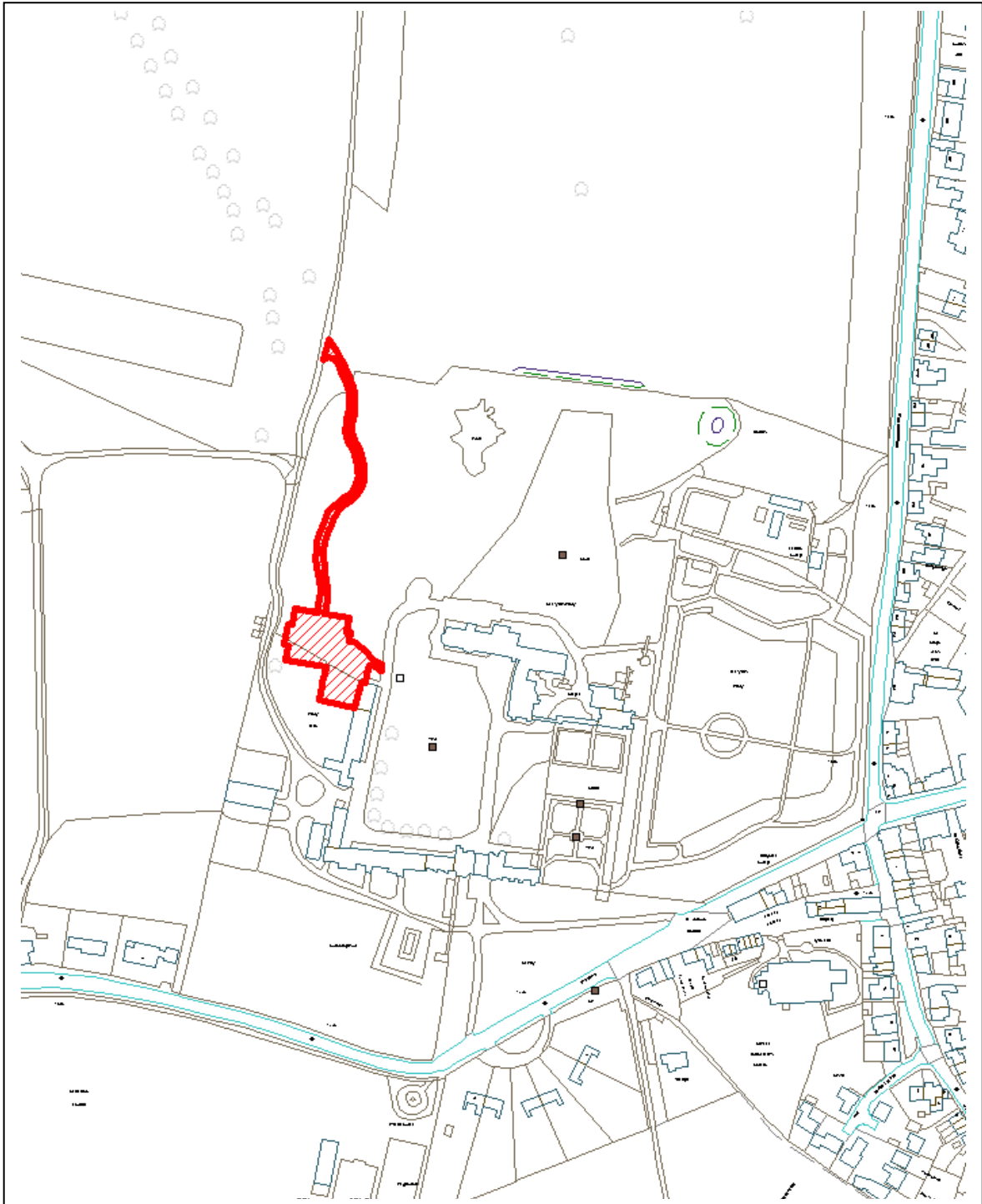


PLANNING COMMITTEE

16 JULY 2013

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 12/01312/FUL - ST OSYTH PRIORY, THE BURY, ST OSYTH, CLACTON-ON-SEA, CO16 8NZ



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Application:	12/01312/FUL	Town / Parish: St Osyth Parish Council
Applicant:	Messrs Sargeant	
Address:	St Osyth Priory, The Bury, St Osyth, CO16 8NZ	
Development:	New build garages, access and metal park rail fences.	

