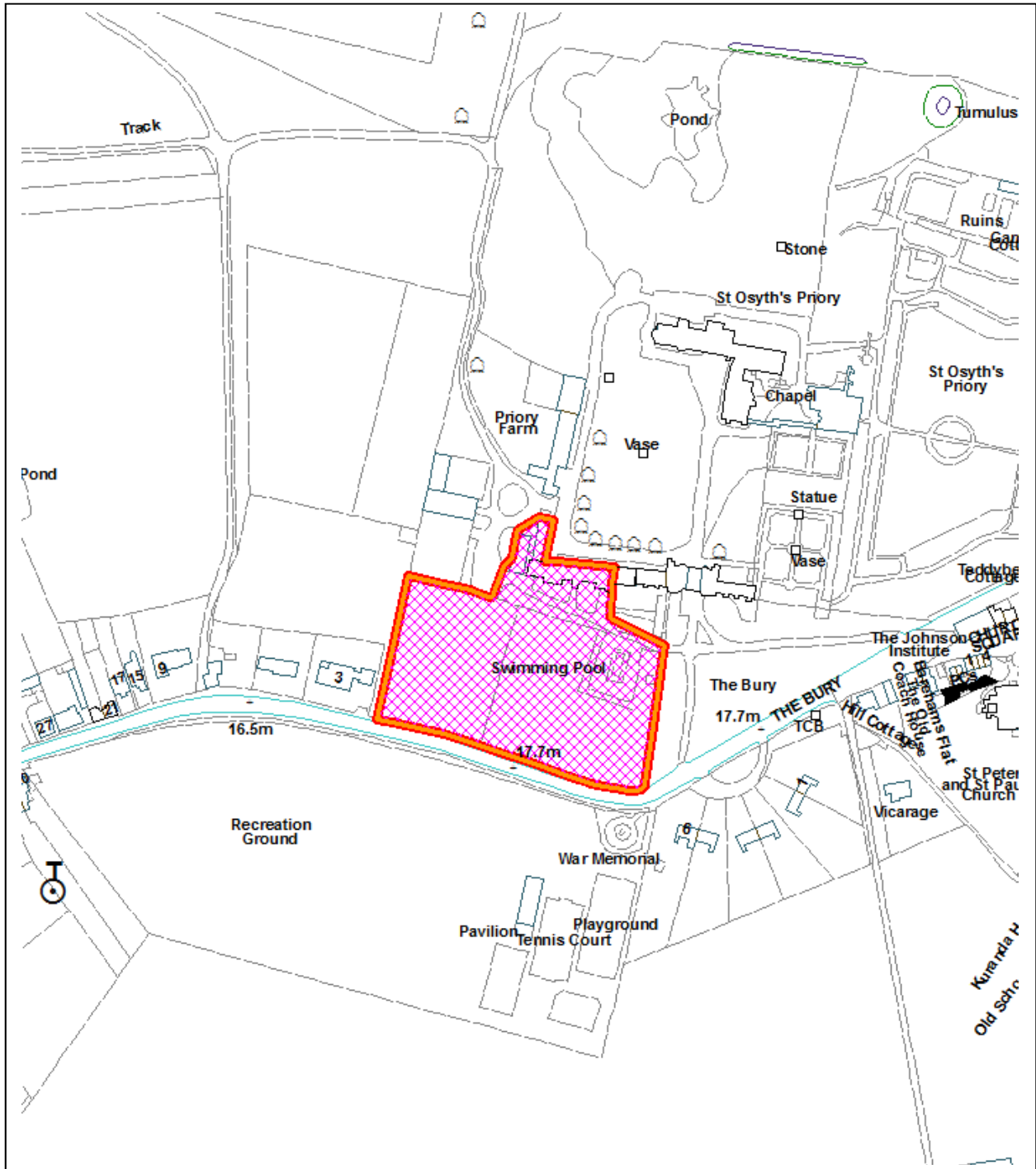


PLANNING COMMITTEE

6 JANUARY 2015

REPORT OF THE HEAD OF PLANNING

**A.1 PLANNING APPLICATIONS - 14/01008/FUL & 14/01009/LBC - THE PRIORY, THE BURY, ST OSYTH, CLACTON ON SEA, CO16 8NZ**



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<b>Application:</b>	1) 14/01008/FUL 2)14/01009/LBC	<b>Town / Parish:</b> St Osyth Parish Council
<b>Applicant:</b>	Mr R, T, D, A Sargeant	
<b>Address:</b>	The Priory, The Bury, St Osyth CO16 8NZ	
<b>Development:</b>	Creation of a Visitor Centre in the Tithe barn, Cart Shed, Dairy and adjacent paddock including changes of use to A1, A3, B1, D2 and conference/functions/wedding reception use; construction of extensions; internal and external alterations and all ancillary works shown on the drawings.	

## 1. Executive Summary

- 1.1 This is a combined report for planning application 14/01008/FUL and listed building consent application 14/01009/LBC for conversion and alteration of the tithe barn, dairy and adjacent cart shed and stables to use as visitor centre, wedding/function venue, shop, café and offices with the adjacent paddocks proposed for parking. The Priory is an exceptional historic site listed at Grade 1. The tithe barn is listed at grade II\* and is one of the Priory's most important buildings; the tithe barn and the cart shed and stables (each listed at grade II) stand within the historic precinct. The ground beneath the buildings is designated as part of the larger Scheduled Ancient Monument which encompasses the entire precinct including the paddocks. The site also lies within the St Osyth Conservation Area.
- 1.2 Various proposals at the Priory are to be heard under a non-determination Planning Inquiry on the 13<sup>th</sup> January 2015. One of those proposals is 11/00334/FUL for construction of a new building containing a visitor centre and function suite. That application was recommended for refusal by the Council and cited the need to consider the conversion of existing buildings on the site. It is not necessary to delay determination of these applications pending that appeal as the Inspector will be updated on the outcome of these applications and will be able to take them into account in reaching their decision.
- 1.3 The conversion of rural buildings to leisure and tourist use is supported by planning policy and the proposal will result in these important listed buildings being put to beneficial use resulting in employment and public benefit. The proposed works, although carefully designed, would detract from the special character of both the buildings and the landscape. However, as the works provide for the repair and reuse of these important buildings the works are largely necessary to secure this and the proposal would therefore be broadly consistent with the NPPF's objectives in respect of the historic environment subject to the recommended conditions.
