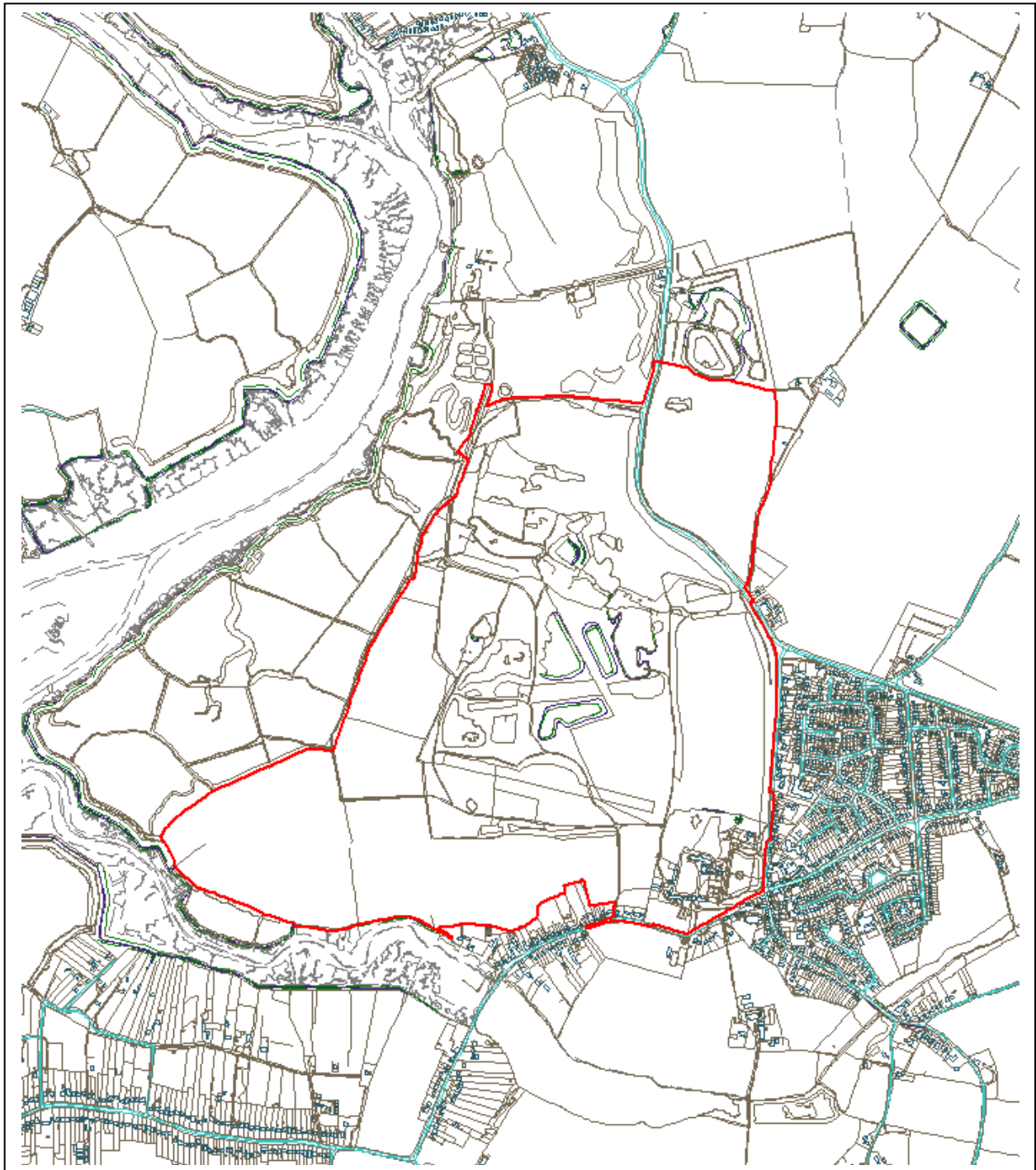


PLANNING COMMITTEE

21 January 2014

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 11/00334/FUL - THE PRIORY ESTATE, ST OSYTH, CLACTON ON SEA, ESSEX, CO16 8NY



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Application:	11/00334/FUL	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	
Development:	Construction of a visitor centre/function room suite; part change of use and alteration to Darcy House for use as a function room; internal and external alterations and all ancillary works.	

