: II

House. C17 with C18 alterations and brick facing. Timber framed, painted brick faced. Red plain tiled roofs with 2 gabled dormers, left and right red brick chimney stacks. T-plan. Dentilled eaves cornice. Central band. 2 storey and attics. 3 small paned vertically sliding sash windows to first floor. Right and left tall small paned double windows to ground floor. Central C19 gabled porch with tracery to support posts. 4 panelled door with top light, moulded surround and frieze. Internal features include some C17 exposed timber frame to rear wing. Fully framed staggered side purlin roof to front range. Alcove cupboards either side of ground floor fireplace. Adam style fire surrounds with cast iron grates to ground floor lounge and 2 bedrooms. Stick balusters to staircase.

Listing NGR: TM1484815994

HOUSE BELIEVED TO BE KNOWN AS EARLS HALL LODGE, Earls Hall Drive, St Oswyth, Clacton-on-Sea

List entry Number: 1309075

Date first listed: 04 July 1986

Grade: II

House, believed to be known as Earls Hall Lodge - II House. Early C19. Plastered brick. Hipped grey slate roof. Right and left panelled gault brick chimney stacks. Moulded eaves cornice, rusticated quoins. Lower range to left with weatherboarded return, roof hipped to left and rear chimney stack. 2 storeys. Main range, 3 first floor windows with wide moulded surrounds, that to centre has a segmental head, ground floor right and left similar windows and surrounds with friezes and small flat canopies on brackets. Left range, one first floor and 2 ground floor matching windows. All vertically sliding sashes with glazed margins. Central enclosed porch with moulded parapet and moulded round headed archway, 2 panel 2 light door. Board door to left return.

Listing NGR: TM1435416516

Appendix II - Planning Policy and Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

The Act is legislative basis for decision making on applications that relate to the historic environment.

Sections 66 and 72 of the Act impose a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and conservation areas.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

in considering whether to grant permission for development which affects a listed building or its setting, the local planning authority, or as the case may be the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Similarly, section 72(l) of the above Act states that:

... with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

National Planning Policy Framework

Any proposals for consent relating to heritage assets are subject to the policies of the NPPF (July 2018). This sets out the Government's planning policies for England and how these are expected to be applied. With regard to 'Conserving and enhancing the historic environment', the framework requires proposals relating to heritage assets to be justified and an explanation of their effect on the heritage asset's significance provided.

Paragraph 7 of the Framework states that the purpose of the planning system is to 'contribute to the achievement of sustainable development' and that, at a very high level, 'the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

At paragraph 8, the document expands on this as follows:

*Achieving sustainable development means that the **planning** system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives:*

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

and notes at paragraph 10:

10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

With regard to the significance of a heritage asset, the framework contains the following policies:

190. 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.

In determining applications local planning authorities are required to take account of significance, viability, sustainability and local character and distinctiveness. Paragraph 192 of the NPPF identifies the following criteria in relation to this:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;

and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

With regard to potential 'harm' to the significance designated heritage asset, in paragraph 193 the framework states the following:

...great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether the any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The Framework goes on to state at paragraph 194 that:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

Where a proposed development will lead to 'substantial harm' to or total loss of significance of a designated heritage asset paragraph 195 of the NPPF states that:

...local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

With regard to 'less than substantial harm' to the significance of a designated heritage asset, of the NPPF states the following;

196. 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.

In terms of non-designated heritage assets, the NPPF states:

197. 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 affect directly or indirectly non-designated heritage assets, a balance judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Framework requires local planning authorities to look for opportunities for new development within conservation areas and world heritage sites and within the setting of heritage assets to enhance or better reveal their significance. Paragraph 200 states that:

Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Concerning conservation areas and world heritage sites it states, in 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.

National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) was published on the 6th March 2014 to support the National Planning Policy Framework (NPPF) 2012 and the planning system. It includes particular guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment. The NPPG will be updated, as appropriate, to reflect the revised NPPF published in July 2018.

The relevant guidance is as follows:

Paragraph 3: What is meant by the conservation and enhancement of the historic environment?

The conservation of heritage assets in a manner appropriate to their significance is a core planning principle. Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits.

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in everyday use to as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time. In the case of archaeological sites, many have no active use, and so for those kinds of sites, periodic changes may not be necessary.

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-taking to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified, the aim then is to capture and record the evidence of the asset's significance which is to be lost, interpret its contribution to the understanding of our past, and make that publicly available.

Paragraph 7 states:

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right

- time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;
 - and an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 8: What is "significance"?

"Significance" in terms of heritage policy is defined in the Glossary of the National Planning Policy Framework.

In legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled monument are used to describe all or part of the identified heritage asset's significance. Some of the more recent designation records are more helpful as they contain a fuller, although not exhaustive, explanation of the significance of the asset.

Paragraph 9: Why is 'significance' important in decision-taking?

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals

Paragraph 13: What is the setting of a heritage asset and how should it be taken into account?

The "setting of a heritage asset" is defined in the Glossary of the National Planning Policy Framework.

A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.

The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in

close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.

When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

Paragraph 15: What is a viable use for a heritage asset and how is it taken into account in planning decisions?