1. **Executive Summary**

- 1.1 The application is being presented to Planning Committee at the request of Councillor Talbot, a Ward Member for St Osyth.
- 1.2 Planning permission is sought for the erection a new garage complex to serve a number of residential dwellings within the Priory complex and a maximum 1.0m high park rail fence to the rear of Bailiff's Cottage. The scheme is a replica of that approved by this Council in 2001 (planning permission 01/00116/FUL refers).
- 1.3 The application details that the proposed scheme is validated by the latest Statement of Significance and Heritage Impact Assessment which was conducted in relation to the 2010 enabling development scheme, which is still being considered by this Council.
- 1.4 The enabling development proposals are a separate matter and this scheme is not dependent on any outcome of those applications.
- 1.5 It is advanced that the proposals have been subject to extensive heritage assessment, visual impact assessment and a review of current planning policy in order to substantiate the original view taken when approving the 2001 application for the same development. The proposal area is acknowledged as being of low heritage value but adjacent to an area of high heritage value. However, the proposed building is considered to relate well to the setting of The Green and Priory buildings through the careful design, sensitive siting and use of appropriate high quality materials.
- 1.6 English Heritage raised no objection to the original scheme, and although no comment has been received from English Heritage on this occasion, given that there is no material change in terms of impact on the designated heritage assets, officers recommend that approval be granted.

Recommendation: Approve

Conditions:

1. Time Limit for commencement – 3 years
2. Materials to be used are as detailed within Design and Access Statement
3. Garages to be used only for those purposes incidental to the enjoyment of the dwellinghouses within the St Osyth Priory
4. No internal or mezzanine floors to be constructed
5. Phases programme of Archaeological works
6. Landscaping Scheme

2. Planning Policy

National Policy:

The National Planning Policy Framework (2012)

Local Plan Policy:

Tendring District Local Plan (2007)

- QL9 Design of New Development
- QL10 Designing New Development To Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- EN1 Landscape Character
- EN6 Biodiversity
- EN17 Conservation Areas
- EN23 Development within the proximity of a Listed Building
- EN27a St Osyth Priory
- EN30 Archaeology
- TR7 Vehicle Parking at New Development

Tendring District Local Plan Proposed Submission Draft (2012)

- SD1 Presumption in Favour of Sustainable Development
- SD8 Transport and Accessibility
- SD9 Design of New Development
- PLA4 Nature Conservation and Geo-Diversity
- PLA5 The Countryside Landscape
- PLA6 The Historic Environment
- PLA7 Conservation Areas
- PLA8 Listed Buildings

Other guidance:

PPS5 Planning and the Historic Environment Practice Guide

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

3. **Relevant Planning History**

3.1 The Priory complex has an extensive planning history. However, the most relevant to this proposal is as follows:

01/00116/FUL	New build garages and metal park rail fences	Approved	29.03.2001
01/00117/LBC	New build garages and metal park rail fences	Approved	29.03.2001

4. **Consultations**

Internal Consultees

4.1 TDC Principal Tree and Landscape Officer - The deer park and gardens associated with The Priory are one of only 3 sites in Tendring recognised for their importance by inclusion on the English Heritage Register of Parks or Garden of Special Historic Interest in England. In order to show the impact of the development proposal on the tree on the land the applicant has submitted information in accordance with the now defunct BS5337:2005. Although this British Standard has been updated and replaced with BS5837 2012: Recommendations - Trees in Relation to Design, Demolition and Construction the technical data contained in the report remains relevant. Those trees identified for removal form part of a large group of trees and shrubs that have developed over many years combining established planned planting with self-sown species. The relatively low number of trees and shrubs to be removed will not have a significant detrimental impact on the character of this part of the garden. In terms of the amenity value of the trees and the degree to which they can be seen from a public place the areas where the proposed tree and shrub removal is planned can only be seen from a distance and sufficient vegetation is identified for retention to maintain the wooded 'feel' of this part of the garden. For this reason the tree removal that would be necessary in order for the proposed construction to take place would not have a significant detrimental impact on the character and appearance of the conservation area. Whilst a structure of the scale and proportion of the proposed garages is clearly likely to alter the character of the listed garden the justification for the proposed garages, their position and design will need to be considered in relation to the setting of the listed buildings as well as the impact on the listed garden. In this respect the garages appear to be located and designed so as to associate reasonably well with the existing buildings. In terms of the garden alone they are not considered to be a positive feature. In section 2:6 of the Design, Access and Heritage Impact Statement new planting is described. If consent is likely to be granted then a condition should be attached to secure new tree and shrubs planting to ensure that the appearance of the garages is enhanced and screened as appropriate. The minor incursions into the Root Protection Areas of P-T001 and P-T003 is not likely to have an adverse impact on the health, condition or viability of either tree as both trees have defects that need to be managed by crown reduction. This work is required on arboricultural grounds, regardless of the outcome of the determination of the planning application. If the proposed roads are constructed using the 'No Dig' techniques described in the Tree Report and Survey submitted in support of the application then their construction and subsequent use will not adversely affect the health of adjacent trees. If consent were to be granted then new landscaping to both enhance and partially screen the garages should be secure by condition.

