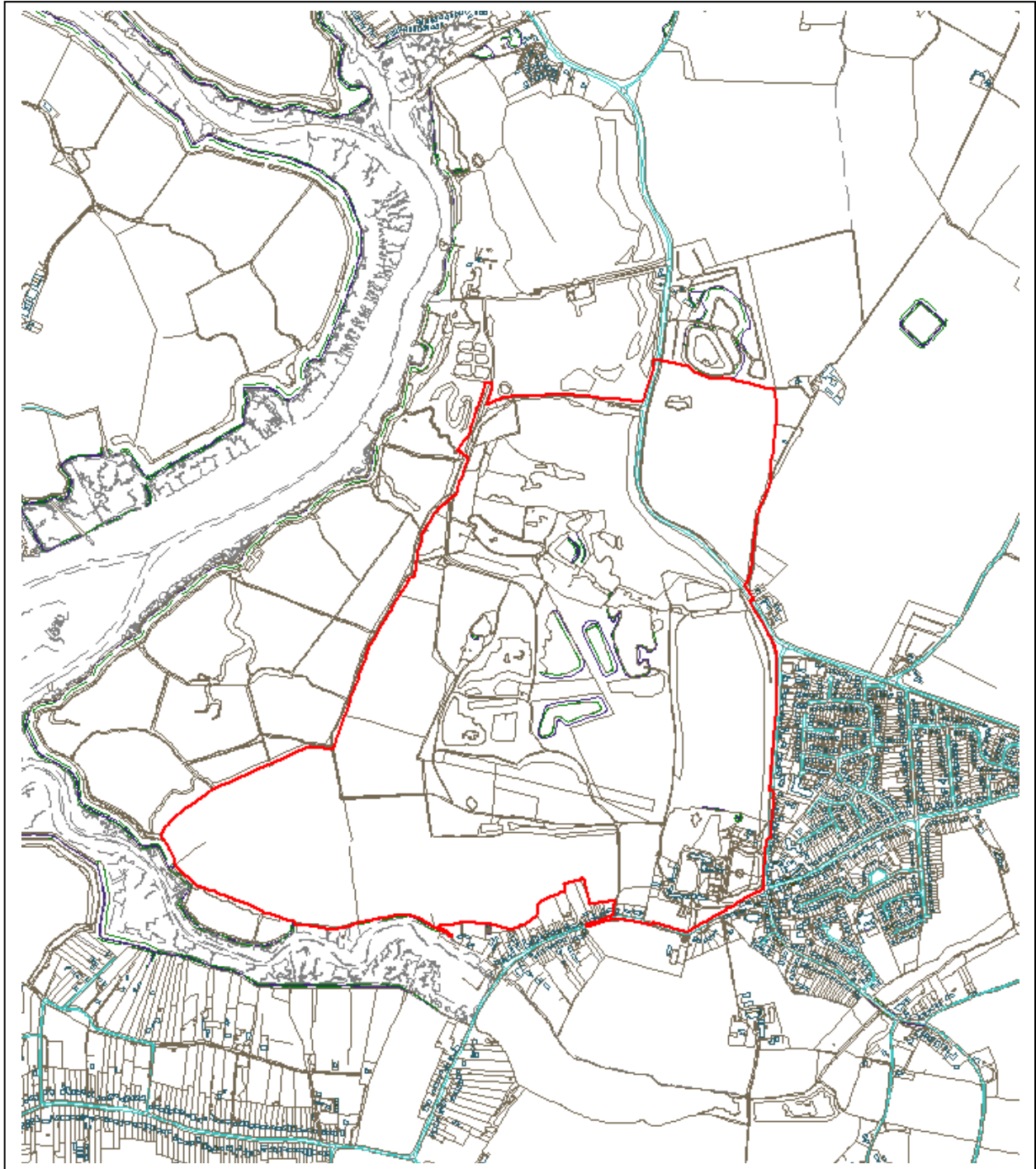


PLANNING COMMITTEE

21 January 2014

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATIONS – 11/00328/FUL, 11/00329/FUL, 11/00330/FUL, 11/00331/FUL AND 11/00336/CON – THE PRIORY ESTATE, ST OSYTH, CLACTON ON SEA, ESSEX, CO16 8NY



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Town / Parish: St Osyth Parish Council

Applicant:	Mr R.A, T.R, D.R, A.I Sargeant
Address:	The Priory Estate, St Osyth, Clacton On Sea CO16 8NY
11/00328/FUL – (Application 1)	Erection of 23 dwellings; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access);.
11/00329/FUL – (Application 2)	Erection of 46 dwellings; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access);.
11/00330/FUL – (Application 3)	Erection of 33 dwellings; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access);.
11/00331/FUL – (Application 4)	Erection of 21 flats within a new "Maltings" style building; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access).
11/00336/CON –	Demolition of detached dwelling at 7 Mill Street.

1. Executive Summary

- 1.1 These applications form part of a suite of applications submitted to the Council in relation to a scheme of enabling development both within the St Osyth Parkland, the West Field and the Wellwick site situated outside of the Priory Estate. Applications 1 - 4 (i.e. 11/328/FUL, 329, 330 and 331) relate to the West Field phases and application 11/00336/CON relates to the demolition of a modern residential property to enable access to the West Field developments.
- 1.2 The enabling development proposals are promoted as necessary for the generation of funds needed to undertake repairs and restoration of a national heritage asset, this being the St Osyth Priory complex. The financial consequences of granting planning permission for one, some or all of the enabling development applications is not only relevant, but fundamental to the decision-making process. The proposals have been subject to independent financial scrutiny but agreement has not been reached on some issues. Notwithstanding this the assessment has revealed that a substantial conservation deficit exists and that the proposals collectively would fail to generate sufficient funds to overcome this deficit in full.
- 1.3 Policy EN27 of the Tendring District Local Plan is of primary relevance in this case and assessment has been made against the provisions of this policy and against all other material considerations. According to the findings of CBRE, jointly instructed by TDC and English Heritage, the proposals result in a negative residual value and thereby fail to reduce the conservation deficit and assist in securing the repair of the Priory. Whilst a positive residual value range is advanced by BNP within their independent report, it is insignificant

against the conservation deficit and far outweighed by the harm to the significance of the place. Accordingly applications 1 - 4 fail to meet the criteria of the policy EN27 and the NPPF.

- 1.4 Officers are mindful of the provisions of policy EN27a and the commitment of the Council to the conservation, preservation and restoration of St. Osyth Priory and to that end, its commitment to work in conjunction with the landowner and English Heritage. However, the proposals have failed to demonstrate accordance with national or local planning guidance. Moreover, the applications give rise to no public benefit to set against the harm clearly caused both singularly and collectively.
- 1.5 The proposed demolition of 7 Mill Street is acceptable.
- 1.6 Accordingly, officers recommend refusal of the enabling development applications 1 – 4 and approval of the demolition of 7 Mill Street.
- 1.7 Members are to note that the Secretary of State has received a request to intervene on Applications 11/00328/FUL, 11/00329/FUL, 11/00330/FUL and 11/00331/FUL from third parties (and the other related applications). If the Planning Committee is minded to approve any of these applications, they will be assessed against the Secretary of State's policy on call in.

11/00328/FUL

Recommendation: Delegate the decision to REFUSE planning permission to the Head of Planning on the grounds that:

- The proposed development will harm the character, setting and significance of the St Osyth Priory (a designated heritage asset)
- The proposed development will result in material harm to the St Osyth Conservation Area
- The benefits of the enabling development, and public access improvements, do not outweigh the disbenefits of departing from policy EN27 and The National Planning Policy Framework

11/00329/FUL

Recommendation: Delegate the decision to REFUSE planning permission to the Head of Planning on the grounds that:

- The proposed development will harm the character, setting and significance of the St Osyth Priory (a designated heritage asset)
- The proposed development will result in material harm to the St Osyth Conservation Area
- The benefits of the enabling development, and public access improvements, do not outweigh the disbenefits of departing from policy EN27 and The National Planning Policy Framework

11/00330/FUL

Recommendation: Delegate the decision to REFUSE planning permission to the Head of Planning on the grounds that:

- The proposed development will harm the character, setting and significance of the St Osyth Priory (a designated heritage asset)
- The proposed development will result in material harm to the St Osyth Conservation

Area

- The benefits of the enabling development, and public access improvements, do not outweigh the disbenefits of departing from policy EN27 and The National Planning Policy Framework

11/00331/FUL

Recommendation: Delegate the decision to REFUSE planning permission to the Head of Planning on the grounds that:

- The proposed development will harm the character, setting and significance of the St Osyth Priory (a designated heritage asset)
- The proposed development will result in material harm to the St Osyth Conservation Area
- The benefits of the enabling development, and public access improvements, do not outweigh the disbenefits of departing from policy EN27 and The National Planning Policy Framework

11/00336/CON

Recommendation: Approve

Conditions:

- Standard time limit for commencement – 3 years

2. Planning Policy

National Policy:

National Planning Policy Framework (2012)

Local Plan Policy:

Tendring District Local Plan (2007)

Policy QL1	<i>Spatial Strategy</i>
Policy QL2	<i>Promoting Transport Choice</i>
Policy QL3	<i>Minimising and Managing Flood Risk</i>
Policy QL7	<i>Rural Regeneration</i>
Policy QL8	<i>Mixed-Uses</i>
Policy QL9	<i>Design of New Development</i>
Policy QL10	<i>Designing New Development to Meet Functional Needs</i>
Policy QL11	<i>Environmental Impacts and Compatibility of Uses</i>
Policy QL12	<i>Planning Obligations</i>
Policy ER7	<i>Business, Industrial and Warehouse Proposals</i>
Policy ER16	<i>Tourism and Leisure Uses</i>
Policy ER26	<i>Conversion of Premises</i>
Policy HG1	<i>Housing Provision</i>
Policy HG3	<i>Residential Development within Defined Settlements</i>
Policy HG3a	<i>Mixed Communities</i>

Policy HG4	<i>Affordable Housing</i>
Policy HG6	<i>Dwelling Size and Type</i>
Policy HG7	<i>Residential Densities</i>
Policy HG9	<i>Private Amenity Space</i>
Policy HG13	<i>Backland Residential Development</i>
Policy HG14	<i>Side Isolation</i>
Policy COM1	<i>Access for All</i>
Policy COM2	<i>Community Safety</i>
Policy COM6	<i>Provision of Recreational Open Space for New Residential Development</i>
Policy COM19	<i>Contaminated Land</i>
Policy COM21	<i>Light Pollution</i>
Policy COM23	<i>General Pollution</i>
Policy COM26	<i>Contributions to Education Provision</i>
Policy COM29	<i>Utilities</i>
Policy COM31a	<i>Sewerage and Sewage Disposal</i>
Policy EN1	<i>Landscape Character</i>
Policy EN3	<i>Coastal Protection Belt</i>
Policy EN6	<i>Biodiversity</i>
Policy EN6a	<i>Protected Species</i>
Policy EN6b	<i>Habitat Creation</i>
Policy EN11a	<i>Protection of International Sites: European Sites and Ramsar Sites</i>
Policy EN11b	<i>Protection of National Sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites</i>
Policy EN11c	<i>Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites</i>
Policy EN12	<i>Design and Access Statements</i>
Policy EN13	<i>Sustainable Drainage Systems</i>
Policy EN17	<i>Conservation Areas</i>
Policy EN20	<i>Demolition within Conservation Areas</i>
Policy EN23	<i>Development within the Proximity of a Listed Building</i>
Policy EN27	<i>Enabling Development</i>
Policy EN27a	<i>St Osyth Priory</i>
Policy EN29	<i>Archaeology</i>
Policy EN30	<i>Historic Towns</i>
Policy TR1a	<i>Development Affecting Highways</i>
Policy TR1	<i>Transport Assessment</i>
Policy TR2	<i>Travel Plans</i>
Policy TR3a	<i>Provision for Walking</i>
Policy TR4	<i>Safeguarding and Improving Public Rights of Way</i>
Policy TR5	<i>Provision for Cycling</i>
Policy TR6	<i>Provision for Public Transport Use</i>
Policy TR7	<i>Vehicle Parking at New Development</i>

Tendring Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan Pre-Submission Focussed Changes (2014)

Policy SD1	<i>Presumption in Favour of Sustainable Development</i>
Policy SD3	<i>Key Rural Service Centres</i>
Policy SD5	<i>Managing Growth</i>
Policy SD7	<i>Securing Facilities and Infrastructure</i>
Policy SD8	<i>Transport and Accessibility</i>
Policy SD9	<i>Design of New Development</i>

Policy SD10	<i>Sustainable Construction</i>
Policy PRO1	<i>Improving the Strategic Transport Network</i>
Policy PRO2	<i>Improving the Telecommunications Network</i>
Policy PRO3	<i>Improving Education and Skills</i>
Policy PRO5	<i>Town, District, Village and Neighbourhood Centres</i>
Policy PRO6	<i>Retail, Leisure and Office Development</i>
Policy PRO7	<i>Tourism</i>
Policy PRO15	<i>The Rural Economy</i>
Policy PEO1	<i>Housing Supply</i>
Policy PEO2	<i>Housing Trajectory</i>
Policy PEO3	<i>Housing Density</i>
Policy PEO4	<i>Standards for New Housing</i>
Policy PEO5	<i>Housing Layout in Tending</i>
Policy PEO6	<i>Backland Residential Development</i>
Policy PEO7	<i>Housing Choice</i>
Policy PEO8	<i>Aspirational Housing</i>
Policy PEO9	<i>Family Housing</i>
Policy PEO10	<i>Council Housing</i>
Policy PEO12	<i>Flats, Apartments and Maisonettes</i>
Policy PEO14	<i>Single storey residential development (bungalows)</i>
Policy PEO19	<i>Green Infrastructure</i>
Policy PEO22	<i>Green Infrastructure in New Residential Development</i>
Policy PLA1	<i>Development and Flood Risk</i>
Policy PLA3	<i>Water Conservation, Drainage and Sewerage</i>
Policy PLA4	<i>Nature Conservation and Geo-Diversity</i>
Policy PLA5	<i>The Countryside Landscape</i>
Policy PLA6	<i>The Historic Environment</i>
Policy PLA7	<i>Conservation Areas</i>
Policy PLA8	<i>Listed Buildings</i>
Policy PLA9	<i>Enabling Development</i>

Other guidance:

English Heritage Document – Enabling Development And The Conservation Of Significant Places (2008)

The Essex Design Guide (2005)

Essex County Council Parking Standards Design and Good Practice (2009)

3. Relevant Planning History

96/00442/FUL North Lodge Piece	Retention of earth bunding for additional overshoot protection	Approved	12.06.1996
97/00414/CMTR	(Land at St Osyth Quarry, Colchester Road, St Osyth) ESS/21/97/TEN(R) - Environment Act 1995 - Review of Mineral Planning Permissions - Application for Determination of Conditions	File not available at ECC, no record of decision either way so logged as Inactive	03.06.1997
99/00276/FUL	Take down club hut damaged by	Approved	26.05.1999