The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.

By their nature, some heritage assets have limited or even no economic end use. A scheduled monument in a rural area may preclude any use of the land other than as a pasture, whereas a listed building may potentially have a variety of alternative uses such as residential, commercial and leisure.

In a small number of cases a heritage asset may be capable of active use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.

It is important that any use is viable, not just for the owner, but also the future conservation of the asset. It is obviously desirable to avoid successive harmful changes carried out in the interests of repeated speculative and failed uses.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.

The optimum viable use may not necessarily be the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long-term conservation of the asset. However, if from a conservation point of view there is no real difference between viable uses, then the choice of use is a decision for the owner.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused provided the harm is minimised. The policy in addressing substantial and less than substantial harm is set out in paragraphs 132 – 134 of the National Planning Policy Framework.

Paragraph 20: What is meant by the term public benefits?

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset

Paragraph 39: What are non-designated heritage assets and how important are they?

Local planning authorities may identify non-designated heritage assets. These are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets. In some areas, local authorities identify some non-designated heritage assets as 'locally listed'.

A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage interest for their significance to be a material consideration in the planning process.

Paragraph 41: How are non-designated heritage assets identified?

When considering development proposals, local planning authorities should establish if any potential non-designated heritage asset meets the definition in the National Planning Policy Framework at an early stage in the process. Ideally, in the case of buildings, their significance should be judged against published criteria, which may be generated as part of the process of producing a local list.

Historic England: Historic Environment Good Practice Advice in Planning (March 2015)

The purpose of the Good Practice Advice note is to provide information on good practice to assist in implementing historic environment policy in the National Planning Policy Framework (NPPF) and the relate guidance given in the National Planning Practice Guide (NPPG).

Note 2 'Managing Significance in Decision-Taking'

This note provides information on:

- assessing the significance of heritage assets, using appropriate expertise, historic environment records, recording and furthering understanding, neglect and unauthorised works, marketing and design and distinctiveness.

It states that:

The advice in this document, in accordance with the NPPF, emphasises that the information required in support of applications for planning permission and listed building consent should be no more than is necessary to reach an informed decision, and that activities to conserve or investigate the asset needs to be proportionate to the significance of the heritage assets affected and the impact on that significance.

In their general advice on decision-taking, this note advises that:

Development proposals that affect the historic environment are much more likely to gain the necessary permissions and create successful places if they are designed with the knowledge and understanding of the significance of the heritage assets they may affect. The first step for all applicants is to understand the significance of any affected heritage asset and, if relevant, the contribution of its setting to its significance. The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest.

Paragraph 6 highlights the NPPF and NPPG's promotion of early engagement and pre-application discussion, and the early consideration of significance of the heritage asset in order to ensure that any issues can be properly identified and addressed. Furthermore, the note advises that:

As part of this process, these discussions and subsequent applications usually benefit from a structured approach to the assembly and analysis of relevant information. The stages below indicate the order in which this process can be approached – it is good practice to check individual stages of this list but they may not be appropriate in all cases and the level of detail applied should be proportionate.

- *Understand the significance of the affected assets;*
- *Understand the impact of the proposal on that significance;*
- *Avoid, minimise and mitigate impact in a way that meets the objectives of the NPPF;*
- *Look for opportunities to better reveal or enhance significance;*
- *Justify any harmful impacts in terms of the sustainable development objective of conserving significance and the need for change;*
- *Offset negative impacts on aspects of significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected.*

The Assessment of Significance as part of the Application Process

Paragraph 7 emphasises the need to properly assess the nature, extent and importance of the significance of a heritage asset and the contribution of its setting early in the process, in order to form a successful development, and in order for the local planning authority to make decisions in line with legal objectives and the objectives of the development plan and the policy requirements of the NPPF.

8. Understanding the nature of the significance is important to understanding the need for and best means of conservation. For example, a modern building of high architectural interest will have quite different sensitivities from an archaeological site where the interest arises from the possibility of gaining new understanding of the past.
9. Understanding the extent of that significance is also important because this can, among other things, lead to a better understanding of how adaptable the asset may be and therefore improve viability and the prospects for long term conservation.
10. Understanding the level of significance is important as it provides the essential guide to how the policies should be applied. This is intrinsic to decision-taking where there is unavoidable conflict with other planning objectives.
11. To accord with the NPPF, an applicant will need to undertake an assessment of significance to inform the application process to an extent necessary to understand the potential impact (positive or negative) of the proposal and to a level of thoroughness proportionate to the relative importance of the asset whose fabric or setting is affected.

Curtilage Structures

15. Some buildings and structures are deemed designated as listed buildings by being fixed to the principal building or by being ancillary within its curtilage and pre-dating 1 July 1948. Whether alteration, extension or demolition of such buildings amounts to harm or substantial harm to the designated heritage asset (i.e. the listed building together with its curtilage and attached buildings) needs careful consideration. Some curtilage structures are of high significance, which should be taken fully into account in decisions, but some are of little or none. Thus, like other forms of heritage asset, curtilage structures should be considered in proportion to their significance. Listed buildings designated very recently (after 25 June 2013) are likely to define curtilage definitively; where this is (or is not) the case will be noted in the list description.