1. Executive Summary

- 1.1 This planning application (and the accompanying listed building consent application 11/00335/LBC) forms part of a suite of applications submitted to the Council in respect of the St Osyth Priory Estate, but unlike the other schemes relating to Wellwick, the Park and West Field sites, this development is not proposed as an enabling development. This particular application (and 11/00335/LBC) relates to the erection of a new single storey visitor centre building within the Walled Kitchen Garden site and also alterations to form a new external door to the northern elevation of Darcy House.
- 1.2 The application has been revised since submission with the original scheme involving a new standalone building to the south of the walled garden and extension to Darcy House.
- 1.3 The visitor centre and alteration to Darcy House are not submitted as 'enabling development' as these proposals are considered by the applicants as being consistent with statutory Development Plan policies and guidance in their own right. The visitor centre would accommodate a shop, café, toilets, with the majority housing a function facility (occupying most of the building) as a wedding, conference and corporate hospitality venue, aiming to broaden the area's appeal and encouraging new types of tourists. The visitor centre is intended to assist in facilitating access to the Priory site for the general public.
- 1.4 Policies EN1 and EN23 of the Tendring District Local Plan are of primary relevance in this case and assessment has been made against the provisions of this policy and against all other material considerations.
- 1.5 The proposal is in conflict with elements of Policy EN1 and Policy EN23. No special circumstances are seen as indicating that the provisions in these Policies should be set aside in this case. The officers therefore recommend that this application be refused.

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

- The proposed development will harm the character of the walled kitchen garden thereby compromise its significance and its contribution to the Prior's significance
- No clear or sufficient justification for the development has been provided.
- No convincing evidence that existing building(s) could not be utilised
- Proposals not justified by any public benefit they might bring

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 QL7	<i>Rural Regeneration</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 ER16	<i>Tourism and Leisure Uses</i>
Policy ER26	<i>Conversion of Premises</i>
Policy COM1	<i>Access for All</i>
Policy COM2	<i>Community Safety</i>
Policy COM33	<i>Flood Protection</i>
Policy EN1	<i>Landscape Character</i>
Policy EN12	<i>Design and Access Statements</i>
Policy EN13	<i>Sustainable Drainage Systems</i>
Policy EN17	<i>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>

Tendring District 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 SD9	<i>Design of New Development</i>
Policy SD10	<i>Sustainable Construction</i>
Policy PRO6	<i>Retail, Leisure and Office Development</i>
Policy PRO7	<i>Tourism</i>
Policy PRO15	<i>The Rural Economy</i>
Policy PLA1	<i>Development and Flood Risk</i>
Policy PLA3	<i>Water Conservation, Drainage and Sewerage</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:

The Essex Design Guide (2005)

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

3. Relevant Planning History

96/00442/FUL	Retention of earth bunding for additional overshoot protection (North Lodge Piece)	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 arson and install two metal containers (North Lodge Piece)	Approved	26.05.1999
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	Retention of 1 No metal container (North Lodge Piece)	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	Approved	25.04.2001

accommodation to form 4 No. self-contained flats - Darcy House East Wing

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	Refused	24.08.2006

	casual parking.	Dismissed at Appeal	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 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.	Approved	10.07.2007
06/02050/FUL	Change of use from office to residential.	Approved	30.03.2007
06/02058/FUL	Creation of self-contained one bed house from south end of existing house. (Bailiffs Cottage)	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	Re-instate dormer to west	Approved	15.08.2007

elevation. (Bailiffs Cottage)

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 relocation of existing site accommodation including club hut and storage container plus one additional container.	Refused	10.02.2010
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

4. Consultations

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

Internal Consultee Responses

TDC Building Control

4.2 Further information required in relation to compliance with the requirements of Approved Document B - Access and Facilities for the Fire Service.

TDC Principal Landscape and Tree Officer – (Re: Revised scheme)

4.3 All trees on the land, with a stem diameter greater than 75mm when measured at a point 1.5m from ground level, are afforded protection as they are situated within the conservation area.

- 4.4 Walled Garden/ Function Room: There are no significant trees or other vegetation in the walled garden. The development of this part of the garden would not have a detrimental impact on the character or appearance of the conservation area.
- 4.5 The construction of the function room in the walled garden will not affect any trees or other significant vegetation. The proposed pedestrian access from the proposed visitor centre to the 'Wilderness' is a relatively minor change and there is sufficient space for the new path to be created, through the wilderness, without causing harm to the trees and shrubs in the area.
- 4.6 In terms of the impact of the proposed function room on the character of the listed garden it is considered that a structure of this scale in the proposed location would have a negative impact on the historic qualities of the garden. It is however considered that a facility of this type in or immediately adjacent to, the working part of the garden is not wholly inappropriate. Whilst it will alter the character of the garden it will not have a significant detrimental impact on the character or appearance of the conservation area.
- 4.7 The views of the Garden History Society should be formally sought as a statutory consultee on applications that affect a garden included on the English Heritage 'Register of Historic Parks and Gardens of special historic interest in England.