North Lodge Piece	arson and install two metal containers		
00/00701/LBC	Re-ordering of interior and opening up of 3 No blocked up windows (East Gate House)	Withdrawn	04.05.2000
00/00702/LBC	Internal re-ordering and insertion of a short section of patent glazing in slope of existing roof (Darcy House West Wing)	Approved	21.08.2000
00/00880/FUL North Lodge Piece	Retention of 1 No metal container	Approved	28.07.2000
00/01337/LBC	Gate House - West Range. Re-ordering of interior, opening up of existing doorway, forming new doorway in existing window opening, forming new doorway in existing door and window opening, replacing window and forming new terrace	Approved	10.01.2001
00/01343/LBC	Gate House - East Range. Re-ordering of interior, opening up of 3 No. blocked up windows and forming new window in gable.	Approved	20.03.2001
00/01501/LBC	Demolition of part of the boundary wall to allow rebuilding in association with other structural repairs	Approved	01.03.2001
00/01623/LBC	Re-ordering of interior, lowering threshold of external doorway, raising ground floor, adding rooflight - Bailiffs Cottage	Approved	10.01.2001
00/01880/FUL	Alterations to former staff accommodation to form 4 No. self-contained flats - Darcy House East Wing	Approved	25.04.2001
00/01881/LBC	Darcy House East Wing - Re-ordering of interior, stripping out of external metal stairs, minor revisions to openings in external walls	Approved	25.04.2001
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

01/00763/FUL	Conversion of The Abbot's Tower into a dwelling	Approved	25.02.2002
01/00780/LBC	The Abbot's Tower - external/internal alterations	Permitted Development	25.05.2001
01/01084/FUL	Repair to existing building fabric extension to lean-to to accommodate office/administration space. New staircase to first floor The Brewhouse.	Approved	23.08.2001
01/01710/FUL	Conversion of disused dairy into office accommodation with sanitary and rest facilities (The Dairy)	Approved	21.11.2001
01/01711/LBC	Conversion to office use with associated staff facilities. Internal and external works (The Dairy)	Approved	21.11.2001
01/01712/FUL	Re-location, repairs and minor alterations to existing barn (The Cart Shed)	Refused	21.11.2001
01/01713/LBC	Re-location, repairs and minor alterations (The Cart Shed)	Refused	21.11.2001
01/02078/FUL	Re-location, repairs and minor alterations to existing barn (The Cart Shed)	Refused	08.01.2002
01/02079/LBC	Re-location, repairs and minor alterations (The Cart Shed)	Refused	08.01.2002
01/02112/FUL	Change of use from vacant to office (The West Barn)	Approved	27.03.2002
06/00589/FUL	Enclosure by 1200mm high park rail fence and formalisation of casual parking.	Refused Dismissed at Appeal	24.08.2006 20.06.2007
06/01353/LBC	Gate House - West Range. Ground Floor - blocking of doorways, new and reused internal doors, re-ordering of interior with new partitions. First Floor - removal of existing walls to bedrooms 1 and 4 to form an ensuite and a bathroom.	Approved	06.11.2006
06/01355/LBC	Alterations including removal of existing soil vent pipes and rain water pipes and fitting of new soil vent pipe and boiler flue to inner	Approved	10.07.2007

roof slope. Fix external door shut to kitchen/utility. Renew floors to dining room and kitchen. New door to utility room. Remove original utility room cupboard from first floor bedroom and re-erect in utility room. Insert roof lights in lieu of existing hatches so as to improve roof access for maintenance. Relocate door in bedroom 2 east wall. Relocate curved first floor eastern stair and construct new floor over the stairs. New walls to form bedroom 4; repair of ceiling and redirection of internal rainwater via new internal rain water pipe. Fix shut door to adjacent range. New bathroom to first floor.

06/02050/FUL	Change of use from office to residential.	Approved	30.03.2007
06/02058/FUL Bailiffs Cottage	Creation of self-contained one bed house from south end of existing house.	Approved	30.03.2007
07/00486/FUL	Rationalisation of and improvements to existing car parking, formation of a new highway access with safe sight lines and erection of a park rail fence with both vehicular and pedestrian gates.	Refused	31.05.2007
07/00858/FUL	Use as a venue for marriage in accordance with Marriage Act, 1949 and/or Civil Partnership Act 2004.	Approved	14.12.2007
07/00989/LBC Bailiffs Cottage	Re-instate dormer to west elevation.	Approved	15.08.2007
07/01205/FUL	Relocation of unsafe access.	Refused	29.10.2007
		Appeal Withdrawn	29.10.2008
08/00718/FUL	Alterations and extension; change of use to a house.	Approved	03.04.2009
09/00507/ADV	5m x 10m banner with image of Abbots Tower and Company information to be displayed temporarily.	Refused	25.06.2009
		Dismissed at Appeal	27.11.2009
09/01139/FUL	Proposed new archery ground and	Refused	10.02.2010

relocation of existing site accommodation including club hut and storage container plus one additional container.

12/00184/FUL	Alterations and extension; change of use to a house. (Extension of time on previously approved 08/00718/FUL)	Approved	06.03.2013
12/01285/LBC	Re-ordering of interior with the opening up of windows and the forming of a new window in the gable.	Approved	08.10.2013
12/01312/FUL	New build garages, access and metal park rail fences.	Approved	26.07.2013
12/01316/FUL	Conversion of Abbots Tower into 1 no. 3 bedroom residential unit.	Approved	23.10.2013

Works to Trees Planning History

DP/V/9D(38)	Unauthorised works to trees adjacent to the Highway	Closed	
TPC/12/84	Various works to trees	Closed	15.10.1984
TPC/13/84	Various works to trees	Closed	15.10.1984
TPC/95/29	Fell dead Walnuts, Yew and surgery to Lime	Closed	31.07.1995
TPC/96/13	Works to comply with highway requirements	Closed	04.04.1996
TPC/97/74	Works to Mulberry	Closed	27.10.1997
01/01768/TCA	Felling, and works to various trees	Approved	23.11.2001
09/00685/TCA	Engine Pond: Fell 2 Birch, fell 7 Alder. Breeches Pond: Fell 59 Sycamore, fell 1 Elm, Coppice 8 Alder, Fell 1 Alder. Dolphin Pond: Fell 23 Sycamore, fell 1 Ash, fell 6 Horse chestnut, coppice 3 Alder, fell 2 Alder.	Withdrawn	06.08.2009
09/00877/TCA	Phase 1 Tree Removal Nun's Wood. Removal of trees in accord with revised schedule. Engine Pond - Sycamore x 1, Alder x 2, Birch x 1 Breeches Pond - Sycamore x 54, Elm x 1, Alder x 10 Dolphin Pond - Ash x 2, Sycamore	Approved	28.09.2009

x 25, Alder x 1, Horse chestnut x 6

11/01479/TCA	Area 13 - phased removal of sycamore. Area 9 - low key thinning of the sycamore and coppicing of alder and thorn. Wet 14 - sycamore removal particularly to the south of the pond. Area 15a - removal of immature sycamore adjacent to the five ponds, coppicing rotation for some of the alder, thorn and laurel.	Approved	12.01.2012
13/00880/TCA	Area 13 - the trees to be removed or coppiced are marked on site. These trees equate to 80% of the trees in the area. Area 9 - the trees to be removed or coppiced are marked on site. These trees equate to 30% of the trees in the area. Kitchen Pond (Wet 14) - the trees to be removed or coppiced are marked on site. These trees equate to 20% of the trees in the area. Area 15 a - the trees to be removed or coppiced are marked on site. These trees equate to 30% of the trees in the area. Areas 15 b & d - the trees to be removed or coppiced are marked on site. These trees equate to 30% of the trees in the area. Area 14 - the trees to be removed or coppiced are marked on site. These trees equate to 50% of the trees in the area. Areas 7 & 8 - the trees to be removed at present equates to approximately 10% of the current total number of trees in the area.	Approved	03.09.2013
13/00904/TCA	6 No. Willows - Pollard and coppice to enable ditch/fence to be erected and also for maintenance as many have broken and fallen over	Approved	12.09.2013
13/00905/TCA	12 No. Oak, 7 No. Sweet Chestnut - all within Priory Park and avenues - to be pollarded	Approved	12.09.2013
13/00906/TCA	1 No. Poplar - fell due to unsuitable for location. Replacement Cedar already planted which is historically; correct probably 25 years old.	Approved	12.09.2013

4. Consultations

4.1 Please see below for a summary of consultation responses received. .

Internal Consultee Responses

TDC Building Control

11/00328/FUL, 11/00329/FUL, 11/00330/FUL and 11/00331/FUL

4.2 Further information required in relation to compliance with the requirements of Approved Document B - Access and Facilities for the Fire Service. No provision of a WC to the Pigeon House.

TDC Principal Landscape and Tree Officer

11/00328/FUL, 11/00329/FUL, 11/00330/FUL and 11/00331/FUL

4.3 11/00328/FUL - The development proposal is relatively compact and would be effectively tucked away behind the existing dwellings in Mill Street. The existing and proposed new landscaping would help to screen the development.

4.4 The construction of the proposed development so close to The Priory and associated buildings will degrade the landscape within which they are set and consequently have a detrimental impact on their setting. In addition to the impact on the heritage assets the development will adversely affect the character of the historical development pattern within the conservation area. This part of the conservation area shows historical ribbon development and the proposal for a 'courtyard' development is inappropriate and incongruous.

4.5 In essence the proposal unacceptable in landscape terms because its layout and density is not in keeping with the existing character of the area and because it would have a negative impact on the character and appearance of the conservation area.

4.6 This type of development has a significantly detrimental impact on the historic settlement pattern which is in itself integral to the local landscape character. It does not sit well in the landscape and compromises the historic qualities of the relationship between the built environment and the countryside.

4.7 In terms of the simplistic view of The Priory from the estuary and from more distance points the development proposal is not considered to be significantly detrimental.

4.8 The demolition of 7 Mill Street would result in the loss of a number of mature shrubs and small trees however these are not considered to have a significant positive impact on the appearance of the area. The contribution that they make to the amenity of the locality could be relatively easily replicated by new planting.

4.9 It is noted that although the South Lodge is shown on the site layout plan it does not form part of the application.

4.10 It should also be noted that the site layout plan does not accord with the parallel application to develop the West Field as it makes no provision for the extension of the access road to the land and changes the relationship of the developments juxtaposition with adjacent open space.

- 4.11 11/00329/FUL - The demolition of 7 Mill Street would result in the loss of a number of mature shrubs and small trees however these are not considered to have a significant positive impact on the appearance of the area. The contribution that they make to the amenity of the locality could be relatively easily replicated by new planting.
- 4.12 In 'common sense' terms it seems apparent that consent would only be granted for this application if it were also to be granted for 11/00329/FUL. Therefore the impact of both development proposals needs to be considered together.
- 4.13 This application further extends the development of the west field and has a commensurate increase on the impact of the setting of the heritage assets and the character and appearance of the countryside. It is accepted that the proposed landscape belt would help to screen the development from the open countryside and that it would be effectively screened from view from Mill Street by the existing dwellings and vegetation in their gardens.
- 4.14 However the construction of the proposed development so close to The Priory and associated buildings will degrade the landscape within which they are set and consequently have a detrimental impact on their setting. In addition to the impact on the heritage assets the development will adversely affect the character of the historical development pattern within the conservation area. The combination of both applications will have a greater collective impact and significantly alter the established development pattern. This part of the conservation area has evolved as ribbon development and the proposal for small/medium sized estate is inappropriate and incongruous.
- 4.15 In essence the proposal unacceptable in landscape terms because its layout and density is not in keeping with the existing character of the area and because it would have a negative impact on the character and appearance of the conservation area.
- 4.16 This type of development would have a significantly detrimental impact on the historic settlement pattern which is in itself integral to the local landscape character. It does not sit well in the landscape and compromises the historic qualities of the relationship between the built environment and the countryside.
- 4.17 In terms of the simplistic view of The Priory from the estuary the combined applications increase the visibility of the development from more distance points and consequently have a greater impact on the setting of the heritage assets and the conservation area.
- 4.18 It should also be noted that the site layout plan does not accord with the parallel application (11/000329/FUL). If consent for both applications were to be granted it would not be possible to build them out in accordance with the plans because of the overlap. Part of this development would be situated on land intended to be open space for planning application 11/00329/FUL.
- 4.19 The indicative landscape proposals show the same pond and natural play area to the west of the site. The pond would be an attractive feature in the landscape and the planting associated with both the pond and the play area would help to screen the proposed development.
- 4.20 11/00330/FUL - The demolition of 7 Mill Street would result in the loss of a number of mature shrubs and small trees however these are not considered to have a significant positive impact on the appearance of the area. The contribution that they make to the amenity of the locality could be relatively easily replicated by new planting.

- 4.21 In 'common sense' terms it seems apparent that consent would only be granted for this application if it were also to be granted for 11/00329/FUL. Therefore the impact of both development proposals needs to be considered together.
- 4.22 This application further extends the development of the west field and has a commensurate increase on the impact of the setting of the heritage assets and the character and appearance of the countryside. It is accepted that the proposed landscape belt would help to screen the development from the open countryside and that it would be effectively screened from view from Mill Street by the existing dwellings and vegetation in their gardens.
- 4.23 However the construction of the proposed development so close to The Priory and associated buildings will degrade the landscape within which they are set and consequently have a detrimental impact on their setting. In addition to the impact on the heritage assets the development will adversely affect the character of the historical development pattern within the conservation area. The combination of both applications will have a greater collective impact and significantly alter the established development pattern. This part of the conservation area has evolved as ribbon development and the proposal for small/medium sized estate is inappropriate and incongruous.
- 4.24 In essence the proposal unacceptable in landscape terms because its layout and density is not in keeping with the existing character of the area and because it would have a negative impact on the character and appearance of the conservation area.
- 4.25 This type of development would have a significantly detrimental impact on the historic settlement pattern which is in itself integral to the local landscape character. It does not sit well in the landscape and compromises the historic qualities of the relationship between the built environment and the countryside.
- 4.26 In terms of the simplistic view of The Priory from the estuary the combined applications increase the visibility of the development from more distance points and consequently have a greater impact on the setting of the heritage assets and the conservation area.
- 4.27 It should also be noted that the site layout plan does not accord with the parallel application (11/000329/FUL). If consent for both applications were to be granted it would not be possible to build them out in accordance with the plans because of the overlap. Part of this development would be situated on land intended to be open space for planning application 11/00329/FUL.
- 4.28 The indicative landscape proposals show the same pond and natural play area to the west of the site. The pond would be an attractive feature in the landscape and the planting associated with both the pond and the play area would help to screen the proposed development.
- 4.29 11/00331/FUL - The demolition of 7 Mill Street would result in the loss of a number of mature shrubs and small trees however these are not considered to have a significant positive impact on the appearance of the area. The contribution that they make to the amenity of the locality could be relatively easily replicated by new planting.
- 4.30 In 'common sense' terms it seems apparent that consent would only be granted for this application if it were also to be granted for 11/00329/FUL and 11/00330/FUL. Therefore the impact of all three development proposals needs to be considered together.
- 4.31 This application introduces a large 'malting style building' into what is identified as public open space for both of the above applications. This application further extends the development of the west field and the introduction of such a large building will have a

commensurately detrimental increase on the impact of the setting of the heritage assets and the character and appearance of the countryside. Landscaping is unlikely to successfully screen the proposed building. It is not clear how visible the building will be from Mill Street or to what extent it will be screened by the existing dwellings and vegetation in their gardens.