Cumulative Impact

28. The cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change. Where the significance of a heritage asset has been compromised in the past by unsympathetic development to the asset itself or its setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset in order to accord with NPPF policies. Negative change could include severing the last link to part of the history of an asset or between the asset and its original setting. Conversely, positive change could include the restoration of a building's plan form or an original designed landscape.

Listed Building Consent Regime

29. Change to heritage assets is inevitable but it is only harmful when significance is damaged. The nature and importance of the significance that is affected will dictate the proportionate

response to assessing that change, its justification, mitigation and any recording which may be needed if it is to go ahead. In the case of listed buildings, the need for owners to receive listed building consent in advance of works which affect special interest is a simple mechanism but it is not always clear which kinds of works would require consent. In certain circumstances there are alternative means of granting listed building consent under the Enterprise & Regulatory Reform Act 2013.

Opportunities to Enhance Assets, their Settings and Local Distinctiveness

52. Sustainable development can involve seeking positive improvements in the quality of the historic environment. There will not always be opportunities to enhance the significance or improve a heritage asset but the larger the asset the more likely there will be. Most conservation areas, for example, will have sites within them that could add to the character and value of the area through development, while listed buildings may often have extensions or other alterations that have a negative impact on the significance. Similarly, the setting of all heritage assets will frequently have elements that detract from the significance of the asset or hamper its appreciation.

Design and Local Distinctiveness

53. Both the NPPF (section 7) and PPG (section ID26) contain detail on why good design is important and how it can be achieved. In terms of the historic environment, some or all of the following factors may influence what will make the scale, height, massing, alignment, materials and proposed use of new development successful in its context:
- The history of the place
 - The relationship of the proposal to its specific site
 - The significance of nearby assets and the contribution of their setting, recognising that this is a dynamic concept
 - The general character and distinctiveness of the area in its widest sense, including the general character of local buildings, spaces, public realm and the landscape, the grain of the surroundings, which includes, for example the street pattern and plot size
 - The size and density of the proposal related to that of the existing and neighbouring uses
 - Landmarks and other built or landscape features which are key to a sense of place
 - The diversity or uniformity in style, construction, materials, colour, detailing, decoration and period of existing buildings and spaces
 - The topography
 - Views into, through and from the site and its surroundings
 - Landscape design
 - The current and historic uses in the area and the urban grain
 - The quality of the materials

Note 3 'The Setting of Heritage Assets'

This note provides guidance on the setting of heritage assets, which is separate to issues of curtilage, character or context.

The Extent of Setting

- 8 The NPPF makes it clear that the extent of the setting of a heritage asset 'is not fixed and may change as the asset and its surroundings evolve'. All of the following matters may affect considerations of the extent of setting:
- While setting can be mapped in the context of an individual application or proposal, it cannot be definitively and permanently described for all time as a spatially bounded area or as lying within a set distance of a heritage asset. This is because the surroundings of a heritage asset will change over time, and because new information on heritage assets may alter what might previously have been understood to comprise their setting and the values placed on that setting and therefore the significance of the heritage asset.
 - Extensive heritage assets, such as historic parks and gardens, landscapes and townscapes, can include many heritage assets, historic associations between them and their nested and overlapping settings, as well as having a setting of their own. A conservation area is likely to include the settings of listed buildings and have its own setting, as will the hamlet, village or urban area in which it is situated (explicitly recognised in green belt designations).
 - Consideration of setting in urban areas, given the potential numbers and proximity of heritage assets, often overlaps with considerations both of townscape/urban design and of the character and appearance of conservation areas. Conflict between impacts on setting and other aspects of a proposal can be avoided or mitigated by working collaboratively and openly with interested parties at an early stage.

Views and Setting

- 10 The contribution of setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, long, short or of lateral spread, and include a variety of views of, from, across, or including that asset.
- 11 Views which contribute more to understanding the significance of a heritage asset include:
- those where the composition within the view was a fundamental aspect of the design or function of the heritage asset
 - those where town- or village-scape reveals views with unplanned or unintended beauty
 - those with historical associations, including viewing points and the topography of battlefields
 - those with cultural associations, including landscapes known historically for their picturesque and landscape beauty, those which became subjects for paintings of the English landscape tradition, and those views which have otherwise become historically cherished and protected

- those where relationships between the asset and other heritage assets or natural features or phenomena such as solar or lunar events are particularly relevant
- 12 Assets, whether contemporaneous or otherwise, which were intended to be seen from one another for aesthetic, functional, ceremonial or religious reasons include:
- military and defensive sites
 - telegraphs or beacons
 - prehistoric funerary and ceremonial sites
 - historic parks and gardens with deliberate links to other designed landscapes and remote 'eye-catching' features or 'borrowed' landmarks beyond the park boundary

- 13 Views may be identified and protected by local planning policies and guidance for the part they play in shaping our appreciation and understanding of England's historic environment, whether in rural or urban areas and whether designed to be seen as a unity or as the cumulative result of a long process of development. This does not mean that additional views or other elements or attributes of setting do not merit consideration. Such views include:

- views identified as part of the plan-making process, such as those identified in the London View Management Framework (LVMF, Mayor of London 2010) and Oxford City Council's View Cones (2005) and Assessment of the Oxford View Cones (2015 Report)
- views identified in character area appraisals or in management plans, for example of World Heritage Sites
- important designed views from, to and within historic parks and gardens that have been identified as part of the evidence base for development plans, and
- views that are identified by local planning authorities when assessing development proposals

Where complex issues involving views come into play in the assessment of such views – whether for the purposes of providing a baseline for plan-making or for development management – a formal views analysis may be merited.