General

- 4.8 'The Wilderness' would not be affected by the development proposal. This part of the garden is dominated by self-set Sycamore that can be seen from the highway around the Priory and make a reasonable contribution to the appearance of the conservation area. The removal of some of these trees and replacement planting with appropriate shrubs would improve the character of the garden. Very few of the existing shrubs are of any botanical or historical interest and the character of the garden could be improved by the planting of more appropriate species.
- 4.9 The shrubs and understory are generally poorly formed specimens primarily because of the shading of the tree canopy.
- 4.10 The information provided in relation to proposed landscaping is indicative only and additional information will need to be secured either prior to the determination of this application or by a condition attached to any consent that may be granted.

D'Arcy House

- 4.11 The changes to the building will not affect any trees or other vegetation.

External Consultee Responses

English Heritage – (Re: Revised scheme)

- 4.12 Recommend refusal of the revised planning and listed applications relating to the visitor centre and functions facility. Application 7 is not presented as enabling development. It originally comprised works to Darcy House, to support its use as a wedding and conference venue, and the construction of a visitor centre adjacent to the kitchen garden. This application has been amended: the proposed extension to Darcy House has been omitted; a new entrance to the building is proposed; and it is now proposed to build the visitor centre within the kitchen garden. These changes improve upon the original scheme, but the construction of the Visitor Centre would still detract from the character of the Priory; and no clear justification for the development has been provided.

- 4.13 English Heritage concludes that the enabling development proposed in Applications 1 – 6 and the development proposed in Application 7 would be inconsistent with the National Planning Policy Framework. They would contradict the Framework’s objective of sustainable development. The proposed developments would harm the significance of St Osyth’s Priory, and some would harm that of the village conservation area. We suggest that with one possible exception (Wellwick) the proposed developments would not give rise to any public benefits that might outweigh this harm. (*Continues in respect of Applications 1 – 6*).

Essex County Council Highways – (Re: Revised scheme)

- 4.14 No objection.

Essex County Council Archaeology – (Re: Revised scheme)

- 4.15 The applications have implications for an important heritage asset; the Historic Environment Record for Essex identifies St Osyth Priory as a site with buildings and below ground archaeological remains of national significance. The proposed development has the potential to impact on surviving below ground archaeological remains of the medieval monastic settlement, and will have an impact on the setting of the Scheduled Ancient Monument and Listed Buildings of St Osyth Priory. For this reason English Heritage should be consulted on this proposal.
- 4.16 Recommendation based on NPPF: The applicant should be required to conduct a field evaluation to establish the nature and complexity of surviving archaeological deposits. This should be undertaken prior to a planning decision being made. This evaluation would enable due consideration to be given to the archaeological implications and would lead to proposals for preservation in situ and/or the need for further investigation.
- 4.17 Further recommendations: A professional team of archaeologists should undertake the archaeological work. This will comprise archaeological trial trenching of the development site to determine the survival and significance of archaeological remains. The results of the evaluation should be used to inform a detailed heritage statement, including impact assessment that follows English Heritage guidelines on the setting of Heritage Assets. A brief outlining the level of archaeological investigation will be issued from this office on request. The District Council should inform the applicant of the recommendation and its financial implications.

(Note: In the event of permission being granted or an appeal allowed, specific conditions would be required to secure the programme of archaeological investigation sought by the Essex CC.)

Anglian Water

- 4.18 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.
- 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.

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.

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.

Trade Effluent is not applicable.

Environment Agency

- 4.19 This part of the development lies within Flood Zone 1 and is over 1 hectare in size. The FRA should therefore demonstrate the effective management of surface water at the site. It is intended to discharge surface water to the lakes adjacent to the buildings which will maintain the levels of the lakes and enhance the ecology of the lakes. The lakes will be capable of providing sufficient capacity for surface water generated on site and we remove our objection to the development subject to condition being appended to any planning permission granted in relation to the submission of calculations confirming sufficient capacity within the lakes to accommodate the 1 in 100 year storm, inclusive of climate change, without causing flooding elsewhere.