External Consultees

4.2 English Heritage – No comments received.

4.3 ECC Archaeology – The Historic Environment Record for Essex identifies St Osyth Priory as a site with buildings and below archaeological remains of national significance. The

proposed development has the potential to impact on surviving below ground archaeological remains of the medieval monastic settlement, and will have an impact on the setting of the Scheduled Monument of St Osyth Priory. Recommend Archaeological Evaluation through multiple pre-commencement conditions.

5. Representations

- 6.1 Councillor Talbot, Ward Member – Requests that the application is referred to Planning Committee as the application pack refers to an extant application approved over 10 years ago. This was supported at the time by my Parish Council, but since that date the owners of the Priory have applied for a number of actual property developments within the curtilage of the Priory and these are currently under discussion by the relevant authorities considering whether or not these properties can be considered as part of an ‘enabling development’ in the village. Following the effusion of time I maintain that this garage application should be considered alongside the general property developments planned by the owners within the 383 acres of the Priory grounds, and not dealt with in isolation from the larger picture. I will recommend to the Committee that the application be rejected.
- 6.2 St Osyth Parish Council – Objections on the basis that notwithstanding this being a resubmission of an extant permission granted in March 2001 (01/00116/4 refers), circumstances have changed with the application for an enabling development associated with this property. With the proposed development of other properties within the Priory grounds, St Osyth Parish Council cannot consider this resubmission until such time as the overall application is considered by English Heritage.
- 6.3 ECC Highways – No objection.

6. Assessment

- 6.1 The main planning considerations are:
- Impact on Heritage Assets
 - Impact on Trees/Biodiversity
 - Relationship with Enabling Development Proposals

Site Context

- 6.2 The application site is located within the gardens of St Osyth Priory, formerly a C12 abbey but now converted to residential use following the dissolution. The actual proposal area lies to the west of the existing complex of Priory buildings.

Proposal

- 6.3 The proposals include the erection of a new garaging comprising two buildings linked by a walled courtyard and new park rail fencing.
- 6.4 In relation to the garaging, each building measures approximately 27m in length, 7m in width and 7.8m to the ridge (3.5m to eaves). The garaging will accommodate a maximum of 16 no. cars with the ability to park bicycles, motorcycles and buggy parking. The use is allied to 9 no. dwellings within the Priory Complex.
- 6.5 The proposed materials comprise of red handmade bricks under a red handmade clay plain tiled roof. In particular the application details the use of Ibstock Swanage handmade multis and orange end mixture from Heritage Clay Tiles Ltd with matching hogs back ridge, granite bollards, ironwork studs, strap hinges and vane. Unstained oak, painted softwood and cast aluminum gutters and downpipes complete the list.

- 6.6 Vehicular access to the site is proposed to be from the northern approach, via a driveway, with gravel pedestrian access paths linking the site to the remainder of the complex.
- 6.7 The proposed park rail fencing is made of painted mild steel and will enclose the rear area serving Bailiff's Cottage.