Setting and the Significance of Heritage Assets

- 9 Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated (see below Designed settings). Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. The following paragraphs examine some more general considerations relating to setting and significance.

Cumulative Change

Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an

asset and its original setting; positive change could include the restoration of a building's original designed landscape or the removal of structures impairing key views of it (see also paragraph 40 for screening of intrusive developments).

Change over Time

Settings of heritage assets change over time. Understanding this history of change will help to determine how further development within the asset's setting is likely to affect the contribution made by setting to the significance of the heritage asset. Settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance but settings which have changed may also themselves enhance significance, for instance where townscape character has been shaped by cycles of change over the long term. Settings may also have suffered negative impact from inappropriate past developments and may be enhanced by the removal of the inappropriate structure(s).

Access and Setting

Because the contribution of setting to significance does not depend on public rights or ability to access it, significance is not dependent on numbers of people visiting it; this would downplay such qualitative issues as the importance of quiet and tranquillity as an attribute of setting, constraints on access such as remoteness or challenging terrain, and the importance of the setting to a local community who may be few in number. The potential for appreciation of the asset's significance may increase once it is interpreted or mediated in some way, or if access to currently inaccessible land becomes possible.

Buried Assets and Setting

Heritage assets that comprise only buried remains may not be readily appreciated by a casual observer. They nonetheless retain a presence in the landscape and, like other heritage assets, may have a setting. These points apply equally, in some rare cases, to designated heritage assets such as scheduled monuments or Protected Wreck Sites that are periodically, partly or wholly submerged, eg in the intertidal zone on the foreshore.

- The location and setting of historic battles, otherwise with no visible traces, may include important strategic views, routes by which opposing forces approached each other and a topography and landscape features that played a part in the outcome.
- Buried archaeological remains may also be appreciated in historic street or boundary patterns, in relation to their surrounding topography or other heritage assets or through the long-term continuity in the use of the land that surrounds them. While the form of survival of an asset may influence the degree to which its setting contributes to significance and the weight placed on it, it does not necessarily follow that the contribution is nullified if the asset is obscured or not readily visible.

Designed Settings

Many heritage assets have settings that have been designed to enhance their presence and visual interest or to create experiences of drama or surprise. In these special circumstances, these designed settings may be regarded as heritage assets in their own right, for instance the designed landscape around a country house. Furthermore they may, themselves, have a wider setting: a park may form the immediate surroundings of a great house, while having its own setting that includes lines-of-sight to more distant heritage assets or natural features beyond the park boundary. Given that the designated area is often restricted to the 'core' elements, such as a formal park, it is important that the extended and remote elements of the design are included in the evaluation of the setting of a designed landscape. Reference is sometimes made to the 'immediate', 'wider' and 'extended' setting of heritage assets, but the terms should not be regarded as having any particular formal meaning. While many day-to-day cases will be concerned with development in the vicinity of an asset, development further afield may also affect significance, particularly where it is large- scale, prominent or intrusive. The setting of a historic park or garden, for instance, may include land beyond its boundary which adds to its significance but which need not be confined to land visible from the site, nor necessarily the same as the site's visual boundary. It can include:

- land which is not part of the park or garden but which is associated with it by being adjacent and visible from it
- land which is not part of the site but which is adjacent and associated with it because it makes an important contribution to the historic character of the site in some other way than by being visible from it, and
- land which is a detached part of the site and makes an important contribution to its historic character either by being visible from it or in some other way, perhaps by historical association

Setting and Urban Design

As mentioned above (paragraph 8, The extent of setting), the numbers and proximity of heritage assets in urban areas mean that the protection and enhancement of setting is intimately linked to townscape and urban design considerations. These include the degree of conscious design or fortuitous beauty and the consequent visual harmony or congruity of development, and often relates to townscape attributes such as enclosure, definition of streets and spaces and spatial qualities as well as lighting, trees, and verges, or the treatments of boundaries or street surfaces.

Setting and Economic and Social Viability

Sustainable development under the NPPF can have important positive impacts on heritage assets and their settings, for example by bringing an abandoned building back into use or giving a heritage asset further life. However, the economic viability of a heritage asset can be reduced if the contribution made by its setting is diminished by badly designed or insensitively located development. For instance, a new road scheme affecting the setting of a heritage asset, while in some cases increasing the public's ability or inclination to visit and/or use it, thereby boosting its economic viability and enhancing the options for the marketing or adaptive re-use of a building, may in other cases have the opposite effect.