The Garden History Society (Original Scheme only)

- 4.20 Thank you for consulting the Garden History Society on the enabling development proposals at St Osyth Priory:

11/00334/FUL (GHS 11/0113) Construction of a visitor centre / function room suite; part change of use and construction of an extension to Darcy House for use as a function room; internal and external alterations and all ancillary works, The Priory Estate St Osyth

- 4.21 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.

- 4.22 The Register is a highly selective designation comprising some 1,600 sites.

- 4.23 Government Planning Guidance indicates that the historic environment comprises various intimately linked elements, of which historic designed landscapes such as St Osyth are a key component.

- 4.24 Where a planning application affects the historic environment, the applicant must demonstrate a clear understanding of the significance of the affected heritage assets, and that the proposed development will not adversely affect the historic significance of any nationally designated heritage asset contained within that site. Development which adversely impacts upon the historic environment should not be permitted. The settings of nationally designated heritage assets enjoy similar protection.

- 4.25 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.

- 4.26 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.
- 4.27 The Society welcomes the proposed increased public access to St Osyth 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 – (Re: Revised scheme)

- 4.28 Make the following comments on the revised applications. These applications were originally commented on in July 2011 as part of a larger set of proposals for St Osyth Priory. The site is a Grade II registered landscape on the English Heritage Register of Parks and Gardens of Special Historic Interest and the Trust is concerned about the impact of the proposals upon this registered landscape.
- 4.29 The Trust originally commented in 2011 that the opening up of the site to visitors was to be welcomed and the Trust appreciated that Visitor facilities would be required. The Trust also stated that it was concerned that ‘the development of visitor facilities in and around the walled garden and the building of the adjacent slip cottages represents overdevelopment of this part of the site’. As a previous on-site discussion in 2009, both the Garden History Society and the Essex Gardens Trust clearly stated that development within the Walled Garden would be inappropriate. The Trust is therefore surprised and concerned that the amendments to the application including building on half of the walled garden to create visitor facilities. If the intention is to restore the historic landscape, as previously stated, surely this would include restoring the walled garden. The Trust feels that there should be thorough evaluation of the walled garden and its relationship with the site as a whole. There are at least two phases of development with walls from both 17th and 19th century and an assessment of this part of the site does not appear to have been undertaken as with the rest of the site.
- 4.30 The NPPF (paragraph 132) is relevant (see Principle of Development below)
- 4.31 The Trust regards these proposals as likely to cause ‘substantial harm’ as the alterations will impact upon the significance of the heritage asset. Paragraph 133 of the NPPF states that ‘where a proposed development will lead to substantial harm or to total loss of significance of a designed heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss’. The building of a Visitor Centre in the proposed location and of the scale indicated does not appear to achieve substantial public benefit.
- 4.32 The Trust’s key objective has always been to determine its intent to restore the historic registered landscape, the extent of restoration and security of its long term management. The Trust feels that the amended application is detrimental to the historic landscape and therefore objects.

Save Our St Osyth

- 4.33 Save Our St Osyth (SOS) is a properly constituted group set up in January 2010 to oppose what were then proposals for building on Priory park and farm land. Since inception, we have undertaken widespread and regular consultation with the local inhabitants and, to date, have in excess of 2100 signed up members. We contrast this with the applicants claim of consultation which produced 41 responses as detailed in Documents 20 and 21

submitted as part of their applications. Only 7 of those responses supported development within Wellwick the remaining were not supportive of any of the proposals.

APPLICATIONS 7 and 8 - NON-ENABLING DEVELOPMENT

7	Visitor Centre, Change of Use Darcy House	11/00334/FUL
8	Extension to Darcy House, Internal and External Works	11/00335/LBC

4.34 BACKGROUND Consents are held by the applicants as follows:

- 1) Licensed for wedding ceremonies not receptions or functions - (Ref. 07/00858/FUL) with access via the Great Gatehouse. Parking on the Bury.
- 2) 29 consents, conversion of structures to residential units including three wings of Darcy House.

PROPOSED VISITOR CENTRE

4.35 This is a misnomer since the general public are excluded from these proposed schemes.

4.36 This will be a new construction, able to accommodate over 200 persons at various functions, weddings, conferences, concerts, parties and social events not visitors but clients.

4.37 OBJECTION 7.4 - This area is currently residential. The proposal represents a large scale commercial enterprise. It is visually very much out of keeping with the area and will adversely impact on the street scene and the Priory grounds. The design of the building is completely incongruous with the other buildings both within the heritage asset and in the surrounding conservation area.