- 4.32 Whilst the block of flats is some distance from The Priory and associated buildings it would be a significant feature in the countryside and will degrade the landscape within which it is set and would, consequently, have a detrimental impact on their setting. In addition to the impact on the heritage assets the development will adversely affect the character of the historical development pattern within the conservation area. The combination of all three applications will have a greater collective impact and significantly alter the established development pattern. This part of the conservation area has evolved as ribbon development and the proposal for small/medium sized estate is inappropriate and incongruous.
- 4.33 In essence the proposal unacceptable in landscape terms because its layout and density is not in keeping with the existing character of the area and because it would have a negative impact on the character and appearance of the conservation area.
- 4.34 This type of development has a significantly detrimental impact on the historic settlement pattern which is in itself integral to the local landscape character. It does not sit well in the landscape and compromises the historic qualities of the relationship between the built environment and the countryside.
- 4.35 In terms of the view of The Priory from the estuary the combined applications increase the visibility of the development from more distance points. The block of flats being most prominent and subsequently having the greatest individual impact.
- 4.36 It should also be noted that the site layout plan does not accord with the parallel application (11/00329/FUL and 11/00330/FUL). If consent for all three applications were to be granted it would not be possible to build them out in accordance with the plans because of the overlap. The flats would be situated on land intended to be open space for planning applications 11/00329/FUL and 11/00330/FUL.
- 4.37 The indicative landscape proposals show the same pond and natural play area to the west of the site as for applications 11/00329/FUL and 11/00330/FUL. The pond would be an attractive feature in the landscape however the erection of the flats would somewhat degrade this amenity feature and have an adverse impact on the character and 'feel' of the estuary.

External Consultee Responses

English Heritage

11/00328/FUL, 11/00329/FUL, 11/00330/FUL and 11/00331/FUL

- 4.38 Recommend refusal of applications 1 – 5 (West Field) and 7 (Visitor Centre and Darcy House). Defer application 6 (Wellwick).

(N.B. Application 1 - 11/00328/FUL, Application 2 - 11/00329/FUL, Application 3 - 11/00330/FUL, Application 4 - 11/00331/FUL, Application 5 – 11/00332/FUL, Application 6 – 11/00333/OUT, Application 7 – 11/00334/FUL)

- The proposed developments harm the significance of the Priory;
- Some of the applications would generate some funds;
- Proposals are flawed;

- Wellwick scheme could be justified were it to be combined with the formation of an Independent Trust so as to create the closest to a comprehensive approach to securing the future of the Priory;
- *Potentially* a case for limited enabling development;
- If all implemented, would result in substantial harm to the significance of the Priory and harm to the historic character of the village;
- Westfield developments result in severe harm;
- Wellwick development results in more limited harm;
- Park and Westfield developments result in harm to the significance of the St Osyth Conservation Area;
- Not demonstrated that other public sources of funds could not contribute;
- Our knowledge of the Heritage Lottery Fund leads us to conclude that there is great potential for a properly constituted and independent charitable trust to raise substantial sums towards the repair of the Priory;
- It would be inappropriate to consider enabling development unless it were combined with measures to realise the potential for public funding;
- Justification of the enabling development fails to conform to the principles set out in our guidance;
- Application 7 revisions are an improvement but the construction of a visitor centre would still detract from the character of the Priory and no clear justification has been provided;
- Applications 1-6 are inconsistent with the NPPF, and would not give rise to any public benefits that would outweigh this harm;

Essex County Council Highways

11/00328/FUL

4.39 No objection subject to conditions relating to:

1. Provision of a wheel cleaning facility;
2. No occupation of the development until the following have been provided or completed:
 - A priority junction off Mill Street to provide access to the proposal site as shown in principle on planning application drawing number 208104/27 dated 24 November 2011 prepared by Waterman Boreham. Priority junction to include 2no. 2 metre wide footways and a 90 x 2.4 x 90 metre visibility splay maintained clear to the ground at all times;
 - A dropped kerb footway crossover to serve the new dwelling proposed on land immediately west of the priority junction mentioned above;
 - An uncontrolled dropped kerb/tactile paving pedestrian crossing point in Mill Street east of the priority junction mentioned above;
 - The relocation of the existing dropped kerb immediately north of the parking spaces at The Bury/Church Square junction further east, tactile paving provided and a matching dropped kerb/tactile paving provided on the opposite side of the carriageway;
 - The upgrading of the two bus stops in The Bury to current ECC specification (including the relocation of the eastbound stop further east);
 - The upgrading of the two bus stops in Colchester Road to current ECC specification, and
 - Residential Travel Information Packs
3. Prior to commencement of the development the planning application drawings shall be amended and submitted to and approved in writing by the local planning authority to show provision of the following:

- 0.5 metre wide adoptable overhang strip along the eastern side of the estate road from the Mill Street footway to an appropriate point within the proposal site (to be agreed with the Highway Authority);
- Any shared footpath/cyclepaths 3 metres wide and any footpaths 2 metres wide;
- An appropriate turning facility within the access way leading to plots 10-14 to accommodate refuse, service and emergency vehicles;
- The footway on the south side of the east/west estate road extended westward along the flank of plot 23 to connect with the rear access path serving plots 21-23;
- matching dropped kerb/tactile paving on the opposite side of The Bury carriageway (as mentioned under bullet 4 of item 2 above), and
- The approved details shall be implemented prior to occupation of the development

11/00329/FUL

4.39 No objection subject to conditions relating to:

1. Provision of a wheel cleaning facility;
2. No occupation of the development shall take place until the following have been provided or completed:
 - A priority junction off Mill Street to provide access to the proposal site as shown in principle on planning application drawing number 208104/27 dated 24 November 2011 prepared by Waterman Boreham. Priority junction to include 2no. 2 metre wide footways and a 90 x 2.4 x 90 metre visibility splay maintained clear to the ground at all times;
 - A dropped kerb footway crossover to serve the new dwelling proposed on land immediately west of the priority junction mentioned above;
 - An uncontrolled dropped kerb/tactile paving pedestrian crossing point in Mill Street east of the priority junction mentioned above;
 - The relocation of the existing dropped kerb immediately north of the parking spaces at The Bury/Church Square junction further east, tactile paving provided and a matching dropped kerb/tactile paving provided on the opposite side of the carriageway;
 - The upgrading of the two bus stops in The Bury to current ECC specification (including the relocation of the eastbound stop further east);
 - The upgrading of the two bus stops in Colchester Road to current ECC specification, and
 - Residential Travel Information Packs
3. Prior to commencement of the development the planning application drawings shall be amended and submitted to and approved in writing by the local planning authority to show provision of the following:
 - a 0.5 metre wide adoptable overhang strip along the eastern side of the estate road from the Mill Street footway to an appropriate point within the proposal site (to be agreed with the Highway Authority);
 - Any shared footpath/cyclepaths 3 metres wide and any footpaths 2 metres wide;
 - Parking removed from the visibility splay for the access adjacent to plot 46;
 - The estate road terminated with a size 3 turning head and footway;
 - The footway on the south side at the western end of the estate road extended along the frontage of plots 66-69;
 - matching dropped kerb/tactile paving on the opposite side of The Bury carriageway (as mentioned under bullet 4 of item 2 above), and
 - The approved details shall be implemented prior to occupation of the development.

11/00330/FUL

4.40 No objection subject to conditions relating to:

1. Provision of a wheel cleaning facility;
2. No occupation of the development shall take place until the following have been provided or completed:
 - A priority junction off Mill Street to provide access to the proposal site as shown in principle on planning application drawing number 208104/27 dated 24 November 2011 prepared by Waterman Boreham. Priority junction to include 2no. 2 metre wide footways and a 90 x 2.4 x 90 metre visibility splay maintained clear to the ground at all times;
 - A dropped kerb footway crossover to serve the new dwelling proposed on land immediately west of the priority junction mentioned above;
 - An uncontrolled dropped kerb/tactile paving pedestrian crossing point in Mill Street east of the priority junction mentioned above;
 - The relocation of the existing dropped kerb immediately north of the parking spaces at The Bury/Church Square junction further east, tactile paving provided and a matching dropped kerb/tactile paving provided on the opposite side of the carriageway;
 - The upgrading of the two bus stops in The Bury to current ECC specification (including the relocation of the eastbound stop further east);
 - The upgrading of the two bus stops in Colchester Road to current ECC specification, and
 - Residential Travel Information Packs
3. Prior to commencement of the development the planning application drawings shall be amended and submitted to and approved in writing by the local planning authority to show provision of the following:
 - a 0.5 metre wide adoptable overhang strip along the eastern side of the estate road from the Mill Street footway to an appropriate point within the proposal site (to be agreed with the Highway Authority);
 - Any shared footpath/cyclepaths 3 metres wide and any footpaths 2 metres wide;
 - A footway fronting plots 92-102;
 - The footway extended round the bell mouth adjacent to plot 80;
 - matching dropped kerb/tactile paving on the opposite side of The Bury carriageway (as mentioned under bullet 4 of item 2 above), and
 - The approved details shall be implemented prior to occupation of the development

11/00331/FUL

4.41 No objection subject to conditions relating to:

1. Provision of a wheel cleaning facility;
2. No occupation of the development shall take place until the following have been provided or completed:
 - A priority junction off Mill Street to provide access to the proposal site as shown in principle on planning application drawing number 208104/27 dated 24 November 2011 prepared by Waterman Boreham. Priority junction to include 2no. 2 metre wide footways and a 90 x 2.4 x 90 metre visibility splay maintained clear to the ground at all times;
 - A dropped kerb footway crossover to serve the new dwelling proposed on land immediately west of the priority junction mentioned above;
 - An uncontrolled dropped kerb/tactile paving pedestrian crossing point in Mill Street east of the priority junction mentioned above;
 - The relocation of the existing dropped kerb immediately north of the parking spaces at The Bury/Church Square junction further east, tactile paving provided and a matching dropped kerb/tactile paving provided on the opposite side of the carriageway;

- The upgrading of the two bus stops in The Bury to current ECC specification (including the relocation of the eastbound stop further east);
 - The upgrading of the two bus stops in Colchester Road to current ECC specification, and
 - Residential Travel Information Packs
3. Prior to commencement of the development the planning application drawings shall be amended and submitted to and approved in writing by the local planning authority to show provision of the following:
- a 0.5 metre wide adoptable overhang strip along the eastern side of the estate road from the Mill Street footway to an appropriate point within the proposal site (to be agreed with the Highway Authority);
 - Any shared footpath/cyclepaths 3 metres wide and any footpaths 2 metres wide;
 - A straight rather than curved private drive access off the end of the east/west estate road
 - The approved details shall be implemented prior to occupation of the development

Essex County Council Archaeology

11/00328/FUL, 11/00329/FUL, 11/00330/FUL and 11/00331/FUL

- 4.42 Recommend that no development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

Essex County Council Urban Design

- 4.43 Comment on design of buildings as follows:

Application 1 - 11/00328/FUL

- 4.44 This application would not provide enough enabling development to cover much restoration of the Priory and therefore cannot be considered on its own separately from the other applications. If this development is not sufficient to be enabling then there would be no justification for granting permission.
- 4.45 This proposed development has the appearance to some degree of a group of estate cottages. They are close to the main property, the Priory, and in two uniform styles, one Tudor and the other neo-Georgian. Although both these architectural styles are present amongst the Priory buildings, albeit on a grander scale, they are not characteristic of St Osyth village where the predominant house style is the vernacular cottage, in 17th, 18th and 19th century forms. To that extent, the architectural style, the lack of variety in it and the rather formal layout, are alien to the village context, even though the houses are attractively designed in their own right.
- 4.46 The lodge building is in a Tudor style, which is at odds with the row of neo-Georgian houses which follow it. Instead the lodge encourages you to anticipate more buildings of the same type. It might make more sense if the lodge were in Georgian style.
- 4.47 The site layout seems designed to mitigate its impact on the setting of the Priory and the Conservation Area. However a large area is given over to parking (unavoidable because of modern parking standards) which looks as if it would be excessively obtrusive, especially in the area of the square. To some extent this could be mitigated by landscaping and trees.
- 4.48 The garage/cartlodge building, which is intended to disguise car parking, is excessively long, low and uniform and the off- centre cupola does not relieve its appearance

successfully. Some variety should be introduced to its design. It could be two-storey at the end and in the middle for instance. It should be recognised that people like to use buildings of this nature for anything but parking their cars. I agree particularly with the comments on the garages which should be designed as mews for the houses with accommodation over some garages to provide varied but symmetrical changes in height within the length of the block. The accommodation could be in the form of annexes to the main houses perhaps with direct access from the square to provide activity and variety.

- 4.49 Also concerned about the visibility of parking. There needs to be a double row of trees between every three or four parking spaces and it may also be possible to have a row of trees in front of the garages, placed so as not to obstruct access. Likewise trees should be provided within the larger rear parking area. Landscaping should also be provided along the boundaries rather than relying on vegetation on adjacent plots. Rear access to properties can be useful but in some cases here it could be a security risk.
- 4.50 More detail will be required for surface finishes and materials within the square and the parking areas; bound gravel combined with other natural materials, is suggested without the use of tarmac.
- 4.51 As far as the layout is concerned, this more formal arrangement around a square is better related to the Priory estate rather than being considered in the village context. Unfortunately this arrangement has resulted unavoidably in the backs of some houses fronting the square on one side while fronts face it on the other. This can be mitigated to some extent by modifying the design of the garage blocks as described above. The architectural massing and detail design is generally good.
- 4.52 Considering all the development options on West Field this one would probably have the least visual impact on the setting of the Priory, the wider landscape and Mill Street.

Application 2 – 11/003329/FUL

- 4.53 Recommend refusal. This application for 46 dwellings is the first of the three applications involving major development on the lower West Field extending down to and impacting on St Osyth Creek, and backing onto the rear of existing village housing on Mill Street.
- 4.54 As previously stated our view is that any development on the West Field would be detrimental to the setting of the Priory and the views across the coastal landscape. The view from the Tower would be affected as, from this height, the vista is down onto the village and any additional housing would be visible.
- 4.55 The proposed housing forms a built frontage facing the West Field and overlooking a new wooded landscaped edge accommodating a public footpath. The form of the boundary between this publicly accessible space and the remaining field needs to be clarified. We would want to see a fairly open natural boundary of native hedging here to allow views through not a solid fence.
- 4.56 Agree with the separation of this development from that proposed in application 11/00328/FUL by a tree lined length of road. The new development in this application could be considered as part of the organic growth of the village being contained within an area formed by the irregular rear boundary line of existing gardens and along a new access route down to the Creek.
- 4.57 The St Osyth Conservation Area Appraisal states that the predominant architectural form in the village is the vernacular cottage with a few more substantial houses of different dates interspersed. There appears to have been an intention to replicate this in the approach to the architecture of the development proposed. The new development is set back from the

side of the creek behind wetland landscaping enhancing the existing landscape character, and providing pedestrian/cycle links to the water. Along the road frontage there are a variety of styles and forms which appear appropriate and the indicative detailing provides added interest. However in some instances we do have concern with the scale in relation to the existing village housing. In particular the two and a half storey terrace, plots 53 to 55, is inconsistent with the character of the Conservation Area in having a substantial third floor, raised eaves level and a deep span roof. This terrace is also at an angle to the general building line which would make it more conspicuous.