- 1.4 Both the planning application and listed building consent application are therefore recommended for approval subject to conditions as detailed below.

### 1) 14/01008/FUL

**Recommendation:** That the Head of Planning be given delegated authority to grant planning permission for the development subject to receipt of further details, amended plans and confirmation that the noise impact is acceptable; and subject to planning conditions in accordance with those set out below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning in their discretion considers appropriate).

**Conditions:**

1. Standard time limit for commencement
2. Development to be carried out strictly in accordance with submitted plans
3. Samples of construction materials and hard surfacing to be submitted and agreed
4. Soft and hard landscaping details to be approved
5. Noise mitigation measures
6. Implementation of a programme of archaeological work
7. Recommendations of ecological survey
8. Fenestration details to include glazed lobbies
9. Details of balustrade and staircase
10. Conditions as required by Highway Authority

**2) 14/01009/LBC**

**Recommendation:** That the Head of Planning be given delegated authority to grant Listed Building Consent for the development subject to receipt of further details, amended plans and confirmation that the noise impact is acceptable; and subject to planning conditions in accordance with those set out below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning in their discretion considers appropriate).

**Conditions:**

1. Standard time limit for commencement
2. Development to be carried out strictly in accordance with submitted plans
3. Samples of construction materials and hard surfacing to be submitted and agreed
4. Soft and hard landscaping details to be approved
5. Fenestration details to include glazed lobbies
6. Details of balustrade and staircase

**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 ER11	<i>Conversion and Re-Use of Rural Buildings</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 EN1	<i>Landscape Character</i>
Policy EN17	<i>Conservation Areas</i>

Policy EN22	<i>Extensions or Alterations to a Listed Building</i>
Policy EN23	<i>Development within the Proximity of a Listed Building</i>
Policy EN24	<i>Redundant Listed Agricultural Buildings</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 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 COU3	<i>Conversion or Re-Use of Rural Buildings in the Countryside</i>
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Other guidance:

The Essex Design Guide (2005)

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

**3. Relevant Planning History**

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	Approved	20.03.2001

	No. blocked up windows and forming new window in gable.		
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	Refused	21.11.2001

alterations (The Cart Shed)

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
11/00328/FUL	Erection of 23 dwellings; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access).	Non determination appeal	13.06.2014
11/00329/FUL	Erection of 46 dwellings; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access).	Non determination appeal	13.06.2014
11/00330/FUL	Erection of 33 dwellings; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access).	Non determination appeal	13.06.2014
11/00331/FUL	Erection of 21 flats within a new "Maltings" style building; new access road; driveways; parking;	Non determination appeal	13.06.2014

	landscaping and all ancillary works (following demolition of 1 dwelling to form access).		
11/00332/FUL	Erection of 19 dwellings for use as residential and holiday accommodation (C3 use); restoration of park landscape; bunding; re-grading of 9 hectares of land; construction and alterations to access driveway; landscaping and all ancillary works.	Non determination appeal	13.06.2014
11/00333/OUT	Erection of 190 dwellings on 16.3 hectares of land; new junction and access roads; driveways; parking; footpaths; landscaping and all ancillary works; use of land as an archery range; construction of access drive and layout of parking area including siting of storage container for archery equipment. The proposals also include for a new footway to be built along a section of Colchester Road, south of the Wellwick.	Current	
11/00334/FUL	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.	Non determination appeal	13.06.2014
11/00335/LBC	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).	Approved	18.09.2014
11/00336/CON	Demolition of detached dwelling at 7 Mill Street.	Non determination appeal	13.06.2014
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	Approved	12.01.2012



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.

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
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	Approved	12.09.2013

- all within Priory Park and avenues
- to be pollarded

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
14/00955/FUL	Restoration of historic park landscape; bunding; re-grading of approximately 9 hectares of land; construction and alterations to access driveway; landscaping and ancillary works.	Withdrawn	13.08.2014
14/00993/LBC	Taking down carefully and re-building of East Gatehouse & chimney.	Approved	15.09.2014

#### 4. Consultations

- 4.1 St Osyth Parish Council: Whilst in principle this would at first appear to be a good idea, the lack of details contained within the faintly drawn plans do not allow for the Parish Council to make an informed decision. The Council has a number of concerns which include:
- the restructuring of the interior of the Tithe Barn to include glazed screens and a mezzanine floor.
  - the increase in traffic over the crossroads in the centre of the village, which given that the plans include a conference centre could see the venue in use on an almost daily basis, as opposed to the occasional wedding.
  - the lack of access for larger vehicles would presumably see coaches having to park on The Bury and would suggest that resurfacing would be required to prevent the existing grass surface being damaged.
  - the existing bus stop on The Bury, over which Essex County Council have Highways Rights, does not appear in the plan.

The Parish Council is at this time reluctant to comment further until it has had sight of more detailed plans. Additionally, the Parish Council would question why this application has been submitted whilst the original application for a Visitors Centre has yet to be determined.

- 4.2 Brightlingsea Town Council: This application will have no impact on Brightlingsea and the Town Council makes no comment.
- 4.3 Great Bentley Parish Council: Gt Bentley Parish Council would wish to support St Osyth Parish Council in its view.
- 4.4 English Heritage: Summary: English Heritage has questioned the construction of any substantial new buildings to house these facilities, given that the Priory consists of an extensive set of historic buildings the majority of which have no use. In principle, we believe that the tithe barn provides an obvious building in which to provide limited facilities for visitors and a venue for events. Although we would usually caution against the conversion of a barn of this quality, in the context of the Priory conversion would seem appropriate, as it would enable the repair and reuse of an important but little used building, while precluding the need for the construction of a substantial new building within the precinct or wider landscape. The scheme would entail significant alterations to the historic buildings and the paddock in which parking will be provided. The proposed works would detract from the

character of both buildings and landscape. As the scheme would provide for the repair and reuse of these important buildings, however, and as the works to the buildings are largely necessary to secure this, we believe that the scheme would be broadly consistent with the NPPF's objectives in respect of the historic environment. The proposals for the landscaping works, however, would be unnecessarily harmful and should be re-thought. It follows that English Heritage recommend that your council grant qualified approvals to these applications. English Heritage advise that a trust should be established to help secure the future of the Priory. The proposed wedding venue and visitor centre would seem likely to prejudice the operation of any such trust, and were that the case the implementation of these proposals would prove harmful, rather than beneficial.