4.38 The site is not as suggested in the documents derelict open space. It was the historically important Walled Garden and Specialist Orchard. It impinges on the site of the Monks Cemetery which, as a disused burial ground comes under legislation. The gardens hold registered status. The north lawn Tumulus would be eliminated.

4.39 There is no evidence that alternatives have been explored. If this were truly for visitors as against clients the Tithe Barn would be the obvious choice. This would be comparable to Crossing Temple Barns, after conversion. The Bantan Gardens could accommodate 200 cars, which would be out of sight.

PROPOSED DARCY HOUSE EXTENSION

4.40 The use of the name Darcy House is misleading. Consents have been granted, commenced but abandoned for RESIDENTIAL UNITS as follows.

WEST ROCHFORD WING	3 BED UNIT x 1.
EAST JOHNSON WING	3 x COTTAGE/FLATS.
SOUTH WING	2 x FLATS.

4.41 This leaves the central Lower and Upper Halls; they are already licensed for functions. Extension to the north to provide a reception area and facilities to service functions.

4.42 OBJECTION 7.5 - This would introduce a high degree of commercial activity into the buildings centre with adjacent residential use x 7 families. There is absolutely no evidence of proof of need or a business plan within the supporting documents.

4.43 This is a super-sensitive site. If granted, the fragmentation and effect would be irrecoverable. If the business venture fails, this will prove needless destruction. If it succeeds, the whole village would suffer the unacceptable impact.

- 4.44 We see no justification for the proposed bridal route across the park from the north. Surely the access from the Gatehouse is superior.
- 4.45 The supporting documents fail to indicate how Health and Safety criteria will be met. This has proved to be a holding factor on previous proposals.

Parish Council Responses

St Osyth Parish Council – (Re: Revised scheme)

- 4.46 Very strong objections on the basis of a lack of full and relevant information with particular reference to the Visitor Centre:
- Amended plans do not indicate if they supersede the original plans submitted in 2011. Have these plans now been officially withdrawn?
 - Plans for the Visitor Centre lack any visible information concerning its dimensions. We have no scale rulers to gain an idea of the measurements of the Centre
 - Little or no detail about parking provision – 20 spaces were counted for a venue capable of holding 240 people. Also no provision for coach parking or turning space for both delivery vans and coaches
 - No reference to access or exits to be used for all the vehicles visiting the Visitor Centre off Colchester Road
 - Little information about the construction or materials to be used
 - The 2011 plans submitted by the applicants & validated by Tendring Council show the proposed slip cottages to be built near to the Walled Garden. The 2013 amended plans do not show the original proposed development. Have these plans now been withdrawn? If not, possibly as they are part of the proposed Parkland development, this is entirely misleading as those commenting on the amended plans should see the totality of what is proposed for this entire area
 - The designs of the proposed 2013 Visitor Centre when put into the context of the Walled Garden considered to be entirely misleading, does not show clearly that the proposed centre is going to cover half of the Walled Garden. Its perimeter is not indicated on either of the plans and the Walled Garden appears from the designs to be the small named area on the left hand side. The Parish Council believes this to be a serious attempt to mislead
 - Miss Hendy has further pointed out to the Parish Council that representatives of the Essex Gardens Trust and the Garden History Society, both statutory consultees, when informed in 2010/2011 by the applicants' architect of the intention to put the Visitor Centre into the Walled Garden strongly objected. Their objections were submitted to Tendring Council before the application was validated
 - The Parish Council acknowledges that there are now only remnants of the Walled Garden remaining, but it is part of the long history of the Priory. Once a building has been built on it, the integrity of that space is lost forever. It is the strong view of the Council that this should not be allowed to happen under any circumstances
- 4.47 The Parish Council strongly opposes the alterations to the exterior of the Darcy House. They can see no reason to alter a mullioned window to create a doorway.

- 4.48 In conclusion, the Parish Council strongly objects to these amended plans, they consider them to be lacking in relevant information and to be in part deliberately misleading.

Great Bentley Parish Council

- 4.49 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.
- 4.50 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.
- 4.51 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.
- 4.52 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

- 4.53 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.

These applications originally received 235 representations.

11/00334/FUL received 20 individual representations.

11/00335/LBC received 20 individual representations.

The revised plans received 104 representations.

11/00334/FUL received 21 individual representations.

11/00335/LBC received 18 individual representations.