- 4.58 The substantial detached house on plot 66 is not compatible with the fairly low key character of the quayside and a simple terrace of cottages facing the creek would be preferable. The way that the house is angled on plot 66 exposes the rear view to the access road and does not turn the corner very successfully. As previously commented the crescent arrangement of houses addressing the reed bed is not consistent with local character, it would be preferable for the road to terminate in a turning space and access to the cottages facing the creek to be from an informal private drive finished in bound gravel.
- 4.59 The rear parking courts at the west end of the development are of particular concern, being large in size and with enclosure mostly by rear gardens. Surveillance is only from a flat over a garage block with no active frontage at ground level. Landscaping and trees in the parking areas are welcome features but they have not always been distributed to minimise the impact of the parking. Approaches to the parking areas are often between rear boundaries and these as well as those around the parking courts need softening by planting. We would expect the ground surface finish to be in bound gravel with space markings in pavements or similar as tarmac with line markings would not be appropriate to the rural character.
- 4.60 A small public open space with a play area has been created adjacent to the rear boundary of the White Hart public house and it would be an advantage if some pedestrian public access could be provided from here to Mill Street. It is a little ambiguous as to whether this a focal public space or a further parking court with frontages dominated by garages and parking. There needs to be more active frontage at ground level and better alignment of buildings around this space.
- 4.61 As previously commented more use should be made of open sustainable urban drainage features throughout the development on this sloping site linking to the balancing pond. It is not clear what provision will be made for maintaining the landscaped areas which are not adoptable. There needs to be some clarification on the rear boundary at the east end of the site.
- 4.62 In conclusion the impact in urban design terms of this amount of development in this location may not be so detrimental that it outweighs the benefit of enabling development for the preservation of the Priory. The architectural forms are generally satisfactory, with the exceptions mentioned previously, but the layout needs to be improved in the rear areas.

Application 3 – 11/00330/FUL

- 4.63 Recommend refusal. This application for 33 dwellings can only be considered as a phase of development dependent on approval of 11/00329/FUL. This additional development would extend the amount to 79 units for both applications and as such would no longer appear as an organic growth of the village with the new housing forming a separate 'estate' which would dominate the existing settlement pattern along Mill Street. This amount of development will also encroach too far across the West Field with a severe impact on the rural setting of the Priory, the separation from the Priory Park and on distant views.

4.64 Another issue is that the rear of properties and parking areas front onto the West Field boundary affecting its rural character.

Application 4 – 11/00331/FUL

4.65 Recommend refusal. This application for enabling development is for a block of flats close to St Osyth Creek to provide 21 units with associated car parking and should be considered in conjunction with the other enabling development proposals in applications 11/0029/FUL and 11/0030/FUL. With both these applications the total number of residential units would be 100.

4.66 The location of a large block of flats with associated parking, even if 'disguised' as a 'Maltings' building is inappropriate to the rural character and conservation designations of the Creek. Such a large building would be intrusive on the setting of the Priory and on distant views, and would be incompatible with the scale of buildings along Mill Street. It cannot be justified by tenuous references to quayside buildings in the past which are no longer evident. Large quayside buildings would in any case be directly adjacent to the water for functional reasons and not set back behind reed beds. The original quayside buildings would also have been concentrated closer to Mill Street.

4.67 The impact of this 'Maltings' style block of flats in conjunction with the 'Mill' building flats proposed would significantly change the open character of the Creek, urbanise the waterside and block views back towards the Priory. The detrimental effect of this additional development the character and settlement pattern of St Osyth village and the rural nature of St Osyth Creek as well as on the setting of the Priory would outweigh any conservation benefits of enabling development and I would therefore recommend that this application is refused.

Essex Police

11/00328/FUL, 11/00329/FUL, 11/00330/FUL and 11/00331/FUL

4.68 No objection but request that Secured by Design Certification must be a condition on any approval. Essex Police Senior Architectural Liaison (SALOs) Officers will ensure compliance of the scheme.

Natural England

11/00336/CON

4.69 Does not fall within the scope of consultations.

11/00328/FUL, 11/00329/FUL, 11/00330/FUL and 11/00331/FUL

4.70 No objection provided the mitigation as set out in the Environmental Impact Assessment (EIA) and conditions relating to:

- Bats – pre-works survey being carried out;
- Bats – External lighting to be agreed;
- Birds – Winter working best practice requiring cessation of work following several days of freezing temperatures;
- Submission of an Ecological Management Plan

Specific comments:

Construction Phase Effects

- Satisfied that the correct impact pathways during construction have been identified within the EIA;
- Agree that proximity may lead to noise and lighting disturbance during construction;
- Agree with suggestion that the works are timed to minimise any disturbance impacts during the winter period

Operational Phase Effects

- Satisfied that the correct impact pathways post construction have been identified within the EIA;
- Agree with the conclusion that the key operational risk is increased disturbance within the Park, including to species associated with the SPA/Ramsar site;
- Unclear whether the 'new footways' will be delivered as a result of a particular application (of the for West Field applications) being granted permission. NE would expect to see these new footways delivered should any of the West Field developments be granted permission;
- (11/00328/FUL) – Unclear what green space provision is associated with each of the four West Field developments;
- (11/00328/FUL) - NE recommends that residential developments aim to provide 40% open space (of which 50% should be publically accessible) and for this reason we recommend that the orchards are made available to residents associated with this application, should one, or all, of the West Field applications be granted permission;
- (11/00329/FUL) – Pleased to see this application includes 'open space' to accommodate a child's play area and the new drainage area in the form of a reed bed, as well as landscaping to provide buffers between the new dwellings and rear gardens of properties.
- Recommend that the green spaces proposed in all four applications at West Field are made available to residents should any of the West Field developments be granted permission;
- Agree that the applications may lead to a slight increase in noise and light disturbance once the dwellings are inhabited however we are satisfied with the conclusion that these impacts are relatively insignificant against the background and any increased noise or lighting is likely to be habituated to by birds using St Osyth Creek
- Water flow via the attenuation pond will ensure no changes hydrologically, however we understand this drainage (in the form of a reed bed) will only be provided in association with applications 11/00329/FUL, 11/00330/FUL and 11/00331/FUL. It is unclear how drainage will be dealt with should a situation arise where only 11/00328/FUL is granted permission.

Mitigation Measures

- Agree with the proposed mitigation measures

Orchard Restoration

- Proposals include reinstatement of orchard. Funding for this work already agreed through HLS agreement. Since alternative funds have already been secured for restoration of the existing orchard, recommend this money to enlarge the orchards as part of the development package of mitigation and enhancement works.

General Comments

- Agree with conclusion that a Construction and Environmental Management Plan will be needed to avoid impacts during construction phases. In addition recommend that should permission be granted for any of the seven applications, a condition is imposed requiring the production of a broader Management Plan, which sets out mitigation measures during

construction and enhancement measures proposed within the EIA and their ongoing management post construction, and

- Plan should be explicit about where measures are associated with the HLS agreement and where they are mitigation or enhancement through the planning process. It is important that the Plan considers in-depth the long term sustainability of the proposals both within and beyond the life of the HLS agreement in terms of resourcing (time and money) the future maintenance of the important habitats identified for retention, enhancement and creation within the ES.

Anglian Water

4.71 Site is in the catchment of St Osyth STW which does not have the capacity available. Request condition relating to the following:

- *Waste water treatment* - drainage strategy covering the issues to be agreed.

4.72 Development will lead to an unacceptable risk of flooding downstream. Request a condition relating to the following:

- *Foul Sewerage Network* - drainage strategy covering the issues to be agreed.

4.73 Development may lead to adverse impact on water quality. Consultation with Anglian Water and the Environment Agency to determine the need for improvement works will be required as part of the drainage strategy for the site.

4.74 The preferred method of surface water disposal is to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Request a condition relating to the following:

- *Surface Water Development* - drainage strategy covering the issues to be agreed.

4.75 Trade Effluent is not applicable.

Environment Agency

11/00328/FUL, 11/00329/FUL, 11/00330/FUL and 11/00331/FUL

- Confirm based on the submitted surface water calculations that surface water will be discharged at a reduced rate and that the volume of storage required on site to manage flows up to and including the 1 in 100 year rainfall event, inclusive of climate change has been calculated;
- Concern that the overall drainage scheme has not applied the central design concept of the SuDS “management train” as part of the overall surface water drainage design. The current scheme appears to rely on the single device of a balancing pond which is proposed to outfall to St Osyth Brook;
- Recommend the SuDS “management train” as it uses a variety of drainage techniques in series to incrementally reduce pollution, flow rates, volumes and frequency of run off;
- Overall the submitted details show that it is feasible to balance surface water on site;
- Strongly recommend that any final drainage scheme being submitted is fully assessed by the SuDS Approval Board (SAB). The approval process for such will run parallel with any planning application and the development may not commence without drainage approval from the SuDS Approval Board;

- Recommend conditions relating to:
 - Surface water discharge scheme to be submitted and approved;
 - Surface water to be discharged from the site at a rate no greater than 4.87l/s;
 - A minimum of 1924.1m³ of storage to be provided on site to accommodate the 1 in 100 year storm, inclusive of climate change;
 - A scheme of water, energy and resource efficiency measures to be submitted and approved;
 - Rainwater harvesting;

Essex Wildlife Trust

4.76 Object on the grounds that the mitigation and compensation is inadequate and inappropriate. Particularly objects to the direct and indirect loss of features of biodiversity interest.

Essex Wildlife Trust (Tendring Local Group)

4.77 Object to the applications in total.

- Concern over loss of mature trees, with disruption to bats, the only heronry in Tendring, Rooks and other nesting birds.
- 19 buildings dispersed in the parkland will 'animate' the park, with associated traffic, roads and infrastructure.
- Drainage concerns regarding the infill at Lodge Piece.
- Construction of roads and infrastructure will detract from the beauty of the park.
- The ancient parkland is adjacent to a SSSI, nature reserve and dominates the neighbouring creeks which form part of a SPA and candidate SAC.

Campaign to Protect Rural Essex (CPRE)

4.78 Object on the following grounds: Marketing not completed; Conservation Deficit not determined; issues of site stabilization (which will increase the conservation deficit); inadequate highway infrastructure; inadequate public consultation and inadequate public access. Westfield raises major issues over access and traffic problems in what is already a problem area with narrow roads, a difficult main crossroads and summer holiday traffic from Point Clear. Further substantial development dependant on the existing road access is surely impossible to contemplate.

Royal Society for the Protection of Birds (RSPB)

4.79 No objection subject to conditions relating to the provision of a Construction and Environmental Management Plan, Landscape Management Plan and water, energy and resource efficiency measures.

The Garden History Society

4.80 Object. St Osyth's Priory has been identified by English Heritage as a designed landscape of special historic interest in the national context, and has been included on the Register of Parks and Gardens of Special Historic Interest at Grade II. The Register is a highly selective designation comprising some 1,600 sites. The Garden History Society was consulted on these proposals in 2009 and its conservation team invested considerable effort in feeding into the process, including bringing the case to the attention of its Conservation Committee, and duly passing back its recommendations. It is disappointing to see that that the reservations we reported then seem to have had little impact (they are attached here for your reference). The Committee had serious concerns about the

underlying philosophy of these proposals and questioned the justification for enabling development at this important historic designed landscape. It recorded a strong preference for the development to be limited to that outside the Registered boundary and had serious ethical concerns about development, within this Registered Park. Does not wish to object to the Westfield (and Wellwick) proposals although we note that with regret that West Field (developments) will have a considerable impact on the presently rural setting of the Priory and so the conservation gain from this enabling development will need to be considerable. The Society welcomes the proposed increased public access to St Osyth's Priory and so does not object to the visitor centre development, although again we do have concerns about the pseudo-historic ornate design of the new buildings.

Essex Gardens Trust

4.81 Westfield (and Wellwick) are outside of the registered landscape but are likely to have an adverse visual impact and will introduce noise and light pollution. In examining this complex set of proposals, the Trusts key objective has been to determine the extent of restoration and long term management of the registered landscape and the extent to which the implementation of these proposals would be to the detriment of that registered landscape. The Trust therefore feels that in their current form, the proposals are not acceptable for the reasons outlined above.

Save Our St Osyth

4.82 Object.

- The overwhelming comments of our membership are a desire to re-establish access to the Priory buildings and grounds which have remained closed during the term of ownership by the Sargeant family.
- We do not consider this limited level of access matches the very large public subsidy being sought.
- The applications are premature since not all the principles of Enabling Development have been satisfied.
- It has not been established and not agreed by English Heritage and the Local Planning Authority that the amount of enabling development is the minimum necessary.
- The Market Testing strategy is not transparent or completed.
- The application for Wellwick has been submitted in outline only.
- There appears to be no alternative revenue provision.

4.83 For these reasons alone, we consider that the applications DO NOT comply with the requirements in that the Enabling Development need is not proven.

4.84 Further detailed objections relate to:

- ACCESS - The plans show what appears to be a dangerous additional access adjacent to No 9 for the new Mill Street Lodge. A narrowing of the access road adjacent to Mill Street Lodge, some 20M north of the proposed junction with Mill Street, appears to reduce two way traffic to single file.
- PREMATURITY - At the time of writing the supporting documentation is incomplete and has not been made available to the public. The Marketing Strategy has had to be restarted and the minimum required six months cannot be completed until October/November 2011. In any case, given the current economic climate, the period should be at least 18 months taking it to October/November 2012. Furthermore, no agreement has been reached on the Conservation Deficit between the applicants and the relevant authorities.

- **SCALE OF PROPOSALS** - The scale overall is unprecedented. The combined Enabling Development would accommodate 939 persons. The applications acknowledge that this represents a 24% increase to the population of the parish. To date there is no evidence whatsoever of proven need for these large scale proposals.
- **HISTORICAL CONTEXT** - It is from the Priory that everything good or bad stems. The mediaeval street/alley layout creates the horrendous traffic congestion; the precinct walls dominate and mean remedial action is impossible. The village grew around the Priory. Colchester Road and Mill Street development have frontages right on the road necessitating on-street parking. It is our sense of place or community ownership which gives rise to the outrage at the 9 proposals currently under consideration. We object totally to these proposals which will lead to multi occupation/ownership, fragmentation of the worst kind. We are convinced that the Priory, Park and Gardens must remain as an entity. We believe that it is the sole intention of Enabling Development.
- **DETERIORATION** - The list of repairs is, in our estimation, a list showing lack of routine maintenance/repairs and cyclical repairs over the past 13 years. We have failed to identify any major structural defects. We refute entirely the applicants claims, constantly repeated of a century or 100 years of neglect. This is unfounded. The Priory was open to the public up to 1995 and therefore met all Health and Safety requirements. From local knowledge we know that a prestigious local building firm was employed by Lady Juliet de Chair up to and including 1998. We would also point out that there are several ex-employees of that firm that will voice a disclaimer from personal knowledge. We accept without question the failure to restore the areas where gravel extraction took place but point out that, in the intervening thirty years, these have been re-colonised. Given the applicants specialist knowledge on historic buildings, it is therefore difficult to accept the lack of care since 1999. Whether this was culpable or non-culpable we cannot say, however the acceleration of deterioration in the 21st C is undeniable. Discussions between the District Council and the Sargeant family in 2000 and 2001 reflected their knowledge of the condition of the buildings at that time and the work involved for restoration.
- **CREATING A NATIONAL PRECEDENT** - Efforts on our, and others, part have failed to elicit any precedent for Enabling Development of the scale proposed for St Osyth. To grant consent would set a national precedent, opening the floodgates to similar sites which would lead to extensive unplanned commitments for the service providers in the relevant Authorities/Counties/Districts. The Enabling Development structure within planning urgently requires review.

