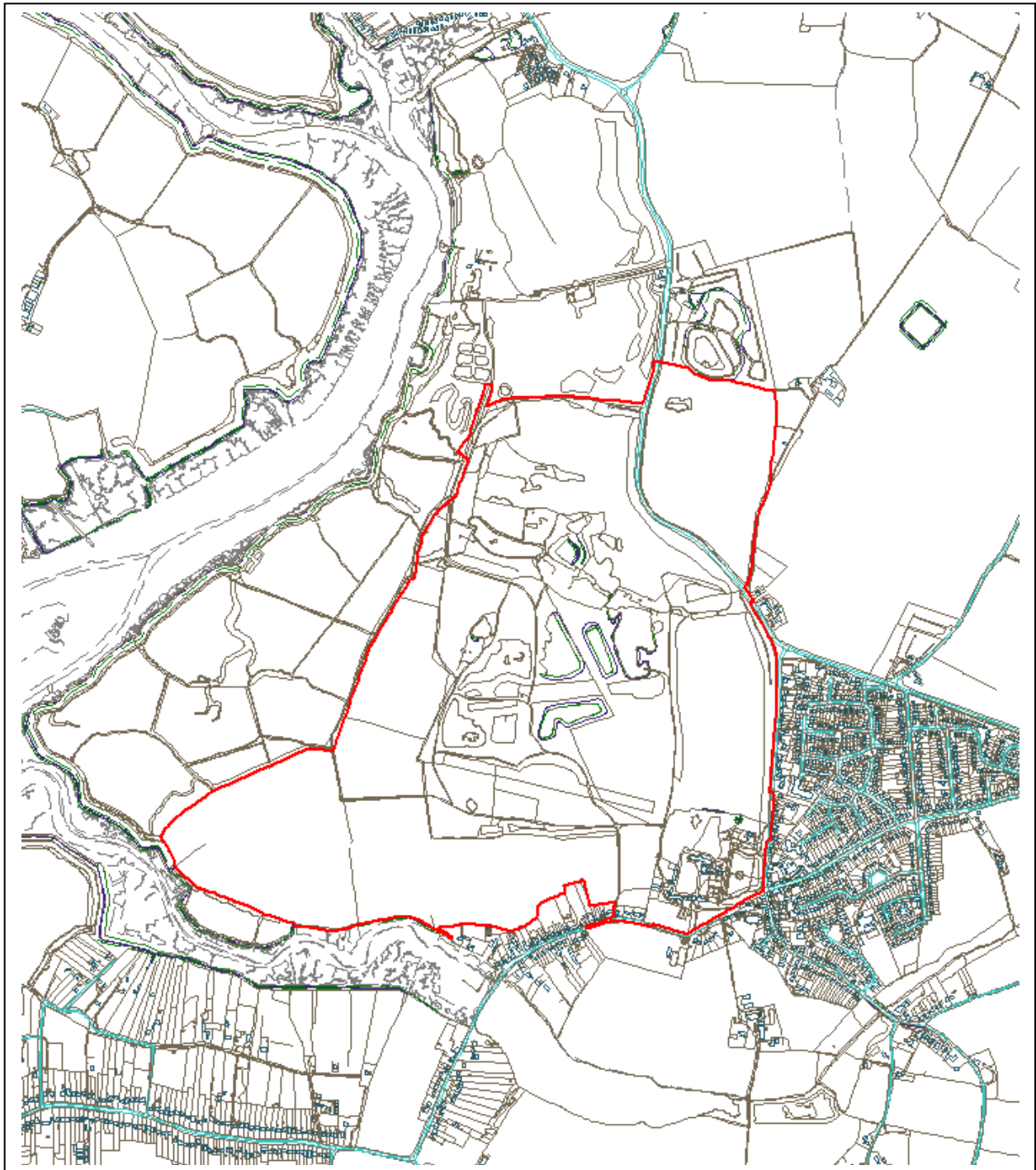


PLANNING COMMITTEE

21 January 2014

REPORT OF THE HEAD OF PLANNING

A.5 LISTED BUILDING APPLICATION - 11/00335/LBC - THE PRIORY ESTATE, ST OSYTH, CLACTON ON SEA, ESSEX, CO16 8NY



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Application:	11/00335/LBC	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:	Alterations to Darcy House to extend window opening to ground level, insert quoins in stone and retain upper section of window as a fanlight, adapting transom to receive door and install oak frame and door to match west wing north door (but with a straight rather than arched head).	