- 4.5 Society for the Protection of Ancient Buildings: Aware strengthening work to mezzanine has been granted Scheduled Monument Consent but needs to be carefully detailed. Glazed lobbies should be reversible. Insulation needs to be carefully assessed. Important to retain open character of cart shed – internal pods/screens could divide the space. A full schedule of repair works should be detailed before work commences.
- 4.6 Environment Agency: No objection. Provide guidance in relation to oil interceptor for drainage to soakaway of car park.
- 4.7 Natural England: Application does not pose any likely or significant risk to the natural environment however the Council should consider any possible impact upon protected species.
- 4.8 Essex County Council Highways: Comments to be provided at Planning Committee.
- 4.9 Environmental Health: In the absence of adequate further information on noise attenuation measures to reduce the impact of noise upon neighbouring residential properties cannot support this application. A Noise Survey has been provided and comments on this will be provided at Planning Committee.
- 4.10 Essex County Council Archaeology: The proposed development will have a negative impact on the setting and significance of a number of listed buildings of St Osyth Priory, and on the St Osyth Priory Scheduled Monument and St Osyth Conservation Area. If it is determined that the public benefits of the proposal will outweigh the harm, request imposition of a condition to secure the implementation of a programme of archaeological work.

## **5. Representations**

- 5.1 Seven objections have been received and are summarised as follows:
  - Will increase traffic and pollution
  - Site entrance too narrow
  - Inadequate parking for large vehicles
  - No need for visitor centre as no public access
  - Of no benefit to the village
  - Harm to heritage asset
  - Decision should be deferred until after Public Inquiry
  - Should be viewed as duplicate facilities to those currently at appeal
  - Applicant should show commitment to priory repairs
- 5.2 Comments have also been received from the Sustrans Ranger requesting consideration of a financial contribution towards creation of a shared coastal cycleway or improved surfacing to existing bridleways.

## **6. Assessment**

6.1 The main planning considerations are:

- Principle of development;
- Impact of development on the heritage assets;
- Impact upon highway safety;
- Impact upon residential amenity; and,
- Impact upon Protected Species.

### **Site Context**

- 6.2 The application relates to conversion of the tithe barn, dairy and adjacent cart shed and stables. The adjacent paddocks are proposed for parking. The Priory is an exceptional historic site. The tithe barn is listed at grade II\* and is one of its most important buildings and it and the cart shed and stables (each listed at grade II) stand within the historic precinct. The ground beneath the buildings is designated as part of the larger Scheduled Ancient Monument which encompasses the entire precinct including the paddocks.
- 6.3 The closest dwelling lies around 80 metres to the south west, with numerous dwellings in relatively close proximity to the site. The site also lies within the St Osyth Conservation Area.

### **Proposal**

- 6.4 The planning and listed building consent applications relate to conversion of the tithe barn and adjacent cart shed and stables for use as a visitor centre, function/wedding venue, shop, café and offices.
- 6.5 The North elevation of the tithe barn would remain unaltered but for the opening of doors to reveal a new glazed screen. The south side would be more significantly altered by the introduction of glazed screens in the two midstreys, the addition of other fenestration, and the reconstruction of a lean-to. Also proposed is the addition of insulation between the elements of the frame and a mezzanine with timber balustrade.
- 6.6 The cart shed would have glazed screens inserted in both open ends and rooflights to the east roof slope. The cart shed is to be connected to the tithe barn by a framed and glazed link between the cart shed and the stables. Five rooflights are proposed within the west elevation of the stables to light the upper floor. A staircase of unspecified date is to be removed and a new staircase constructed.
- 6.7 Parking would be provided within the paddock between the buildings and the precinct boundary wall. The historic gate in the section of precinct wall to the left of the gatehouse will be re-opened to provide the principal access. Soft landscaping is proposed within the parking areas. The paddock lies outside of the designated Historic Garden.
- 6.8 The application follows refusal of 11/00334/FUL for erection of a new building to house these facilities.