4.85 Design objections are as follows:

DESIGN (Phase 1)

- 1 a) Courtyard Development x 22.
- 1 b) Mill Street Lodge x 1.
- 1 c) Demolition No 7 Mill Street.

OBJECTION 1 a) - The applicants claim the design is based on Victorian Estate Cottages. We totally refute this. The proposals represent an urban tenement or barracks. The central car parks are certainly not rural. The site en masse is prison-like and totally out of keeping on a green field site. Loss of outlook for Mill Street residents.

OBJECTION 1 b) - What is the purpose? There are inherent built in dangers. These include adverse effect on access/egress from No 9 Mill Street. Too close to proposed road width restriction 20m north of Mill Street. Garden to the north no provision at front or rear. This does not represent a replacement for No 7 being remote from the original footprint. The site is dangerously overcrowded (SITE GL1).

OBJECTION 1 c) See response to application No. 6.

allocated parking spaces/garages. From April to September, every weekend will see tailbacks established from the crossroads STOP sign beyond the blind corner, normally 10am to 3pm. Most weekends gridlock occurs at least once within minutes the tailback reaches onto the causeway, beyond Mill Street. The applicants discuss matters related to the Primary School. They offer the remedy of extending the existing school at Education Authority expense. This raises a separate Highway issue. At present there is serious congestion in Rochford Road, Johnson Road, Norman Close, the forecourt of TDC garages (30) and the Village Hall car park. Quite clearly the roads and area leading to the Primary School will not cope; neither could these roads/area be improved. WE OBJECT ON THE GROUNDS THAT ON TRANSPORT AND HIGHWAYS ISSUES ALONE THE CHOICE OF THE WEST FIELD SITE IS COMPLETELY UNSUSTAINABLE.

4.87 ENVIRONMENT - The West Field site is very close to several designated sites to the north and west including those with national and international designations, SSSI, Special Protection Area, Ramsar site, an area of Special Conservation and the 190 acre site of Essex Wildlife Trusts Howlands Marsh Nature Reserve. The general public are able to access these via either entrance to Footpath 19. The proposed West Field site is well within the 2 kilometre limit for development affecting the ecology of the extremely sensitive mosaic sites of St Osyth Creek, Flag Creek and bound by Footpath 19 to the east. Normal day to day activities of the occupants of these units must impinge with disastrous consequences. Therefore the introduction of built development should not be permitted until it is clearly approved of by the obligatory specialist consultees Natural England, Essex Wildlife Trust, RSPB, EU regulations etc. There also appears to be an extensive programme of unnecessary felling of established mature indigenous trees including some healthy mature Elm trees (which are a rarity) and replanting based on very little detail as to why this is being proposed. It would take many decades to re-establish this lost environment. WE OBJECT TO THIS PROPOSAL IN THAT THE ENVIRONMENTAL AND ECOLOGICAL DISADVANTAGES CLEARLY OUTWEIGH THE COMMERCIAL ADVANTAGES TO THE APPLICANTS IN THIS ASPECT.

4.88 THE CHOICE OF SITE - The fields on the Priory perimeter have been used for agriculture for centuries and have provided and maintained a good degree of sympathetic use between Mill Street, the Quay and the Historic Park. This proposal will introduce a housing estate which represents urbanisation of the worst kind to abut the pastoral Historic Park. As with Wellwick this can only create an isolated ghetto which is unlikely to merge with the community. The design, layout, car parking areas, cycle rack provision are definitely urban. We note the paucity of detail on infrastructure such as street lighting with the implication of night light pollution. There are concerns regarding water supply and sewage disposal. We note that attempts are offered by the applicants regarding their investigation into alternatives. One such was Cowley Park. This is entirely spurious since the applicants hold no covenants which would allow them to build on Cowley Park. No amount of landscaping will disguise this proposal or mask the pseudo Poundbury pretensions. The entire scheme is in reality a 21st C estate of urban design, rather contrived i.e.. Mill and Maltings mock buildings and is therefore very ill-suited to an open green field site which is wholly within the St Osyth Conservation Area and very damaging to the Historic Park. We do not accept that whatever development may be eventually justified and consented to has to be adjacent to, within or even close by the historic Priory Park. We object in the strongest possible terms. The disbenefits to the Priory, its environs and the community of St Osyth totally outweigh any benefits to the applicants and does not justify in any way extensive new housing development at a completely unsustainable choice of location.

APPLICATION 6 - 11/000336/CON - Demolition of No 7 Mill Street

4.89 BACKGROUND - a) The area occupied by No 7 and No 9 Mill Street was the former heavy horse complex. Farming ceased approx 1954 when all stock and equipment were sold away. There was a large barn, stock yard, stables, cart lodge and tack room. 2/3 cottages

for head horseman and ostlers ran northwards from the road edge they faced eastwards. In the 1960s the cottages were modified the Essex weatherboard northern end was demolished, leaving a refurbished brick built No 7 Mill Street.

- 4.90 OBJECTION TO 6 a) - This structure has been part of the Mill Street scene for several hundreds of years. It is one of the few estate cottages that have survived. It is sited on the road edge which is a characteristic of the historic development on this street. The refusal of the application to build in the garden of No 7 (10/00318/FUL) cited the setting back of the proposed infill as being a detrimental design feature. We entirely refute the need for demolition. This would not enhance the Mill Street Conservation Area further it will detract from it in that it will sever the link between the Priory and Mill Street having an adverse effect on views across the Priory estate.
- 4.91 BACKGROUND - b) The access to the estate was via a track from the northwest corner of the stockyard which was within the heavy horse complex going east for about 100 yards, then north onto the grazing land known as Jubilee Piece, or to work on the Estate Mill Street serves the Point Clear area. Mill Street is unclassified and works close to, or at, capacity during the weekends and the daily peak periods. The plans show what appears to be a dangerous additional access adjacent to No 9 for the new Mill Street Lodge. A narrowing of the access road adjacent to Mill Street Lodge, some 20M north of the proposed junction with Mill Street, appears to reduce two way traffic to single file.
- 4.92 OBJECTION TO 6 b) - The applicants claim this was the main access to the Priory Home Farm. This is totally incorrect. The applicants created this a few years ago for their personal use. After the 1954 sale, this was rarely used until 1998 when Essex Wildlife Trust acquired access rights to Howlands Marsh Nature Reserve as part of the purchase agreement. The main entrance to the Priory Complex has always been via The Bury. This access, given the overwhelming flow of traffic along Mill Street, will not provide adequate waiting space for exit from the new estate. Neither does there appear any escape space for those entering the estate from Mill Street. It is likely to cause dangerous traffic congestion along Mill Street. The proposed access is totally unsustainable and would create an accident blackspot. Therefore, if access to West Field is refused, there would be no need to demolish No 7 Mill Street. Demolition is opposed as adversely affecting the street scene needlessly and the Mill Street Conservation Area.

Parish Council Responses

St Osyth Parish Council

11/00328/FUL, 11/00329/FUL, 11/00330/FUL, 11/00331/FUL and 11/00336/CON

- 4.93 The Parish Council has been advised by the Planning Department of Tendring District Council that it should submit its preliminary comments on all of these applications before the expiration of the statutory period for determination of the applications and reserves to itself the right to make further comments in time for their consideration by the Planning Committee of the local planning authority in due course. The St Osyth Parish Council therefore now submits its OBJECTIONS at this time to the applications for the following reasons:
1. Not all of the items listed in Appendix 1 of the guidance issued by English Heritage in its publication Enabling Development and the Conservation of Significant Places have been submitted by the applicants/made available to the Parish Council, particularly the final and full conservation deficit assessment and the report of the marketing of The Priory Estate. In the absence of these documents the Parish Council is unable to conclude, amongst other things, that the public benefit of

securing the future of the Priory Estate through the enabling development applications outweighs the disbenefits of breaching other public policies;

2. The Parish Council is concerned, amongst other things, about the overall impact of the proposed enabling developments (whether carried out in whole or in part) on the character of the village. The introduction of new residential dwellings on the scale proposed (when there is no proven need for large scale additional housing in the village) will change the nature and composition of the local population in a way that could adversely affect community life and impose unacceptable burdens on local services and the highway network;
3. The proposed developments do not secure meaningful and regular access by the public, not least residents of the village, to The Priory buildings and the Priory Estate;
4. The Parish Council is informed that in respect of the Parkland there is no conclusive evidence that residential structures, with the exception of Lodge houses on the northern boundary, were situated throughout the Park;
5. The Parish Council is concerned that the proposed developments will have a deleterious impact on ecological aspects of the Priory Park and its surrounding habitats, many of which are protected under national and international conservation designations. Further the Parish Council believes that the potential ecological impact of the proposed developments has not been fully investigated.
6. In the absence of the evidence that demonstrates the proposed enabling developments meet the criteria set out in The Policy, page 5 of the said guidance referred to in 1 above, the Parish Council considers that there is no justification to grant planning permission for the applications seeking Conservation Area Consent and Listed Building Consent (11/00336/CON & 11/00335/LBC respectively) and in respect of 11/00334/FUL, since these could be linked to the enabling development proposals and could result in an unacceptable increase in traffic in the village, based on its understanding of the traffic generated by other similar uses. The Parish Council believes that the proposed design of the visitor centre/function room suite is unsuitable for this historic location. Additionally, the Parish Council understands that the 3 applications involve development that is contrary to the planning policies of Tendring District Council and the Parish Council objects to these applications for this reason.

4.94 The Parish Council wishes these OBJECTIONS to be taken into account by the local planning authority in the event of the applications being determined now. The Parish Council will submit its final comments on the applications when it has received notification of the outstanding documentation from the local planning authority and of the date by which such final comments are to be submitted, or at such earlier time as the Parish Council may itself decide.

Great Bentley Parish Council

11/00328/FUL, 11/00329/FUL, 11/00330/FUL, 11/00331/FUL and 11/00336/CON

4.95 These applications were discussed at our recent Planning Committee Meeting and the Parish Council comment as follows. Throughout the Local Development Framework process the proposals for development that were put before TDC were that further development would be centered around the growth areas of Clacton-on-Sea and Harwich and these specific areas should be targeted in order that employment was encouraged in these areas. If development is to be encouraged outside of these areas it will merely create

St Osyth as a dormitory settlement to Clacton which will encourage car use and traffic generation. Furthermore the numbers that have been identified in the annual monitoring document do not suggest that growth in this area is required, needed or wanted. The pressure on the existing health and education provisions will be beyond their capabilities which will create problems for the existing services and force further development or expansion of additional services or the re-location of families from the area.

- 4.96 The huge increase in traffic will impact on Great Bentley severely and the already heavily congested commuter route will be pressurised further which with the level crossing will cause serious delays and upheaval in the village. We are working with other agencies to reduce this problem now and do not wish for it to be increased further.
- 4.97 The environmental impact on this development is considerable and the Parish Council feels that sites marked as being of special scientific interest should be protected at all costs along with the need for Areas of Outstanding Natural Beauty to be preserved for future generations. It is urged that the District Council consider the European Habitat Regulations in their full provision and use them to protect this site from development. It has been suggested by members of the public that Great Crested Newts have been spotted on the site.
- 4.98 Therefore the Parish Council strongly objects to all the applications for the reasons mentioned above and because St Osyth Priory has a valued historical place in our community as it stands now which should be protected.

Brightlingsea Town Council

11/00328/FUL, 11/00329/FUL, 11/00330/FUL and 11/00331/FUL

- 4.99 Thanks TDC for allowing us to comment, but our concern is the traffic. There will be problems with access roads and junctions.

5. Representations

- 5.1 A total of 634 representations, including two petitions with a combined 1060 signatures, have been received spread across the suite of applications, all in opposition to the proposals.
- 5.2 The applications subject to this report received a combined total of 335 representations. In terms of each application the number of representations attributed to each one is as follows.
- 11/00328/FUL received 21 individual representations.
 - 11/00329/FUL received 21 individual representations.
 - 11/00330/FUL received 17 individual representations.
 - 11/00331/FUL received 21 individual representations.
 - 11/00336/CON received 16 individual representations.
- 5.3 The points raised are summarised below:
- Informed land was conservation land and would never be built on.
 - Infrastructure of village already at bursting point.
 - Additional housing would have detrimental impact on residents.
 - The preservation should be a long term commitment and other ways to raise money should be looked at.
 - Building and its setting is historically important and should not be allowed to build on heritage.

- Actions from profiteering scheme will impact on countryside, wildlife and village inhabitants.
- Will set a precedent for enabling development – locally and nationally.
- Will directly violate conservation area.
- Resources, character and future prosperity of village will be compromised.
- Will compromise quality of life of residents.
- Village will lose its tranquil village status.
- Already waiting lists for primary school places.
- Medical facilities and utilities are already stretched.
- Extra burden placed on waste collection.
- Restricted public transport services in the area.
- Increased volume of traffic on roads (especially at crossroads).
- Construction of car park will decrease the area used by deer.
- Noise pollution from function evenings, i.e. slamming car doors.
- Overlooking.
- Surrounding properties likely to decrease in value.
- Applicant's constantly purchasing property within village to make a profit.
- Will adversely affect beautiful area of natural beauty and historic significance.
- Funding could be used to part offset restoration of Priory.
- Ecology could not withstand this disruption.
- Increase in traffic and population would cause rapid decay of ancient monuments.
- Serious negative effects on wildlife and habitat.
- Increase crime rate, late night activity and litter.
- Lack of employment available in the area.
- No need for another holiday outlet in the area.
- Number of road traffic accidents likely to increase.
- SSSI and AONB should be preserved for generations.
- Construction process will cause chaos to village.
- Additional visitors will cause parking problems – not enough parking provision.
- Minimal job opportunities as applicants already have workforce.
- Only the applicants will reap the benefits at expense of the village.
- If the Priory was left to self destruct it would still remain habitat for wildlife and form a land mark of historic interest for centuries.
- The Priory is up for sale with 20 acres – what about the remaining 340 acres?
- Development would be in a conservation area
- Conservation deficit not agreed, marketing strategy not completed and documentation is incomplete (costs of repairs not supplied) so does not fall under enabling development.
- Disproportionate scale and impact of enabling development – wholly detrimental to existing St Osyth Settlement.
- Fundamentally inappropriate location for significant new growth.
- Increased traffic congestion on roads, particularly in holiday season.
- Tighter control over developer profit should be secured by Section 106 Agreement.
- Benefits of restoration of the Priory do not outweigh extensive disadvantages.
- A number of healthy trees will need to be felled.
- No defined need within this key rural service centre for the type of housing proposed.
- Proposed bus stops would interrupt traffic flow along main access route.
- Demolition of No. 7 Mill Street would detract from the established character of the street scene.
- Resident's outlook would be ruined.
- Out of character with rest of village.
- Impact on the business centre of St Osyth

- Benefits of proposals work entirely and exclusively in favour of the family proposing them.
- St Osyth has recently received more development than most villages.
- Tendring is a high unemployment area so people will be commuting to distant work places.
- No roads should go through the Historic Parkland
- No affordable/social housing.
- No evidence that alternative sites/options have been explored.
- If applicants are not liable for provision of extra facilities costs will land at tax payer's door.
- If approved projects could be sold on to other developers such as Wimpey or Barratts.
- Large number of the properties would be outside the village envelope and will change rural aspect.
- Tourism could suffer from change in character of village.
- Only one road in and one road out of the village.
- Speed limit on Colchester Road too high.
- Light pollution from visitor/function centre.
- Likely to lead to substantial degradation of landscape and loss of agricultural land.
- Effects to Howlands March by extra foot fall could affect this nature reserve badly.
- Once building work starts the Priory can never be restored back to its natural state.
- Access from Colchester Road will cause problems in peak hours.
- The Wellwick site could create a ghetto area separated from St Osyth.
- The ditch and bund along Colchester Road, and the proposed restoration/landfill to northern part of Priory grounds require further explanation.
- Concerns over the applicant's entitlement to moor at the creek during construction.
- Local Plan – Emerging LDF Project 34 states no further (large scale) development in St Osyth.
- Unsustainable sites for development.
- Poor design
- Applicants must have been fully aware of work needed to refurbish the Priory when buying the property.
- Loss of privacy.
- Medieval and post medieval features identified to the north of No. 7 Mill Street.
- Refusal of 10/00318/FUL mentions positive contribution of No. 7 Mill Street to character and appearance of conservation area.
- Would lose a valuable, well used layby.
- No attention has been paid to public perception of development and community 'ownership'.
- Boundary line of Westfield site is incorrect – goes through resident's gardens
- Priory has been left to deteriorate for 10 years.
- St Osyth is designated as a key rural service centre, intended to indicate small level of expansion only.
- The development would turn the village into a town.
- Colchester Road floods in heavy rain.
- Development will create months of road works.
- Overdevelopment.
- Existing properties on the market are not selling – no need for more.
- Development would cause fragmentation of historic asset.
- Would not generate necessary funds to restore the Priory.
- Deliberate neglect.