The points raised in the original representations 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.
- Village will lose its tranquil 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.
- Will compromise quality of life of residents.
- Applicant's constantly purchasing property within village to make a profit.
- 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.
- Increase in traffic and population would cause rapid decay of ancient monuments.
- 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.
- Will set a precedent for enabling development – locally and nationally.
- Benefits of restoration of the Priory do not outweigh extensive disadvantages.
- Increased traffic congestion on roads.
- A number of healthy trees will need to be felled.
- Speed limit on Colchester Road too high.
- Light pollution from visitor/function centre.
- Access from Colchester Road will cause problems in peak hours.
- Darcy House extension raises health and safety issues (external metal staircase)
- Design of visitor centre is not appropriate and in keeping with the Priory buildings.
- The Walled Garden, Specialist Orchard and Tumulus should be restored and maintained.
- Concerns over the applicant's entitlement to moor at the creek during construction.
- 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 directly violate conservation area.
- Resources, character and future prosperity of village will be compromised.
- Will compromise quality of life of residents.
- SSSI and AONB should be preserved for generations.
- No evidence in documents of proven need for visitors centre.
- Local Plan – Emerging LDF Project 34 states no further (large scale) development in St Osyth.

- Creation of new employment for village is misleading with influx of new residents too.
- St Osyth already a major contributor to the economy.
- Will only allow residents to visit garden twice a year, only a visitor centre in name.
- Impact on 22 listed buildings in Colchester Road could be disastrous.
- Loss of outlook for residents.
- The Slip already destroyed in the last 2 years.
- Once building work starts the Priory can never be restored back to its natural state.
- Other wedding function rooms in the area.
- Commercial enterprise combined with residential proves an uncomfortable juxtaposition.
- St Osyth already accommodates a disproportionate amount of holiday and leisure facilities.
- What about the ongoing upkeep of the Priory once restored.
- Boundary line of Westfield site is incorrect – goes through resident's gardens
- Impact on disused burial ground.
- No archaeological assessment.
- No indication of lighting within grounds.
- 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.
- No evidence that alternative sites/sites/options have been explored.
- The development would turn the village into a town.
- Colchester Road floods in heavy rain.
- Development will create months of roadworks.
- Overdevelopment.
- Emergency services access through village is a concern.

Many of the revised representations state that all previous objections raised (as detailed above) should be carried forward. Any new comments that were made are summarised below:

- New location of visitor centre now omits holiday cottages, but there has been no revision to application 11/00332/FUL.
- Unclear why visitor centre is so large when it is not open to the public.
- Proposed siting would have a damaging and detrimental impact on the historic park and garden.
- No capacity for the café within the centre – local businesses will suffer.
- A lack of detail on amended plans i.e. does not show access route or materials to be used.
- 'Visitor Centre' is ironic as the Priory has not been opened to the public for years.
- Deer Park is not mere grassland, but was designated as a deer park in perpetuity.
- The positioning of Centre on part of existing walled garden means the destruction of an important historical feature.
- The applicants do not have the interests of St Osyth residents in mind.
- Amendments seek to further damage the neglected Priory and village as a whole.
- Feared that acceptance of a small part of plans would open the door for the rest.
- Increased seating capacity is unnecessary, again impacting on increased volumes of traffic and congestion.
- New design is poor and unsympathetic and out of keeping with the Priory and the historic village.
- Parking inadequate.
- No turning area for vehicles.
- Can another building within the Priory not be used as a visitor centre?
- Not considered as a minor amendment – new application should be submitted.
- Proposed alterations to Darcy House (north façade) would destroy architectural integrity.
- No disabled access referred to within proposals.
- The conversion of the Tower to flats and loss of walled garden will mean the loss of a tourist attraction.

- Only one road in and one road out of the village.
- Roads already being constructed within the Priory grounds.
- Existing pavements are barely adequate for pedestrians.

One letter of support was received expressing the support of any development at the Priory.

6. Assessment

6.1 The main planning considerations are:

- Principle of development
- Impact of development on the heritage assets
- Tourism Considerations
- Other Material Considerations

Site Context

6.2 The revised siting for the new visitor centre is now within the Walled Kitchen Garden, currently unused, lying around 160m north-east of The Darcy House. The Walled Kitchen Garden is not itself a statutorily listed structure or building, but is recognised as a distinctive element in the setting of the Priory and its Listed Buildings and Scheduled Ancient Monument. The Walled Kitchen Garden is also separately described within the Priory grounds and park entry (Grade II) in the statutory Register of Parks and Gardens of Special Historic Interest maintained by English Heritage. The 18th century south wall is noted as of regional significance in the Statement of Heritage Significance accompanying the applications.