Landscape Assessment and Amenity

- 14 Analysis of setting is different from landscape assessment. While landscapes include everything within them, the entirety of very extensive settings may not contribute equally to the significance of a heritage asset, if at all. Careful analysis is therefore required to assess whether one heritage asset at a considerable distance from another, though intervisible with it – a church spire, for instance – is a major component of the setting, rather than just an incidental element within the wider landscape.
- 15 Assessment and management of both setting and views are related to consideration of the wider landscape, which is outside the scope of this advice note. Additional advice on views is available in *Guidelines for Landscape and Visual Impact Assessment*, 3rd edition, published by the Landscape Institute and the Institute of Environmental Management and Assessment (in partnership with Historic England).
- 16 Similarly, setting is different from general amenity. Views out from heritage assets that neither contribute to significance nor allow appreciation of significance are a matter of amenity rather than of setting.

A Staged Approach to Proportionate Decision-taking

- 17 All heritage assets have significance, some of which have particular significance and are designated. The contribution made by their setting to their significance also varies. Although many settings may be enhanced by development, not all settings have the same capacity to accommodate change without harm to the significance of the heritage asset or the ability to appreciate it. This capacity may vary between designated assets of the same grade or of the same type or according to the nature of the change. It can also depend on the location of the asset: an elevated or overlooked location; a riverbank, coastal or island location; or a location within an extensive tract of flat land may increase the sensitivity of the setting (ie the capacity of the setting to accommodate change without harm to the heritage asset's significance) or of views of the asset. This requires the implications of development affecting the setting of heritage assets to be considered on a case-by-case basis.
- 18 Conserving or enhancing heritage assets by taking their settings into account need not prevent change; indeed change may be positive, for instance where the setting has been compromised by poor development. Many places coincide with the setting of a heritage asset and are subject to some degree of change over time. NPPF policies, together with the guidance on their implementation in the *Planning Policy Guidance (PPG)*, provide the framework for the consideration of change affecting the setting of undesignated and designated heritage assets as part of the decision-taking process (NPPF, paragraphs 131-135 and 137).
- 19 Amongst the Government's planning policies for the historic environment is that conservation decisions are based on a proportionate assessment of the particular significance of any heritage asset that may be affected by a proposal,

including by development affecting the setting of a heritage asset. Historic England recommends the following broad approach to assessment, undertaken as a series of steps that apply proportionately to the complexity of the case, from straightforward to complex:

Step 1: Identify which heritage assets and their settings are affected

Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated

Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it

Step 4: Explore ways to maximise enhancement and avoid or minimise harm

Step 5: Make and document the decision and monitor outcomes

Historic England: Conservation Principles and Assessment (2008)

Conservation Principles (2008) explores, on a more philosophical level, the reason why society places a value on heritage assets beyond their mere utility. It identifies four types of heritage value that an asset may hold: aesthetic, communal, historic and evidential value. This is simply another way of analysing its significance. These values can help shape the most efficient and effective way of managing the heritage asset so as to sustain its overall value to society.

Evidential Value

- 35 Evidential value derives from the potential of a place to yield evidence about past human activity.
- 36 Physical remains of past human activity are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them. These remains are part of a record of the past that begins with traces of early humans and continues to be created and destroyed. Their evidential value is proportionate to their potential to contribute to people's understanding of the past.
- 37 In the absence of written records, the material record, particularly archaeological deposits, provides the only source of evidence about the distant past. Age is therefore a strong indicator of relative evidential value, but is not paramount, since the material record is the primary source of evidence about poorly documented aspects of any period. Geology, landforms, species and habitats similarly have value as sources of information about the evolution of the planet and life upon it.

- 38 Evidential value derives from the physical remains or genetic lines that have been inherited from the past. The ability to understand and interpret the evidence tends to be diminished in proportion to the extent of its removal or replacement.

Historical Value

- 39 Historical value derives from the ways in which past people, events and aspects of life can be connected through a place to the present. It tends to be illustrative or associative.
- 40 The idea of illustrating aspects of history or prehistory – the perception of a place as a link between past and present people – is different from purely evidential value. Illustration depends on visibility in a way that evidential value (for example, of buried remains) does not. Places with illustrative value will normally also have evidential value, but it may be of a different order of importance. An historic building that is one of many similar examples may provide little unique evidence about the past, although each illustrates the intentions of its creators equally well. However, their distribution, like that of planned landscapes, may be of considerable evidential value, as well as demonstrating, for instance, the distinctiveness of regions and aspects of their social organisation.
- 41 Illustrative value has the power to aid interpretation of the past through making connections with, and providing insights into, past communities and their activities through shared experience of a place. The illustrative value of places tends to be greater if they incorporate the first, or only surviving, example of an innovation of consequence, whether related to design, technology or social organisation. The concept is similarly applicable to the natural heritage values of a place, for example geological strata visible in an exposure, the survival of veteran trees, or the observable interdependence of species in a particular habitat. Illustrative value is often described in relation to the subject illustrated, for example, a structural system or a machine might be said to have 'technological value'.
- 42 Association with a notable family, person, event, or movement gives historical value a particular resonance. Being at the place where something momentous happened can increase and intensify understanding through linking historical accounts of events with the place where they happened – provided, of course, that the place still retains some semblance of its appearance at the time. The way in which an individual built or furnished their house, or made a garden, often provides insight into their personality, or demonstrates their political or cultural affiliations. It can suggest aspects of their character and motivation that extend, or even contradict, what they or others wrote, or are recorded as having said, at the time, and so also provide evidential value.
- 43 Many buildings and landscapes are associated with the development of other aspects of cultural heritage, such as literature, art, music or film. Recognition of such associative values tends in turn to inform people's responses to these places. Associative value also attaches to places closely connected with the work of people who have made important discoveries or advances in thought about the natural world.