6. Assessment

6.1 The main planning considerations are:

- Principle of development
- Enabling Development Guidance
- The Public Benefit
- Enabling Development Policy Criteria Assessment
- Landscape Impact
- Highway Issues
- Biodiversity and nature conservation
- Local Amenity
- Other issues

Site Context

6.2 These applications relate to land set to the west of the Priory on an area of land known as West Field or Flag Creek Field. The land is currently in agricultural use and lies immediately north of Mill Street. The site is generally open in nature except for hedgerows and trees that are found on the field boundaries.

Proposals

6.3 The West Field proposals comprise a total of 123 dwellings and include 9 hectares of strategic landscaping. The supporting documents detail that two car parking spaces per dwelling are to be provided (plus visitor parking). In addition the proposals include landscaping, sustainable drainage systems, vehicular access, internal roads, infrastructure and servicing and is designed to reflect a 'non-estate' layout.

6.4 All the West Field applications include reference to the demolition of 7 Mill Street in order to allow for a new vehicular access to be created and the stopping up of the existing point of access (application 11/00336/CON refers).

6.5 Applications 1 – 4 relate to enabling development proposals of the West Field. A further conservation area consent application is submitted in relation to the demolition of 7 Mill Street, St Osyth. In detail, the applications propose the following:

6.6 **Application 1: 11/00328/FUL** – Erection of 23 dwellings; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 7 Mill Street). The dwellings are designed in a terraced courtyard arrangement and include a new Mill Street Lodge (to replace 7 Mill Street).

6.7 **Application 2: 11/00329/FUL** – Erection of 46 dwellings; new access road; driveways; parking; landscaping and all ancillary works. Dwellings located to the south of the proposed spine road with public open space to the western end of the development, with a new reed bed beyond.

6.8 **Application 3: 11/00330/FUL** – Erection of 33 dwellings; new access road; driveways; parking; landscaping and all ancillary works. Dwellings located to the north of the proposed spine road and include a three-storey new Mill building, which accommodates 2 no. apartments, opposite the proposed reed bed. The proposed houses are located around a central village green.

6.9 **Application 4: 11/00331/FUL** – Erection of 21 flats within a new 'Maltings' style building; new access road; driveways; parking; landscaping and all ancillary works. This building is proposed to be opposite the new Mill building.

6.10 **11/00336/CON** – Demolition of 7 Mill Street.

Submitted Documents

6.11 The suite of applications is formed by the following submissions:

- Application forms, certificate of ownership and red line plans;
- Site survey;
- Application drawings;
- Supporting Planning Statement;
- Heritage Documents comprising a Statement of Heritage Significance, Conditions Survey, Conservation Management Plan, Landscape Conservation Management Plan, Condition Plan, Marketing Evidence and Conservation Deficit Report;
- Environmental Statement;
- Statement of Community Engagement and Addendum;
- Sustainability Report;
- Transport Assessments, and
- Draft S106 Agreement

Principle of Development

6.12 The National Planning Policy Framework (NPPF) was published by the Government on March 27th 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It remains the case that the Council is required to make decisions in accordance with the development plan for an area, unless other material considerations indicate otherwise (S.38 (6) of the Planning Act). The Development plan for Tendring comprises:

- Tendring District Local Plan (2007)

6.13 In addition, limited weight can be attributed to the recently published Tendring Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

6.14 The NPPF sets out policies and principles that local planning authorities should take into account, when both preparing local plans, and determining planning applications. The policies within the NPPF are a material consideration that should be given significant weight. Of particular note within the NPPF is the requirement that there is a presumption in favour of sustainable development. Paragraph 6 of the NPPF states that 'The policies in paragraphs 18 – 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system' and paragraph 7 sets out three dimensions of sustainable development;

6.15 *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;

6.16 *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

6.17 *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.

- 6.18 Saved Local Plan policies QL1 and HG3 are relevant. Policy QL1 outlines the spatial strategy for the district and establishes that development will be concentrated within settlement boundaries. Policy HG3 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area.
- 6.19 In terms of general housing provision, the National Planning Policy Framework (NPPF) requires local planning authorities to identify and keep up-to-date a deliverable five year housing land supply + 20%. Without this, even recently adopted planning policies for the supply of housing will be considered out of date (NPPF para 49). This is particularly important given that the NPPF states that where relevant policies are out-of-date, permission should be granted unless any adverse impacts outweigh the benefits, or other policies indicate otherwise, when assessed against the NPPF (paragraph 10). Having an understanding of supply is also key to fulfilling the NPPF requirement to demonstrate the expected rate of housing delivery and how housing targets will be met (paragraph 47). The Councils Five year supply + 20% of housing land equates to 4,110 dwellings.
- 6.20 Policy EN30 requires any proposals for development within the Historic Centre of St. Osyth to require an appropriate level of archaeological mitigation prior to development.
- 6.21 The West Field proposals, whilst immediately north of existing development at Mill Street, lie in countryside outside the confines of the St Osyth settlement. Each application site is therefore in a location where residential development is not considered appropriate, except in special circumstances, such as agricultural workers accommodation. However, the NPPF does allow local authorities to consider 'enabling development' proposals, which would secure the future conservation of a heritage asset.

Enabling Development Guidance

- 6.22 '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 undertaken, and which could not otherwise be achieved. While normally a last resort, it is an established and useful planning tool by which the long term future of a place of heritage significance maybe secured, provided that the balance of public advantage lies in doing so. The public benefits are funded through the increased value of the land, as a result of the granting of planning permission for its development.
- 6.23 The difference between the cost of carrying out works to bring a heritage asset (such as a listed building), back into use and the end market value can be negative. In such instances the difference is known as the 'conservation deficit'. The term conservation deficit is therefore referred to throughout this report.
- 6.24 The basic proposal behind the group of applications before the Council is that repairs to the historic buildings, along with the historic landscape, within the St Osyth Priory Estate are proposed to be funded through new developments within the St Osyth Priory Park (i.e. Westfield and Park developments) and outside of the estate (i.e. Wellwick). These applications relate to development within the West Field area, to the north of existing property along Mill Street. A further application for conservation area consent is sought for the demolition of 7 Mill Street, which would facilitate the new access.
- 6.25 At the heart of enabling development is an 'exchange' whereby some disbenefit is accepted, as a result of permission being granted for development which would otherwise

be unacceptable, in return for a benefit funded from the value added to the land through the consent granted. Thus, there must be a consensus that the public gain outweighs the public loss. In this case, because of the national importance of the site (a unique collection of grade I, II* and II buildings and ancient scheduled monuments within a Grade I landscape), 'community' and 'public interest' must be considered in the widest sense. The public gain would be the conservation of the heritage assets for the long term; the public loss would be new development on the estate, and outside for development proposed in another application. The submitted Statement of the Heritage Significance details the exceptional significance in the case of St Osyth Priory and cites, inter alia, the site being a substantial part of village life for 1300 years, the significance of the site for the people of England who value the monastic architecture, the ecology and nature conservation, patients who recuperated at the site after World War II and in relation to the history of both Anglican and Catholic churches in Britain as factors as to why the Priory is of exceptional significance.

- 6.26 The NPPF, at paragraph 140, provides that Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
- 6.27 English Heritage's document on enabling development, entitled Enabling Development and the Conservation of Significant Places, Policy and Guidance, (June 2008) advocates a presumption against enabling development unless it meets specific criteria, the most important being that the benefits of the proposed enabling development should outweigh the perceived disbenefits.
- 6.28 This English Heritage document clearly states under what circumstances enabling development should be acceptable. The policy states that enabling development that would secure the future of a significant place, but contravene other planning policy objectives should be unacceptable unless:
- a) It will not materially detract harm the heritage values of the place or its setting;
 - b) It avoids detrimental fragmentation of management of the place;
 - c) it will secure the long term future of the place and, where applicable, its continued use for a sympathetic purpose;
 - d) it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid;
 - e) sufficient subsidy is not available from any other source;
 - f) it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place and that its form minimises harm to other public interests;
 - g) the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.

The policy goes on to state that if it is decided that a scheme of enabling development meets all these criteria, English Heritage believes that planning permission should only be granted if:

- a) the impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission;

- b) the achievement of the heritage objective is securely and enforceably linked to it, bearing in mind the guidance in ODPM Circular 05/05, Planning Obligations;
- c) the place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation;
- d) the planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.

6.29 Tendring Local Plan policy EN27 reflects the English Heritage criteria for enabling development. The policy clarifies that failure to meet any one of the criteria will normally result in the refusal of any planning application justified through the enabling development argument.

6.30 Policy EN27 states that 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; and
- 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

- a) The impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission;
- 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.

6.31 Policy EN27a states that the Council is committed to the conservation, preservation and restoration of St. Osyth Priory and to that end, will work in conjunction with the landowner and English Heritage. Policy EN27a makes it clear that any application for enabling development will be judged against the criteria set out in Policy EN27 above. Accordingly there is a development plan commitment to work with the landowner in this regard.

The Public Benefit

6.32 At the very heart of enabling development is the intention to secure a public benefit. St Osyth Priory is of outstanding national importance, as denoted by its Grade I status, meaning that it is within the top 2% of listed buildings in England. English Heritage advises that St Osyth's Priory is a remarkable complex of buildings dating from the 13th to 19th centuries and forms a poetic ensemble. The importance of the Estate is reflected by the number of statutory designations. A large part of the site is scheduled as an ancient monument, 22 listed buildings of which 7 are at Grade I. The gardens and park are registered as Grade II listed. The Priory also falls within the St Osyth Conservation Area. The statutory listing status imposes a presumption in favour of preservation and underlines the importance of such sites in our national culture and heritage. Thus the preservation of the historic buildings and landscape for their own sake is a public benefit. It goes without saying that the historic environment is a non-renewable resource, we hold in trust for future generations. The recognised importance of the heritage assets also requires that the land and buildings be managed with respect for the listed buildings, the historic landscape and biodiversity.

6.33 Other public benefits could include:

- Public access to the Priory and estate
- The estate as a whole is used and managed with respect for the Heritage assets, the landscape and biodiversity
- Tourist attraction
- Shop and tearoom
- Facility for weddings etc
- Facility for charitable events
- Place of employment
- Income into local economy from visitors
- Provision of an attraction and facility which has positive impact on the image of St. Osyth and the District

Enabling Development Policy Criteria Assessment

6.34 The National Planning Policy Framework (NPPF) paragraph 129 states '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'.

6.35 Paragraph 131 states: local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets...the desirability of new development making a positive contribution to local character and distinctiveness.

- 6.36 Paragraph 132 states '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...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'.
- 6.37 Paragraph 134 states: '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'.
- 6.38 Paragraph 17 provides that a core principle is that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 6.39 Local Plan Policies EN17, EN22 and EN22a address the issues of conservation areas, listed buildings and development within the proximity of a listed building.
- 6.40 The main policy relating to enabling development remains Policy EN27 of the Tendring District Local Plan (2007). This policy is detailed above and reflects the English Heritage guidance contained within their publication 'Enabling Development and the Conservation of Significant Places (2008)'.
- 6.41 The first criterion (a) is that enabling development that would secure the future of a significant place, but contravene other planning policy objectives should be unacceptable unless: ***The enabling development will not materially detract from the archaeological, architectural, historic or landscape interest of the heritage asset, or materially harm its setting;***
- 6.42 English Heritage advises that the developments as a whole would cause substantial harm to the character of the Priory, to the park, its setting and to the village. Officers concur with this advice.
- 6.43 In particular English Heritage identify that the setting of the Priory buildings would be compromised by the residential development of the West Field, as would that of the quay, which is noted as being an important part of the village and conservation area. It is further advised that although the first phase of the West Field developments (Application 1) might seem a relatively modest 'model estate' development close to the Priory, the more extensive area of housing beyond (Applications 2,3, and 4) would urbanise the Priory's larger setting. Officers agree that despite the references to historic precedents in the design, the development would appear alien in character. It is emphasised that the large buildings promoted by Applications 3 and 4 would severely damage the very strong character formed by the old houses and boatyard.
- 6.44 The applicants' supporting information acknowledges that Application 1 will result in views to the north being altered and that Application 2 will result in minor to moderate impact on the conservation area. It is further acknowledged that Application 3 will have a slightly greater effect on Mill Street and views to the Park although it is stated this will be of moderate impact. Application 4, related to the 'Maltings' style building is stated to have little effect on the setting of the Priory and of moderate overall impact only. This is based on the ground level of the proposed 'Maltings' building being 13m below the ground level of Abbot's Tower and over 770m away.
- 6.45 English Heritage suggest that whilst the harm to the registered landscape, conservation area and setting of the Priory are relatively straightforward to assess, central to any assessment of harm to the Priory is that of the degree to which harm to the setting of the

Priory would damage its significance. This significance is fully detailed within the English Heritage report. It is considered that the proposals would result in a pronounced and harmful effect both on the historical value and the aesthetical value, derived in part from the survival of the Priory and its setting free from the incursion of later development. It is advised by English Heritage that the proposals to be implemented within and beside the Park would obscure or intrude upon the historic and aesthetic value of the place, thereby harming the vital aspects of the Priory's significance.