Proposal

- 6.3 The planning and listed building applications as revised constitute the following separate elements: the alterations to Darcy House, now limited to a new single glazed door in the northern elevation; and the new Visitor Centre and Function Facility, some 160m to the north-east within the walled kitchen garden. The new access road leading in from Colchester Road forms part of Application 5 in respect of The Park and Park Buildings.
- 6.4 The building would have a flat roof, with mainly horizontal timber boarding elevations except the glazed windows and doors facing along the whole west elevation across the remaining garden area. A new gate providing public access into the gardens would be formed in the South Wall.
- 6.5 The applicant advises that the Visitor Centre and alteration to Darcy House are not submitted as 'enabling development' as these proposals are advanced as being consistent with statutory Development Plan policies and guidance in their own right. The Planning Statement describes the Function Facility (occupying most of the building) as a wedding, conference and corporate hospitality venue, aiming to broaden the area's appeal, encouraging new types of tourists. The Visitor Centre would include a café, toilets and shop, with the aim of attracting visitors to St. Osyth and facilitating access to the Priory for the public.

Principle of Development

6.6 The National Planning Policy Framework (NPPF) was published by the Government on March 27th 2012. The NPPF does not change the law in relation to planning (as the Localism Act 2012 does), but rather 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)

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).

- 6.7 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:

An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

- 6.8 The entire St Osyth Priory site is included within the Register of Historic Parks and Gardens by English Heritage for its special historic interest (Grade 2). The Kitchen Garden is separately described within the comprehensive history and description of the Priory and grounds:-

The walled kitchen garden lies c 150m to the north-east of the Priory, reached via the woodland walks through the Wilderness. It is divided into two by a central walk and contains a perimeter gravel path edged by box borders. The ground is partly laid to grass and partly cultivated for vegetables. Beyond the northern boundary wall is a late C20 wild garden. The kitchen garden was built in this position by the fourth Earl of Rochford in the mid C18.

- 6.9 The NPPF advice on designated heritage assets is set out in Section 12, and of direct application where development proposals may lead to substantial harm to such assets (including listed buildings, buried and standing archaeology, the Conservation Area and Registered Parks and Gardens) are paragraphs 132 and 133, discussed below.

- 6.10 Policy EN27a provides 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. Any application for enabling development will be judged against the criteria set out in Policy EN27 above. Draft Local Plan Policy PLA6 continues the objectives

of the Saved Policies relating to heritage assets and amalgamates them, in line with the NPPF approach.

- 6.11 The alterations to Darcy House, formerly for a prominent extension to this Grade I Listed Building are now limited to a new single glazed door, with two intermediate mullions (vertical glazing bars). The English Heritage advice is now that, as a replacement of a 19th Century window which itself enlarged an earlier opening, the door would have little effect on the significance of the house. This specialist advice is fully supported.
- 6.12 The new Visitor Centre and Function Facility with its revised siting, however raises substantial issues relating to character, appearance and setting of the heritage assets of both the walled kitchen garden and the main Priory – as a major group of listed buildings, Scheduled Ancient Monument, the Registered Landscape of the Priory site and St Osyth Conservation Area in general.
- 6.13 The NPPF at paragraph 132 advises that ‘Substantial harm or loss of a grade II listed building, park or garden should be exceptional’. The specific proposals (as revised) for a new Visitor Centre building within the walled Kitchen Garden would occupy nearly half of its area. English Heritage considers that it would detract from the special character and setting of the Priory, with no clear justification, and this is agreed. The revised scheme would also affect the walled kitchen garden, a distinct part of the Registered Landscape heritage asset, by the loss of the open area and addition of a modern building, removing the present sense of scale gained by open views of all perimeter walls and the growing areas. As the revised scheme shows a new building with a continuous western elevation of windows and opening doors facing the remaining garden area, the regular use of the residual garden is quite specifically intended, altering its character to that of an ‘outdoor adjunct’ to what is mainly floorspace and accommodation for functions. This would inhibit any meaningful representation of the historic function and character of the area as a growing area, and a ‘peaceful space within the walls’ (the non-visual sensory influence on its heritage significance identified in the Statement of Heritage Significance) would be effectively lost. These effects would amount to substantial harm and a partial loss of the asset, with no adequate mitigation possible (the revised scheme not having been assessed through the Environmental Statement).
- 6.14 Part 2 of the Environmental Statement at paragraphs 5.133 and 5.134 confirms that during the evolution of the Priory proposals the Visitor Centre has been seen as a new-build facility, with no proper consideration of alternatives which include re-use or adaptation of any of the numerous large and small buildings at the Priory for the Facility. Bringing forward a proposal for a substantial new building, without such consideration of potential alternative accommodation in the form of buildings that are themselves significant heritage assets conflicts with the aims of the advice in paragraph 131 of the NPPF to take account of the desirability of finding viable new uses consistent with their conservation; and also with an important aim of Environmental Statements to ensure that alternatives are properly considered and reported. Since the production of the Environmental Statement that accompanied the original submission, the applicants have suggested that to hold the functions in the existing Priory buildings would negatively impact on the residential values of the neighbouring Priory properties, thus increasing the conservation deficit.
- 6.15 As part of the positive consideration of the wider benefits associated with applications affecting heritage assets, Paragraph 131 of the NPPF sets out 3 criteria that should be taken into account:
- (i) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation

- 6.16 The proposal for a Visitor Centre and Function Facility involves a substantial loss of a heritage asset, with no sufficiently compensating proposals to restore it apart from restoration and repair of the walls, welcome as that is in itself.
- (ii) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality
- 6.17 The Environmental Statement accompanying the planning application estimates the direct job creation of Applications 5 (The Park) and 7 (the Visitors Centre) as being 14no. full time and 28 part-time. In addition, the ES provides that utilising the Priory as a major new tourist attraction that otherwise would not visit St Osyth could bring in an estimated additional 50,000 visitors per year. The 2010 English Heritage 'Heritage Counts' Report found that for every £1 invested in the historic environment generated £1.60 of additional economic activity over a 10 year period.
- 6.17 The appropriate approach to accommodating an active new use such as a Visitor Centre in the case of The Priory and its major designated heritage assets is to give preference to full consideration of the existing buildings, and how the use can ensure their conservation into the future. However, it is important to assess and understand that a balance also has to be struck as to the potential benefits arising from the proposals, such as job creation and revenue generation which may be of significant local benefit.
- 6.18 The walled garden is an integral part of the heritage character and setting of the Priory as a whole, incrementally undermining environmental sustainability and relying on a new, unrelated use contributing the economic aspects of sustainable development, but conflicting with environmental aspects.
- (iii) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.19 The proposals would not impact significantly on the wider character of the site or its surroundings. However, the revised siting of the visitor centre within the walled garden would greatly alter the walled gardens distinctive character and distinctiveness.
- 6.20 As it is considered that substantial harm and a partial loss of the asset would result, Paragraph 133 of the NPPF advises that consent should be refused, unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss. Four criteria are set out, all of which need to be satisfied in order to consider whether a special case exists. These are considered in turn.
- (i) the nature of the heritage asset prevents all reasonable uses of the site;
- 6.21 Although retention of the walled garden would logically prevent built development or other substantial modern structures, a number of former kitchen gardens of country houses (for example Audley End) have been restored to crop production, often organic, with sales to visitors to offset running costs. A small admission charge might be feasible with a longer-term full restoration.
- (ii) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- 6.22 As with (i) above – restoration could reasonably bring small offsetting revenue streams but over an indefinite period.

(iii) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

6.23 The applicants have effectively ruled out any linkage between the Visitor Centre and other enabling development, although it has been suggested that there would be a positive income stream, backed up by figures provided by the applicant, that would then be fed back into the restoration of the Priory buildings, despite the proposals specifically not being advanced as an enabling development. Despite this suggestion, there is no assurance of any guaranteed funding or cross-subsidy for the remainder of the Estate.

(iv) the harm or loss is outweighed by the benefit of bringing the site back into use.

6.24 The development will result in substantial loss of the open heritage asset, by a use and building with a totally dissimilar character and appearance. The proposed use and benefits arising from it, is not considered to outweigh the environmental harm in terms of overall sustainability.

6.25 In terms of Saved and draft Local Plan policies on Tourism, the Visitor Centre with Functions Facility would provide a significant asset, being open to the general public and thereby changing perceptions of the Priory. This would come, however, at the cost of harm and partial loss of heritage assets, which as already concluded above outweighs the economic benefits in this case. Added to this is the lack of documented consideration of less damaging alternatives, as required in relation to established heritage principles where need is capable of constituting a material consideration, and more generally as the schemes collectively fall within UK and European Environmental Impact legislation and procedures.

Conclusion

6.26 For all these reasons it is considered that permission should be refused.

Background Papers

None.