Impact on Heritage Asset

- 6.8 The National Planning Policy Framework details 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 and that 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.
- 6.9 The Framework goes on to state that 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 and that they should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict.
- 6.10 Furthermore, paragraph 131 of The Framework states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. In considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 6.11 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) imposes a duty on Local Planning Authorities (LPA) to designate as Conservation Areas any '*areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance*'. The application site falls wholly within the St Osyth Conservation Area. This guidance is reiterated in Policies EN17 and PLA7 which requires new development in a Conservation Areas to preserve or enhance it, retain elements or components which add to the special character of the area and be of an appropriate scale, form and design using appropriate materials. A Conservation Area is a designated heritage asset as defined in the NPPF. This national policy guidance requires new development to sustain and enhance the significance of the asset.
- 6.12 In this instance the proposals are accompanied by a Design, Access and Heritage Statement and underpinned by the submission of a Statement of Significance and Heritage Impact Assessment, which was conducted in relation to the 2010 enabling development scheme that is currently under consideration by this authority. In addition, the proposals have been subject to previous scrutiny when originally submitted under the terms of planning permission 01/00116/FUL. Officer's concluded at that time that the proposals were appropriate and English Heritage raised no objection subject to the imposition of controlling conditions.

6.13 The garaging is located west of the main Priory Buildings in a wooded area. Given this separation, and the appropriateness of the design and scale of building proposed and the heritage benefits that would result from removing cars from the Priory precinct, the development is considered compatible with the heritage asset in terms of form, function and detailed design. Accordingly the proposals accord with The Framework and local planning policies.

Impact on Trees

6.14 The proposal involves the loss of some trees within the site.

6.15 The Council's Principal Tree and Landscape Officer has assessed the plans and his detailed advice is contained at paragraph 4.1 above. In summary:

- Trees identified for removal form part of a large group of trees and shrubs that have developed over many years combining established planned planting with self-sown species.
- The relatively low number of trees and shrubs to be removed will not have a significant detrimental impact on the character of this part of the garden.
- The proposed tree and shrub removal planned can only be seen from a distance and sufficient vegetation is identified for retention to maintain the wooded 'feel' of this part of the garden.
- The tree removal that would be necessary in order for the proposed construction to take place would not have a significant detrimental impact on the character and appearance of the conservation area.
- The garages appear to be located and designed so as to associate reasonably well with the existing buildings.
- If consent is likely to be granted then a condition should be attached to secure new tree and shrubs planting to ensure that the appearance of the garages is enhanced and screened as appropriate.
- The minor incursions into the Root Protection Areas of P-T001 and P-T003 is not likely to have an adverse impact on the health, condition or viability of either tree as both trees have defects that need to be managed by crown reduction. This work is required on arboricultural grounds, regardless of the outcome of the determination of the planning application;
- If the proposed roads are constructed using the 'No Dig' techniques described in the Tree Report and Survey submitted in support of the application then their construction and subsequent use will not adversely affect the health of adjacent trees.
- If consent were to be granted then new landscaping to both enhance and partially screen the garages should be secure by condition.

6.16 Accordingly, although there will be an identifiable impact upon the existing trees and landscape, this harm is minimal and can be compensated with an appropriate scheme of landscaping. Such a scheme can be secured through the imposition of a controlling condition.

Relationship with Enabling Development Proposals

6.17 'Enabling development' is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved.

6.18 This application does not form part of the enabling development proposals and the enabling development proposals are a separate matter. As such this scheme is not dependent on any outcome of those applications. Notwithstanding, the development could be considered to play an important role in the wider vision for the estate and improved setting to the Priory

for existing and future residents.

Other Matters

Crime and Disorder

- 6.19 Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Biodiversity and Protected Species

- 6.20 In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species. There are no issues of biodiversity or protected species in relation to this site.

Statement required by Article 31 of The Town and Country Planning (Development Management Procedure) Order 2010 (as amended)

- 6.21 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2010 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case no amendments were required which enabled Planning Officers to recommend approval for the proposed development without the need for any resolution of problems or other issues.

Conclusion

- 6.22 The application details that the proposed scheme is validated by a Statement of Significance and Heritage Impact Assessment which was conducted in relation to the 2010 enabling development scheme. In doing so it is advanced that the proposals have been subject to extensive heritage assessment, visual impact assessment and a review of current planning policy in order to substantiate the original view taken when approving the 2001 application for the same development.
- 6.23 The proposal area is acknowledged as being of low heritage value but adjacent to an area of high heritage value. However, the proposed building is considered to relate to the setting of The Green and Priory buildings through the careful design, sensitive siting and use of appropriate high quality materials.
- 6.24 English Heritage raised no objection to the original scheme. Given that there is no material change in terms of impact on the designated heritage assets, officers recommend that conditional planning approval be granted.

Background Papers

None.