- 6.46 In terms of each proposal, Application 1 is considered to be the most sympathetic but would still result in harm to the significance of the Priory and the St Osyth Conservation Area. CBRE has concluded that it will not generate any residual value in its own right towards the identified repair costs whereas BNP conclude a positive residual value will be returned. It is also accepted that this first phase includes additional infrastructure costs that would impact upon the resultant residual values of Applications 2 - 4. Accordingly the identified harm is not outweighed by any public benefit, as advanced by paragraph 134 of the NPPF.
- 6.47 Application 2 is also considered to result in harm to the significance of the Priory and the St Osyth Conservation Area. English Heritage advises that without the screen provided by the residential development sought under Application 1, this proposal would make an unsympathetic addition to the village. It is considered that the modest funds generated would only provide a small contribution towards reducing the substantial conservation deficit. The harm caused would not be outweighed by public benefit even before considering the harm to other public interests arising from the development.
- 6.48 Similarly, Applications 3 and 4 also harm the significance of the Priory and the St Osyth Conservation Area and with only modest funding arising from the development towards reducing the conservation deficit, it is considered that such harm would not be outweighed by public benefit in the same way as Application 2.
- 6.49 Accordingly all of the enabling development proposals (Applications 1 – 4) are contrary to Part 1 (a) of policy EN27.
- 6.50 The second criterion (b) is that enabling development that would secure the future of a significant place, but contravene other planning policy objectives should be unacceptable unless: ***It has been clearly demonstrated that all alternative options have been fully evaluated;***
- 6.51 At the time of writing there are no alternative options under consideration through the formal submission of any planning application for an alternative scheme over and above the suite of proposals being considered on this agenda. Assessment of other funding streams is ongoing, including in relation to the formation of an independent trust (as discussed later in this report), as this is seen as having the most potential in unlocking other forms of subsidy. It is accepted that these other subsidies, whilst important will not generate the levels required to resolve the total conservation deficit. However, the fact remains that at the present time, such matters have not been concluded, and therefore in the absence of a full assessment of all alternative options, it has not been fully demonstrated that all alternative options have been fully evaluated.
- 6.52 Accordingly all of the enabling development proposals (Applications 1 – 4) are contrary to Part 1 (b) of policy EN27.
- 6.53 It is noted from the submitted information that alternative options such as the repair and reuse of existing buildings were considered and formed the basis of the initial conservation deficit calculations. Further to this consideration was given to office and hotel/spa developments at the site but ruled out, in part due to the significant impact the proposals would have on the fabric of the heritage assets. This then led to the initial enabling

development considerations, which in turn has led to the submission of this suite of enabling development applications.

- 6.54 The third criterion (c) is that enabling development that would secure the future of a significant place, but contravene other planning policy objectives should be unacceptable unless: ***It avoids detrimental fragmentation of management of the place;***
- 6.55 West Field is outside of the boundary of the historic Park and therefore this element of the policy is satisfied.
- 6.56 Accordingly there is no material conflict with Part 1 (c) of policy EN27.
- 6.57 The fourth criterion (d) is that enabling development that would secure the future of a significant place, but contravene other planning policy objectives should be unacceptable unless: ***it will secure the long term future of the place and, where applicable, its continued use for a sympathetic purpose;***
- 6.58 The financial considerations are accepted as being central to the idea of enabling development as a means of funding the repair/restoration of heritage assets. Enabling development exists as only one potential means of funding for repairs that could or would not ordinarily be funded by an owner due to the existence of a 'conservation deficit'. A conservation deficit is the deficit that arises when the total cost of repair and, where applicable, conversion to make possible a viable use, exceeds the market value of a place upon completion of the works. Therefore the financial justification for such development must be the surplus profit obtained from the development of a site, on which development would not otherwise be allowed, is sufficient to fund the necessary repair and, as appropriate, conversion. In this regard a financial appraisal, consisting of details of the current condition of the Priory assets, proposed repair schedule and cost plans for both the repair and enabling development, was submitted in support of the suite of enabling development applications.
- 6.59 This information has been subject to independent scrutiny by CBRE Limited (CBRE) and the RNJ Partnership (RNJ), following a joint instruction from English Heritage and Tendring District Council. CBRE were asked to assess the extent of the conservation deficit and to determine the likely contribution that the enabling development might generate. The RNJ Partnership was asked to review the cost plans (as submitted by the applicant's Quantity Surveyor, McBains Cooper (MAC)).
- 6.60 Further to the receipt of the findings of both CBRE and The RNJ Partnership, Tendring District Council and the applicants jointly instructed BNP Paribas (BNP) to review the information originally submitted by the applicant.
- 6.61 Finally, CBRE were then instructed by English Heritage to review the report prepared by BNP Paribas (and a St Osyth Market Report dated November 2012).
- 6.62 Accordingly the local planning authority is in receipt of a collection of reports, none of which are in total agreement as to their actual findings. However, sufficient commonality has been found to allow a broad assessment of the financial impact of the proposals. For the purposes of this Planning Committee report, officers are relying on information primarily contained within the latest CBRE report and the BNP Paribas Report.
- 6.63 The overall conservation deficit has been identified as being £40.79m by BNP (please note that the BNP figure allows for inclusion of costs not accepted by the Council's initial consultants and for higher sales and repair costs). In any event this is a substantial figure.

- 6.64 CBRE also advises that there is a conservation deficit but for a variety of reasons were unable to quantify the amount of deficit. CBRE further advise that they estimate a construction deficit of £4.4m on the basis of repair and conversion costs alone. This figure was arrived at by subtracting the repair costs provided by RNJ from the value of the repaired Priory (as estimated by CBRE). It should be noted that repairs to the heritage asset have been put forward as costing £20.9m by the applicant, £16.73m as per BNP and £12.02m from RNJ.
- 6.65 The other important financial element relates to the 'residual value' of the development proposed. Residual value is the difference between the total development value and total costs, including developer profit. In terms of these applications (i.e. the West Field proposals), CBRE identify that the scheme could be expected to produce a sub total residual value of £1.01m (from an overall residual value of £3.6m from all the enabling development applications). BNP provide a residual value for the West Field developments in total ranging between £1.7m - £2.8m (from an overall residual value of £3.5m - £7.08m from all the enabling development applications).
- 6.66 Broken down into the individual components, the residual values equate to:

Application	BNP Values	CBRE Values
11/00328/FUL	£560,000 to £774,000	(£142,000)
11/00329/FUL	£970,000 to £1.3m	£569,000
11/00330/FUL	£390,000 to £668,000	£255,000
11/00331/FUL	(£130,000) to £43,000	£329,000
SUB TOTALS	£1,790,000 - £2,874,000	£1,011,000

N.B. figure in brackets = a minus figure.

- 6.67 It is clear from the financial appraisals undertaken that the proposals alone, even if taken as a whole, and irrespective of which set of figures is used, will not secure the long-term future of the entire Priory, given the significant shortfall in potential funding arising from the proposed enabling development. The Priory does however comprise a substantial number of heritage assets, many of which individually may qualify for enabling development in their own right, due to their category of listing. English Heritage suggest in their report that an approach which disregards some of these assets is, for now, the correct approach. Of course monies raised could be put towards the repair and continued use of a small number of buildings within the complex in the short term but the clear shortfall means that the proposals as a whole, fail to meet the policy criteria which requires enabling development to secure the future of a significant place.
- 6.68 The West Field developments could produce a positive figure overall, but this is small when compared to the overall conservation deficit.
- 6.69 In this instance the residual values, according to the consultants' assessments, range from a 'best-case' scenario of £2.8m to at worst, £1m (if all schemes were implemented). Given the relatively limited funding likely to be generated, it is advanced that the merits in approving any, some, or all, of the applications is not sufficient to outweigh the disbenefits identified in terms of impact of the significance of the Priory.
- 6.70 Accordingly the proposals are contrary to Part 1 (d) of policy EN27.
- 6.71 The fifth criterion (e) is that enabling development that would secure the future of a significant place, but contravene other planning policy objectives should be unacceptable unless: ***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;***

- 6.72 English Heritage consider that the two key elements to be considered are whether there is a conservation deficit and if so, could the owners undertake the necessary repairs without the need for enabling development. The first element has already been addressed above and answered in so far that a conservation deficit is agreed to exist, even if the precise figure remains to be universally agreed.
- 6.73 The second element however focuses on whether the owners could repair the Priory without the need for enabling development, or could repair it with less. In order to understand the answers to this, applicants are required to have marketed the property in order ascertain the existence, or otherwise, of others willing to purchase the Priory (and able to undertake the necessary repairs). CBRE were asked to consider the details of the marketing campaign and found the marketing campaign to be flawed. CBRE identifies a number of issues relating to the particulars of sale that may have been dissuasive in eliciting interest.
- 6.74 It is concluded that the marketing campaign has failed to demonstrate the necessity for enabling development. However when balanced against other known factors, including the general need for urgent works, it is considered that the inadequacy of the marketing should not, in its own right, be an overriding factor in the determination as to whether enabling development is justified in this case.
- 6.75 Accordingly the proposals are contrary to Part 1 (e) of policy EN27.
- 6.76 The sixth criterion (f) is that enabling development that would secure the future of a significant place, but contravene other planning policy objectives should be unacceptable unless: ***Financial assistance is not available from any other source consistent with the preservation or enhancement of the heritage asset;***
- 6.77 Local Plan policy and English Heritage guidance make it clear that enabling development should be unacceptable unless financial assistance, or sufficient subsidy, is not available from any other source. In this regard it is necessary to assess the efforts of the applicants in securing financial assistance consistent with the preservation or enhancement of the Priory.
- 6.78 Enabling development should be seen as a subsidy of last resort since it is an inefficient means of funding a conservation deficit (EH Guidance para 4.3.6), although such development could provide an income over a relatively short period of time. Whilst most buildings at risk are capable of beneficial use, particularly for residential or commercial use, it is advanced that Building preservation trusts, as property developers with charitable status and objectives can provide a vehicle for securing the future of some places that are not attractive in commercial terms. Such trusts are seen as a catalyst in prompting owners to bring forward workable schemes to secure the future of a building, or to sell them.
- 6.79 Notwithstanding the Higher Level Stewardship grant and offer from English Heritage towards the repair of the Abbot's Tower, at present no alternative means of financial assistance have been secured in relation to the repair and restoration of the heritage asset. Discussions have been held in relation to the forming of a trust, and the applicant has put forward suggestions as to how this may operate. However, the fact remains that to date no agreement is in place and it is the opinion of English Heritage that the possibility of public funding has not been fully explored to the point that this policy criterion is met.
- 6.80 However, it is agreed by all parties that other sources of income are necessary to provide additional contributions towards the conservation deficit, and that a building preservation trust may play an important role in this regard.

- 6.81 From the information gained throughout the assessment of the applications in relation to potential grant funding etc, it would appear that the amount of financial input possible is likely to fall far short of what is necessary to eliminate the identified costs, even when taken in conjunction with the monies raised by all of the proposed enabling development. A balancing act has to be performed as to whether securing financial assistance is necessary prior to the determination of the enabling development applications. Officers consider in this case that the harm identified to the significance of the place, together with the lack of viability of the proposals results in development clearly in conflict with national and local planning policy.
- 6.82 Accordingly the proposals are contrary to Part 1 (f) of policy EN27.
- 6.83 The seventh criterion (g) is that enabling development that would secure the future of a significant place, but contravene other planning policy objectives should be unacceptable unless: ***It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset;***
- 6.84 The proposals, both in relation to this application and as a whole, would not result in reducing totally the conservation deficit. As such it is clear that this enabling development proposal and the enabling development proposals collectively, could not be seen as providing more development than is necessary.
- 6.85 Notwithstanding the conclusions reached in relation to the Wellwick proposals, and based on the financial information provided, it is clear that that this application (and all of the enabling development applications when taken as a whole) fails to provide sufficient funds to fund the identified total repair costs.
- 6.86 Accordingly the proposals are not in conflict with Part 1 (g) of policy EN27.
- 6.87 The eighth and final criterion (h) is that enabling development that would secure the future of a significant place, but contravene other planning policy objectives should be unacceptable unless: ***The value, or benefit, of the survival or enhancement of the heritage asset outweighs any harm to the asset by providing the enabling development.***
- 6.88 English Heritage consider that the public benefit that might be achieved in relation to the suite of applications is unlikely to outweigh the disbenefits also consequent upon it and that the scheme will result in repair and reuse of part of the Priory only. Furthermore, English Heritage are of the opinion that in its entirety the scheme would be unnecessarily damaging and devised without consideration of the potential public funding to contribute to the Priory's repair. Accordingly English Heritage considers that the proposals would cause significant harm to the significance of the Priory and would be of only limited benefit and therefore cannot be justified. Your officers do not disagree with the assertions of English Heritage. This application results in clear harm to the significance of the place adding further weight to this conclusion.
- 6.89 The second part of Policy EN27 requires that:
- a) The impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission;
 - 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.
- 6.90 Criterion a) is complied with by this application. In terms of criterion b) and c) these matters would form the basis of any S106 agreement.

Landscape Impact

- 6.91 In relation to West Field, the submitted landscape details identifies that a tree belt is proposed along the north of the development, representing a substantial enhancement of the site for birds, providing scrub and woodland edge habitat for BAP species.
- 6.92 Firstly, the necessary demolition of 7 Mill Street would result in the loss of a number of mature shrubs and small trees however these are not considered to have a significant positive impact on the appearance of the area. The contribution that they make to the amenity of the locality could be relatively easily replicated by new planting.

11/00328/FUL

- 6.93 The construction of the proposed dwellings in close proximity to the Priory complex is considered to lead to a degradation of the landscape and consequently, to have a detrimental impact on the setting of the Priory. In addition the development will adversely disrupt the pattern of development, and hence the character of the area. This part of the conservation area reflects the historical ribbon form of development and the proposal for a 'courtyard' development is considered to be inappropriate and incongruous.

11/00329/FUL

- 6.94 This application further extends the development of the West Field and has a commensurate increase on the impact of the setting of the heritage assets and the character and appearance of the countryside. It is accepted that the proposed landscape belt would help to screen the development from the open countryside and that it would be effectively screened from view from Mill Street by the existing dwellings and vegetation in their gardens. However, the construction of the proposed development so close to The Priory and associated buildings will degrade the landscape within which they are set and consequently have a detrimental impact on their setting.
- 6.95 The combination of both applications will have a greater collective impact and significantly alter the established development pattern. This part of the conservation area has evolved as ribbon development and the proposal for small/medium sized estate is unacceptable in landscape terms because its layout and density is not in keeping with the existing character of the area and because it would have a negative impact on the character and appearance of the conservation area. This form of development would have a significantly detrimental impact on the historic settlement pattern which is in itself integral to the local landscape character. It does not sit well in the landscape and compromises the historic qualities of the relationship between the built environment and the countryside.
- 6.96 In terms of the view of The Priory from the estuary, the combined applications increase the visibility of the development from more distance points and consequently have a greater impact on the setting of the heritage assets and the conservation area.
- 6.97 The indicative landscape proposals show a pond and natural play area to the west of the site. The pond would be an attractive feature in the landscape and the planting associated with both the pond and the play area would help to screen the proposed development.