- 44 The historical value of places depends upon both sound identification and direct experience of fabric or landscape that has survived from the past, but is not as easily diminished by change or partial replacement as evidential value. The authenticity of a place indeed often lies in visible evidence of change as a result of people responding to changing circumstances. Historical values are harmed only to the extent that adaptation has obliterated or concealed them, although completeness does tend to strengthen illustrative value.
- 45 The use and appropriate management of a place for its original purpose, for example as a place of recreation or worship, or, like a watermill, as a machine, illustrates the relationship between design and function, and so may make a major contribution to its historical values. If so, cessation of that activity will diminish those values and, in the case of some specialised landscapes and buildings, may essentially destroy them. Conversely, abandonment, as of, for example, a medieval village site, may illustrate important historical events.

Aesthetic Value

- 46 Aesthetic value derives from the ways in which people draw sensory and intellectual stimulation from a place.
- 47 Aesthetic values can be the result of the conscious design of a place, including artistic endeavour. Equally, they can be the seemingly fortuitous outcome of the way in which a place has evolved and been used over time. Many places combine these two aspects – for example, where the qualities of an already attractive landscape have been reinforced by artifice – while others may inspire awe or fear. Aesthetic values tend to be specific to a time and cultural context, but appreciation of them is not culturally exclusive.
- 48 Design value relates primarily to the aesthetic qualities generated by the conscious design of a building, structure or landscape as a whole. It embraces composition (form, proportions, massing, silhouette, views and vistas, circulation) and usually materials or planting, decoration or detailing, and craftsmanship. It may extend to an intellectual programme governing the design (for example, a building as an expression of the Holy Trinity), and the choice or influence of sources from which it was derived. It may be attributed to a known patron, architect, designer, gardener or craftsman (and so have associational value), or be a mature product of a vernacular tradition of building or land management. Strong indicators of importance are quality of design and execution, and innovation, particularly if influential.
- 49 Sustaining design value tends to depend on appropriate stewardship to maintain the integrity of a designed concept, be it landscape, architecture, or structure.
- 50 It can be useful to draw a distinction between design created through detailed instructions (such as architectural drawings) and the direct creation of a work of art by a designer who is also in significant part the craftsman. The value of the artwork is proportionate to the extent that it remains the actual product of the artist's hand. While the difference between design and 'artistic'

value can be clear-cut, for example statues on pedestals (artistic value) in a formal garden (design value), it is often far less so, as with repetitive ornament on a medieval building.

- 51 Some aesthetic values are not substantially the product of formal design, but develop more or less fortuitously over time, as the result of a succession of responses within a particular cultural framework. They include, for example, the seemingly organic form of an urban or rural landscape; the relationship of vernacular buildings and structures and their materials to their setting; or a harmonious, expressive or dramatic quality in the juxtaposition of vernacular or industrial buildings and spaces. Design in accordance with Picturesque theory is best considered a design value.
- 52 Aesthetic value resulting from the action of nature on human works, particularly the enhancement of the appearance of a place by the passage of time ('the patina of age'), may overlie the values of a conscious design. It may simply add to the range and depth of values, the significance, of the whole; but on occasion may be in conflict with some of them, for example, when physical damage is caused by vegetation charmingly rooting in masonry. 53 While aesthetic values may be related to the age of a place, they may also (apart from artistic value) be amenable to restoration and enhancement. This reality is reflected both in the definition of conservation areas (areas whose 'character or appearance it is desirable to preserve or enhance') and in current practice in the conservation of historic landscapes.

Communal Value

54. Communal value derives from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. Communal values are closely bound up with historical (particularly associative) and aesthetic values, but tend to have additional and specific aspects.
55. Commemorative and symbolic values reflect the meanings of a place for those who draw part of their identity from it, or have emotional links to it. The most obvious examples are war and other memorials raised by community effort, which consciously evoke past lives and events, but some buildings and places, such as the Palace of Westminster, can symbolise wider values. Such values tend to change over time, and are not always affirmative. Some places may be important for reminding us of uncomfortable events, attitudes or periods in England's history. They are important aspects of collective memory and identity, places of remembrance whose meanings should not be forgotten. In some cases, that meaning can only be understood through information and interpretation, whereas, in others, the character of the place itself tells most of the story.
56. Social value is associated with places that people perceive as a source of identity, distinctiveness, social interaction and coherence. Some may be comparatively modest, acquiring communal significance through the passage of time as a result of a collective memory of stories linked to them. They tend to gain value through the resonance of past events in the present, providing reference points for a community's identity or sense of itself. They may have fulfilled a community function that has generated

a deeper attachment, or shaped some aspect of community behaviour or attitudes. Social value can also be expressed on a large scale, with great time-depth, through regional and national identity.