1. Executive Summary

- 1.1 This listed building consent application accompanied a suite of applications submitted to the Council in respect of the St Osyth Priory Estate submitted as enabling development. This particular application relates to the alteration to Darcy House to form a new external door the northern elevation of Darcy House. The application has been revised since submission, from the originally proposed erection of an extension to Darcy House to that of a new opening only.
- 1.2 The alteration to Darcy House is not submitted as 'enabling development' as this proposal is considered by the applicants as being consistent with statutory Development Plan policies and guidance in its own right.
- 1.3 Policy EN22 of the Tendring District Local Plan is of primary relevance in this case and assessment has been made against the provisions of these policies and against all other relevant material considerations.
- 1.4 The proposal is considered by officers to be in accordance with Policy EN22 and the National Planning Policy Framework and officers therefore recommend that this application be approved.

Recommendation: Grant listed building consent

Conditions:

- **Standard Time Limit – 3 Years**

2. Planning Policy

National Policy:

National Planning Policy Framework (2012)

Local Plan Policy:

Tendring District Local Plan (2007):

Policy EN22 *Extensions or Alterations to a Listed Building*

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

Policy PLA6 *The Historic Environment*
 Policy PLA8 *Listed Buildings*

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 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 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 elevation. (Bailiffs Cottage)	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 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 (although it must be noted that most of the comments received relate to erection of a new visitor centre building, as opposed to the current proposal for alteration of Darcy House).

Internal Consultee Responses

- 4.2 N/A

External Consultee Responses

English Heritage

- 4.3 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.
- 4.4 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 Archaeology

- 4.5 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.
- 4.6 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.
- 4.7 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.)

The Garden History Society (Original Scheme only)

- 4.8 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

- 4.9 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.
- 4.10 The Register is a highly selective designation comprising some 1,600 sites.
- 4.11 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.
- 4.12 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.
- 4.13 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).
- 4.14 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.
- 4.15 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

- 4.16 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.
- 4.17 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.

- 4.18 The NPPF (paragraph 132) is relevant (see Principle of Development below)
- 4.19 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.
- 4.20 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

- 4.21 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.

APPLICATION 8 - NON-ENABLING DEVELOPMENT

Extension to Darcy House, Internal and External Works 11/00335/LBC

4.22 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 DARCY HOUSE EXTENSION

- 4.23 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.

- 4.24 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.
- 4.25 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.

- 4.26 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.
- 4.27 We see no justification for the proposed bridal route across the park from the north. Surely the access from the Gatehouse is superior.
- 4.28 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

- 4.29 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

- 4.30 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.
- 4.31 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

- 4.32 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.
- 4.33 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.
- 4.34 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.
- 4.35 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

- 4.36 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 considerations for this application relate to the impact of the works on the heritage assets, specifically the listed buildings, their special character and settings.

Site Context

- 6.2 The application relates to the alteration of Darcy House, to form a new doorway in the northern elevation of the eastern wing of Darcy House, which is Grade I Listed and one of the dominant buildings within the main cluster of Priory Buildings to the south of the site, close to the village centre of St. Osyth.

Proposals

- 6.3 The listed building application as revised now only constitutes the alteration to the eastern wing of Darcy House to form a new door opening in the northern elevation. It is proposed to achieve this by extending an existing window opening to ground level, inserting quoins in stone and retaining the upper section of the window as a fanlight, adapting the transom to receive the door and installing an oak frame and door to match the west wing north door (but with a straight rather than arched head).
- 6.4 The applicant advises that the alteration to Darcy House is not submitted as 'enabling development', as this proposal is advanced as being consistent with statutory Development Plan policies and guidance in their own right.

Principle of Development

- 6.5 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).

- 6.6 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.

- 6.7 The NPPF advice on designated heritage assets is set out in Section 12, and is of direct application where developments and works proposed may lead to substantial harm to such assets (including listed buildings, buried and standing archaeology, the Conservation Area and Registered Parks and Gardens). The NPPF specifically states that local planning authorities should identify and assess the impact of proposals on the significance of any heritage asset that may be affected by the proposal. In this case, the main consideration is the impact of the proposed alteration to the Grade I Listed Darcy House.
- 6.8 The alteration to Darcy House, formerly for a prominent extension to this Grade I Listed Building is 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.
- 6.9 Policy EN22 of the Adopted Local Plan states that proposals will only be permitted where it would not result in the damage or loss of features of special architectural or historic interest and the special character and appearance or setting of the building would be preserved or enhanced. English Heritage are satisfied that the works would cause no harm to the significance of the Listed Building (or the settings of any other Listed Buildings) and so the proposal meets the requirements of Policy EN22.

Conclusion

- 6.10 Listed building consent should be granted.

Background Papers

None.