11/00330/FUL

- 6.98 Consideration of this scheme should realistically be made in conjunction with that of the first phases proposed at West Field. It therefore follows that it is important to assess the impact in the context of the other proposals.
- 6.99 This application further extends the development of the west field and has a commensurate increase on the impact of the setting of the heritage assets and the character and appearance of the countryside. It is accepted that the proposed landscape belt would help to screen the development from the open countryside and that it would be effectively screened from view from Mill Street by the existing dwellings and vegetation in their gardens. However, the construction of the proposed development so close to The Priory and associated buildings will degrade the landscape within which they are set and consequently have a detrimental impact on their setting. Accordingly this application is viewed as having the same negative impact as identified with Application 2.
- 6.100 This type of development would have a significantly detrimental impact on the historic settlement pattern, which is in itself integral to the local landscape character. It does not sit well in the landscape and compromises the historic qualities of the relationship between the built environment and the countryside.

11/00331/FUL

- 6.101 This application introduces a large 'malting style building' into what is identified as public open space for both of the above applications. This application further extends the development of the West Field and the introduction of such a large building will have a commensurately detrimental increase on the impact of the setting of the heritage assets and the character and appearance of the countryside. Landscaping is unlikely to successfully screen the proposed building.
- 6.102 Whilst the building is set some distance from The Priory and associated buildings, it would be a significant feature in the countryside and will degrade the landscape within which it is set and would, consequently, have a detrimental impact on their setting. In addition to the impact on the heritage assets, the development will adversely affect the character of the historical development pattern within the conservation area. The combination of all three applications will have a greater collective impact and significantly alter the established development pattern.
- 6.103 The indicative landscape proposals illustrate a pond and natural play area to the west of the site as for applications 11/00329/FUL and 11/00330/FUL. Whilst the pond would be an attractive feature in the landscape, the erection of the flats would negate this amenity feature to some degree, and result in an adverse impact on the character of the estuary and the setting of the site. Such an alien intrusion into this unspoiled landscape is thought to be particularly harmful.

Highway Issues

- 6.104 NPPF paragraph 34 states that 'Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.' Saved policy TR1a 'Development Affecting Highways' seeks to ensure that development proposals are considered in relation to the appropriate road hierarchy. In addition, policy TR3a relates to safeguarding and improving public rights of way, policy TR5 relates to the provision of cycling facilities, policy TR6 relates to provision for public transport use. Parking Standards are as per the adopted 2009 Essex County Council document.

- 6.105 In relation to the West Field proposals the proposed access provides a carriageway width of 6m and a single footway of 2m to the eastern side of the carriageway. Visibility is as per ECC recommendations. A pedestrian crossing point is to be provided from the site to the High Street.
- 6.106 Supporting information confirms compliance with the adopted parking standards
- 6.107 Significant local concern has been expressed as to the increase in vehicular traffic and the impact on local infrastructure. The submitted EIA provides an examination of the highway implications and concludes that the developments (as a whole) result in a minor/negative effect. In mitigation new/improved pedestrian facilities and routes are to be provided together with improvements to the bus stop on The Bury. The assessment of the potential effects on the local highway network concluded that the scheme is likely to improve the accident situation in the area and that all junctions assessed operate within acceptable parameters with the development proposals in place.
- 6.108 The Highway Authority raises no objection to these applications and therefore, subject to the imposition of controlling conditions, it is considered that the applications do not present any detriment to highway safety and convenience.

Biodiversity and nature conservation

- 6.109 The NPPF states that the planning system should contribute to and enhance the natural environment (paragraph 109) recognising that distinctions should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status (paragraph 113). The NPPF also applies the following principles to the determination of planning applications (paragraph 118):
- If significant harm cannot be avoided, adequately mitigated or (lastly) compensated, then permission should be refused;
 - If an adverse effect on a Site of Special Scientific Interest (SSSI) is likely, either individually or in combination with other developments, the development should not normally be permitted;
 - Opportunities to incorporate biodiversity should be encouraged; and
 - Development resulting in the loss or deterioration of irreplaceable habitats should be refused unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- 6.110 When determining a planning application for a development which has an impact on European Protected Species, the Local Planning Authority (LPA) has a legal duty under the Conservation of Habitats and Species Regulations 2010 to take into account the three derogation tests contained within Article 16 the Habitats Directive 1992.
- 6.111 Saved policy EN6 seeks to protect local biodiversity and geodiversity. Saved policies EN11a, EN11b and EN11c relate to international, national and locally protected sites.
- 6.112 The Colne Estuary Site of Special Scientific Interest (SSSI) lies adjacent to the St Osyth Priory Estate and the west Field and is approximately 270m from the Wellwick site. Parts of this SSSI are also designated as a National Nature Reserve (NNR). The Estuary is designated as a Ramsar Site due to its estuarine habitats, birds and other animals. In addition the area is designated as a Special Protections Area (SPA) and a Special Area of Conservation (SAC), as part of the Essex Estuaries SAC). The Parkland is a designated Local Wildlife Site (LoWS).
- 6.113 The West Field is detailed as being currently in arable use, forming part of the Flag Creek Fields zone with a narrow margin to some of the field and partial hedgerows along the

boundary. Plant species are few and typical of the margins of intensive cultivation. The old orchard has most recently been utilised as a horse paddock. No UK BAP priority species are detailed as being present. West Field is identified as having little ecological value, and with this in mind, limited ecological mitigation is stated as being required providing for vegetation clearance and clay excavation measures with an overall impact being neutral or positive. The overall residual impact is proposed to be positive.

- 6.114 In terms of biodiversity interests, few birds of note are associated to the West Field. West Field does not contain any waterbodies. No badger setts are present and the tree and scrub on the perimeter of West Field are considered to be of negligible potential for roosting bats. No bats were found to be present at 7 Mill Street. The area was also assessed as not having a significant invertebrate interest. Overall the West Field is considered as having negligible or lower-negligible habitat value.
- 6.115 Natural England acknowledges the suite of applications and address the issues with a response covering all of the applications (including the Parkland and Wellwick).
- 6.116 Natural England raises no objection any of the applications, provided the mitigation set out in the EIA is incorporated into controlling conditions, should permission be granted.

Local Amenity

- 6.117 Given the overall number of residential dwellings proposed, it is inevitable that the proposals will bring about a change in character from the site at present and result in an impact upon local amenity and services. It has been argued by objectors that the scheme will adversely affect village life as a result of such an influx in dwelling numbers when compared to the existing housing levels and population number.
- 6.118 It therefore follows that the cumulative effect with the total number of residential dwellings proposed as part of the wider enabling development proposals has the potential to affect local amenity. The inability of the proposals to financially contribute towards education provision, places an additional burden on local services and infrastructure. This is a material consideration, amongst many others.
- 6.119 The West Field applications are in four phases and stretch along the northern boundaries of existing property along Mill Lane. Therefore each of the developments, to some degree, will be appreciable to existing residents and result in impact. Those properties adjacent to the proposed site access will clearly be subject to increased disturbance. Visual amenity would be affected to some degree given the presence of new built form in an otherwise open aspect, with views lost in a northerly direction.
- 6.120 However, given the distance of the proposed dwellings from existing neighbouring dwellings and the relationship shared, it is unlikely that any of the schemes would result in such harm to residential or visual amenity that a refusal could be justified on these grounds alone.

Other issues

Alternative Provision

- 6.121 Local planning policy and English Heritage guidance requires grants and other options to have been explored. The potential for alternative ways of meeting the conservation deficit has been raised with the applicants and explored as part of this suite of applications. The potential for an independent trust is currently being discussed and the applicant has provided an outline as to how this may operate.

6.122 Since submission of this application the Council has received a vision statement pertaining to the formation of a St Osyth Building Preservation Trust. The document provides the following information within the executive summary:

- *The St Osyth Building Preservation has been established to offer an alternative vision to that of the current owners of the Priory. Their proposal to apply for an enabling development of 332 houses will not only affect the coherence of the village but will be inadequate to fund the repairs to the Priory.*
- *The Trust offers an alternative which the Trustees believe is both credible and viable. They acknowledge that an enabling development will play a part in securing the future of the Priory, but its impact will be minimal compared with that proposed by the applicants.*
- *The foundation of the St Osyth Building Preservation Trust's funding comes from the very generous gift of eight parcels of farmland of one acre each, given specifically by the landowners for the acquisition and repair of the Priory. The enabling development proposed by the Trust is far more modest with possibly four houses to the acre. If planning permission was granted the value of this promised donation would therefore be in the order of £4million.*
- *The Trustees having discussed the repair of the Priory with a number of grant giving bodies anticipate that support will be available for many of the iconic Priory buildings and structures. The Heritage Lottery Fund is a source of significant funding and the enabling development would provide the partnership funding HLF require. Support will also be sought from other charitable and private donors.*
- *The Trustees will take advice from English Heritage so a balance is achieved between the repair of the major buildings on the Priory Estate and the repair of buildings which could be used to generate income; it is recognised that realising the value of the residential buildings early is paramount.*
- *The Priory Estate will be a unique fee paying visitor attraction, it is not only a major heritage site but has the additional advantage of being close to popular seaside resorts. The Trustees believe that the opening of the Priory fully to the public and providing jobs will be the key to unleashing its real potential and be a catalyst for the regeneration of the village, the Tendring District and Essex.*
- *The aspiration of many is that the Priory and its parkland should be in the ownership of a charitable trust, that it is regularly open to the public and that it will once again play its part in the life of the St Osyth community. Equally, with publicly-empowered support it will create significant opportunities for economic development, employment, tourism, education and leadership in environmental issues. The present owners have in effect demonstrated that a commercial approach is incapable of securing the future of the Priory; only a community-led approach is likely to be able to do so.*

6.123 Officers have considered the contents of the document and advise that in the absence of any firm proposals i.e. a planning application providing robust financial justification and in light of the embryonic position of the trust, only minimal weight can be attached to the document and its findings at this time. This is particularly so given that the site is not within the ownership of the trustees and that the document advises the need for a differing scheme of enabling development, which would need to be subject to separate scrutiny and assessment. In any event these applications (and others forming the suite of submitted enabling development applications) remain to be considered on their merits.

S106 Agreement

- 6.124 Under the provisions of the Local Plan contributions would normally be required towards the provision of education, public open space and affordable housing. As the purpose of enabling development is to close the conservation deficit such contributions are not usually made. In this case a significant conservation deficit exists and therefore the disbenefits of not making contributions would carry less weight. Accordingly the request from Essex County Council for education related contributions have not been sought, although it is acknowledged that the proposals will lead to additional pressure on existing facilities which will not be mitigated in the absence of any financial contributions towards additional provision.
- 6.125 As an indication, the applicant has provided, within a draft S106 rationale, that the development of the first two phases of the West Field developments (Applications 1 and 2) together with the Wellwick development scheme, would provide enough capital to complete urgent works identified by English Heritage, fully restore and return to Bailiffs' Cottage to beneficial use, complete the external and internal repairs of the Abbot's Tower (assuming the English Heritage grant remains in place) and undertake some of the external repairs to the Gatehouse and Abbot's Tower. The requirement to complete agreed restoration works would be triggered by occupation of the development. This would represent an acceptable basis on which a S106 Agreement can be reached. However in this instance the application is considered to be unacceptable and therefore further work in this regard has not been carried out.
- 6.126 However, a s106 agreement relating to the implementation of restoration/repair works to the Priory Estate (in a manner to be agreed with English Heritage), the phasing of such works and biodiversity related mitigation/monitoring work (as requested by Natural England) would be considered necessary, should one or more of the applications be found to be acceptable.

Flood Risk and Drainage

- 6.127 The NPPF states that new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change" - Paragraph 99. The NPPF requirement for site-specific flood risk assessments (FRAs) are set out in paragraph 103. The NPPF doesn't contain detailed minimum requirements for FRAs, but the Technical Guidance refers to them in paragraph 9 and Chapter 3 of the PPS25 Practice Guide. In terms of drainage, the NPPF states that development should give "priority to the use of sustainable drainage systems" (Paragraph 103) and "Developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through ...the appropriate application of sustainable drainage systems". Saved Policy EN13 'Sustainable Drainage Systems' seeks to ensure that development proposals incorporate measures for the conservation and sustainable use of water. Policy QL3 'Minimising and Managing Flood Risk' seeks to ensure that flood risk is taken into account at all stages of the development process.
- 6.128 A Flood Risk Assessment (FRA) accompanies the application documents. The application site is located within flood zone 1, and is therefore not at high risk of flooding. The EIA confirms that the hydrogeological report addresses the pre-application concerns of Natural England and Essex Wildlife Trust. Floor levels are proposed to exceed the maximum tidal flood level predicted and with means of escape is adjacent higher ground. Surface water drainage is to be provided in accordance with sustainable drainage principles with foul drainage connecting to the mains sewer or by package treatment plants.
- 6.129 The Environment Agency has assessed the proposal and raises no objection subject to the imposition of conditions relating to:

- Surface water discharge scheme to be submitted and approved;
- Surface water to be discharged from the site at a rate no greater than 4.87l/s;
- A minimum of 1924.1m³ of storage to be provided on site to accommodate the 1 in 100 year storm, inclusive of climate change;
- A scheme of water, energy and resource efficiency measures to be submitted and approved;
- Rainwater harvesting;

6.130 Accordingly there are no objections in relation to flood risk or drainage.

Human Rights Implications

6.131 This application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

S17 Crime & Disorder Act

6.132 Saved policy COM2 provides that all new development shall contribute to a safe and secure environment, which reduces the incidence and fear of crime and disorder by reducing criminal opportunity and fostering positive social interactions between legitimate users. Saved policy QL10 requires, amongst other things, that proposals contribute to community safety by incorporating or providing measures to minimise opportunities for crime and anti-social behaviour.

6.133 It is recommended that Secure by Design measures can be secured by way of a condition. It is also recommended to ensure that the public open spaces are adequately lit and further consideration of the layout of these spaces will be undertaken on consideration. The supporting information suggests that the scheme has incorporated the six principles of Secure by Design, these being integrated approach, environmental quality, natural surveillance, access, open space and lighting.

6.134 It is considered that, subject to safeguarding conditions, the proposed development would not adversely impact upon community safety issues and so it would comply with policies COM2 and QL10 of the Tendring District Local Plan (2007).

Equalities Implications

6.135 Section 149 of the Equalities Act 2010 created the public sector equality duty. It states: - (1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.136 Officers have taken this into account in the assessment of this application and the Planning Committee must be mindful of this duty inter alia when determining all planning applications. It is considered that the proposed development would not result in any infringement on Equalities legislation.

Conclusions

- 6.137 According to the findings of CBRE, jointly instructed by TDC and English Heritage, and BNP Paribas, the proposals result in a modest residual value and thereby failing to reduce the conservation is insignificant against the conservation deficit and outweighed by the harm to the significance of the Priory and Parkland. Accordingly the application fails to meet the criteria of the policy EN27.
- 6.138 Officers are mindful of the provisions of policy EN27a in so far as recognition is made to the commitment of the Council to the conservation, preservation and restoration of St. Osyth Priory and to that end, its commitment to work in conjunction with the landowner and English Heritage. However the proposals have failed to demonstrate accordance with national or local planning guidance. Moreover, the scheme gives rise to little public benefit to set against the harm clearly caused.

Background Papers

None.