57. The social values of places are not always clearly recognised by those who share them, and may only be articulated when the future of a place is threatened. They may relate to an activity that is associated with the place, rather than with its physical fabric. The social value of a place may indeed have no direct relationship to any formal historical or aesthetic values that may have been ascribed to it.
58. Compared with other heritage values, social values tend to be less dependent on the survival of historic fabric. They may survive the replacement of the original physical structure, so long as its key social and cultural characteristics are maintained; and can be the popular driving force for the re-creation of lost (and often deliberately destroyed or desecrated) places with high symbolic value, although this is rare in England.
59. Spiritual value attached to places can emanate from the beliefs and teachings of an organised religion, or reflect past or present-day perceptions of the spirit of place. It includes the sense of inspiration and wonder that can arise from personal contact with places long revered, or newly revealed.
60. Spiritual value is often associated with places sanctified by longstanding veneration or worship, or wild places with few obvious signs of modern life. Their value is generally dependent on the perceived survival of the historic fabric or character of the place, and can be extremely sensitive to modest changes to that character, particularly to the activities that happen there.

Regional Policy

East of England Plan (2008)

The East of England Plan covers the counties of Norfolk, Suffolk, Cambridgeshire, Essex, Hertfordshire and Bedfordshire. It constitutes the Regional Spatial Strategy for the East of England after revising the RSS in 2004.

Policy ENV6: The Historic Environment

In their plans, policies, programmes and proposals local planning authorities and other agencies should identify, protect, conserve and, where appropriate, enhance the historic environment of the region, its archaeology, historic buildings, places and landscapes, including historic parks and gardens and those features and sites (and their settings) especially significant in the East of England:

- a cohesive hierarchy of smaller settlements ranging from nucleated villages, often marked by architecturally significant medieval parish churches, through to a pattern of dispersed hamlets and isolated farms;

- the highly distinctive historic environment of the coastal zone including extensive submerged prehistoric landscapes, ancient salt manufacturing and fishing facilities, relict sea walls, grazing marshes, coastal fortifications, ancient ports and traditional seaside resorts;
- conservation areas and listed buildings, including domestic, industrial and religious buildings, and their settings, and significant designed landscapes;
- the rural landscapes of the region, which are highly distinctive and of ancient origin;
- the wide variety of archaeological monuments, sites and buried deposits which include many scheduled ancient monuments and other nationally important archaeological assets.

Policy ENV7: Quality in the Built Environment

Local Development Documents should require new development to be of high quality which complements the distinctive character and best qualities of the local area and promotes urban renaissance and regeneration. New development should:

- provide buildings of an appropriate scale, founded on clear site analysis and urban design principles;
- make efficient use of land;
- in the case of housing development, achieve the highest possible net density appropriate to the character of the locality and public transport accessibility;
- provide a mix of uses and building types where appropriate;
- have regard to the needs and well-being of all sectors of the community; • address crime prevention, community safety and public health;
- promote resource efficiency and more sustainable construction, including maximum use of re-used or recycled materials and of local and traditional materials;
- reduce pollution, including emissions, noise and light pollution;
- maximise opportunities for the built heritage to contribute to physical, economic and community regeneration.

Conservation-led regeneration should respect the quality and distinctiveness of traditional buildings and the value they lend to an area through their townscape quality, design and use of materials. In their plans, policies, programmes and proposals planning authorities should give consideration to the opportunities presented by the region's industrial, maritime and rural heritage.

Local Policy

Tendring District Local Plan 2007

Policy QL1 - Spatial Strategy

The spatial strategy for Tendring to 2011 follows established national and regional principles for sustainable development.

- a. Most new development will therefore be concentrated at the larger urban areas of Clacton and Harwich, where accessibility to employment, shops, and other facilities and services is

maximised, and there is a choice of means of transport. These towns also contain the largest supply of previously developed land, for use in general preference to greenfield sites.

- b. In the smaller towns and villages, limited development consistent with local community needs will be permitted.
- c. Development will be concentrated within the following settlement development boundaries, as defined on the proposals maps.

Outside these, and other specific land allocations in this Plan, only development which is consistent with countryside policies will be permitted.

Policy QL9 – Design of New Development

All new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Planning permission will only be granted if the following criteria are met:

- i. new buildings, alterations and structures are well designed and should maintain or enhance local character and distinctiveness;
- ii. the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials;
- iii. the development respects or enhances views, skylines, landmarks, existing street patterns, open spaces and other locally important features;
- iv. the design and layout of the development incorporates important existing site features of landscape, ecological or amenity value such as trees, hedges, water features, buffer zones, walls and buildings (as well as opportunities to enhance such features e.g. habitat creation);
- v. boundary treatments and hard and soft landscaping are designed as an integral part of the development reflecting the function and character of the development and its surroundings.

In the case of large, complex or sensitive sites, applications for planning permission must be accompanied by a Design Statement

Policy EN1 - Landscape Character

The quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. Development control will seek in particular to conserve the following natural and manmade features which contribute to local distinctiveness:

- a. estuaries and rivers, and the undeveloped coast;
- b. skylines and prominent views, including those of ridge tops and plateau edges;
- c. the settings and character of settlements and of attractive and/or vernacular buildings within the landscape;
- d. historic landscapes and listed parks and gardens, ancient woodlands, and other important woodland, hedgerows and trees;
- e. native species of landscape planting and local building materials;
- f. the traditional character of protected lanes, other rural lanes, bridleways and footpaths. Where a local landscape is capable of accommodating development, any proposals shall include suitable measures for landscape conservation and enhancement.

Policy EN2 – Local Green Gaps

During the Plan period, land within Local Green Gaps, as defined on the Proposals Map, will be kept open, and essentially free of development. This is to prevent the coalescence of settlements, and to protect their rural settings. Minor development proposals may be permitted if they do no harm, individually or collectively, to the purposes of a Local Green Gap or to its open character. These may include the improvement of existing leisure and recreational facilities, and development for agricultural purposes. In Local Green Gaps, where resources and opportunities permit the Council will encourage the improvement of public rights of way. Policy EN23 – Development within the Proximity of a Listed Building Proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted.

Policy EN27 - Enabling Development

Enabling development will not be permitted, unless it satisfies all of the following criteria:

Part 1:

- a. The enabling development will not materially detract from the archaeological, architectural, historic or landscape interest of the heritage asset, or materially harm its setting;
- b. It has been clearly demonstrated that all alternative options have been fully evaluated;
- c. The proposal avoids detrimental fragmentation of management of the heritage asset;
- d. The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a purpose that reflects the character of the asset;
- e. The need for the enabling development arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid;
- f. Financial assistance is not available from any other source consistent with the preservation or enhancement of the heritage asset;
- g. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset;
- h. The value, or benefit, of the survival or enhancement of the heritage asset outweighs any harm to the asset by providing the enabling development.

Part 2:

Subject to the proposed enabling development meeting the criteria listed in Part 1 above, planning permission will be granted where:

- a. the impact of the development is precisely defined at the outset, through the submission of full rather than outline applications;
- b. with reference to the guidance contained in Circular 1/97, Planning Obligations, the objective of the preservation of the historic asset is securely linked to the planning permission; and
- c. the historic asset is restored to an agreed standard, or funds made available to secure this aim, prior to the commencement of the use of the enabling development

Policy EN29 - Archaeology

- i. Development will not be permitted where the Council considers that it will adversely affect nationally important archaeological sites and their setting.
- ii. Permission will be refused where development proposals do not satisfactorily protect archaeological remains of local importance.

Where applications are submitted on sites where information indicates that there are likely to be archaeological remains, the Council will expect to be provided with the results of an archaeological evaluation prior to the determination of an application. The evaluation should seek to define:

- a. the nature and condition of any archaeological remains within the application site;
- b. the likely impact of the proposed development on such features; and
- c. the means of mitigating the impact of the proposed development in order to achieve preservation "in situ" or, where this is not merited, the method of recording such remains prior to development.

Where development is permitted on sites containing archaeological remains, any planning permission will be subject to conditions and/or formal agreements requiring appropriate excavation and recording in advance of development and the publication of the results.

Appendix III - List of Plates and Endnotes

List of Plates

1. A reproduction of a map of the county of Essex, 1777 (Essex Record Office)
2. Ordnance Survey map, 1856 (Vision of Britain)
3. Ordnance Survey map 1874
4. Ordnance Survey map 1923
5. Ordnance Survey map 1939
6. Aerial view of St Johns Road, Clacton-on-Sea, 1951 (Britain from Above)
7. Ordnance Survey map 1980
8. Site plan of St John's Nursery, Clacton, 2004 (Tendring Council Planning, 04.01686.FUL)
9. Bungalows along St John's Road. DIA
10. St John's Nursery Carpark, looking west. DIA
11. Duchess Farmhouse, south east corner. DIA
12. Duchess Farmhouse, north elevation. DIA
13. Duchess Farmhouse from St John's Road, looking north west. DIA
14. Duchess Farm. DIA
15. Hardstanding to the rear of Duchess Farm. DIA
16. Earl's Hall Lodge, south elevation. DIA
17. Earl's Hall Lodge, north west corner. DIA
18. Bungalow, Earl's Hall Drive, looking south from Earl's Hall Drive. DIA
19. Earl's Hall Lodge, from the south. DIA
20. Farm buildings, Earl's Hall Farm, looking north from Earl's Hall Drive. DIA
21. Farm buildings, Earl's Hall Farm, looking north west from Earl's Hall Drive. DIA
22. Interior of a glasshouse on the site. DIA
23. View looking north over the north service yard. DIA
24. The site from adjacent to Bungalow on Earl's Hall Drive. DIA

Endnotes

1. Copy of the Register of the Electors, of the Northern Division of the County of Essex, 1841-1842
2. The Tendring Hundred in the olden time (1877) p143
3. Copy of the Register of the Electors, of the Northern Division of the County of Essex, 1841-1842
4. The Solicitor's Journal & Reporter, September 4th 1858, p898