### **Principle of Development**

- 6.9 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).

- 6.10 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.

- 6.11 In recommending 11/00334/FUL for refusal the Council cited the need to consider the conversion of existing buildings on the site. Saved policy ER11 and draft policy COU3 support the conversion of rural buildings to leisure and tourist uses subject to the building being structurally sound and capable of conversion; no harm to its appearance as a rural building; would not create significant levels of traffic, particularly lorries, on rural roads; where creating a significant number of jobs the proposal should be sustainably located; and it will not lead to unacceptable levels or types of traffic or require highway improvements harmful to the rural character. Saved policy ER24 supports the conversion of listed barns where this would secure its preservation in terms of its historic fabric, character and appearance and its contribution to the group value, and where traffic impact is acceptable.
- 6.12 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 creating employment. The principle of development is therefore acceptable subject to the detailed considerations below.

#### **Impact of development on the heritage assets**

- 6.13 The tithe barn is listed at grade II\* and is one of the most important buildings on the site. The tithe barn and the cart shed and stables (each listed at grade II) stand within the historic precinct. The tithe barn dates from the mid-16<sup>th</sup> century and is a substantial timber structure of 14 bays, weather boarded beneath a tiled roof, but with a north wall of finely galleted septaria rubble. The north wall forms part of the architecture of the Priory's

principal court and the east wall, also of stone, part of the gatehouse range. To the west lies the cart shed thought to date from the 18<sup>th</sup> century but moved to its present site in the 19<sup>th</sup> century. The stables comprise a brick and tiled range dating from the 18<sup>th</sup> century but remodelled in the 19<sup>th</sup> century, with Gothic fenestration.

- 6.14 Saved 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. 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.
- 6.15 The NPPF advice on designated heritage assets is set out in Section 12. Paragraph 131 states in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.
- 6.16 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, included II\* listed buildings should be wholly exceptional.
- 6.17 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, including securing its optimum viable use.
- 6.18 English Heritage considers that the proposed works, although carefully designed, would detract from the special character of both the buildings and the landscape. However, as the works provide for the repair and reuse of these important buildings the works are largely necessary to secure this and the proposal would therefore be broadly consistent with the NPPF's objectives in respect of the historic environment. The proposed landscaping works however are considered unnecessarily harmful and require amendment. The tithe barn stands between the formal precinct to its north and an informal paddock to its south, bounded by the precinct wall. The design proposed is unsympathetic to the character of the place with the drive beside the precinct wall detracting from the relationship of the wall with the space. A condition is therefore recommended to secure an alternative landscaping and parking proposal that is more sympathetic to the Priory's character. Conditions are also recommended to secure samples of construction and hard surfacing materials, and details of the fenestration, balustrade and staircase.
- 6.19 The proposal includes three rooflights within the East roof slope of the cart shed and five rooflights within the West elevation of the stables. It is considered that this number of rooflights is excessive and detrimental to the character of the listed buildings. The applicant has indicated that amended plans will be provided to address this issue and an update will be provided at Planning Committee.
- 6.20 An amended proposal for the conversion works may result in less than substantial harm to the significance of the designated heritage assets of the tithe barn, cart shed and stables; and the setting of the Grade I listed Priory and historic gardens. This harm is weighed against the public benefits of the proposal in creating employment and enhancing public access to this exceptional historic site. An amended proposal may be considered

acceptable in terms of its impact upon the designated heritage assets of the listed buildings, St Osyth Conservation Area, and Scheduled Ancient Monument.

#### **Impact upon highway safety**

- 6.21 A Transport Statement has been provided which refers to the Transport Assessment submitted with the 2011 applications. The Transport Assessment included details for a wedding venue and visitor centre which was accessed from Colchester Road. The current proposal uses the existing access on The Bury with proposed improvements to visibility splays and access width. The wedding venue has a capacity of 200. There was no objection to the new wedding venue building currently at appeal on the grounds of impact upon the highway network. The consideration therefore relates to whether the proposed vehicular access onto The Bury is satisfactory.
- 6.22 Comments from Essex County Council Highways will be updated at Planning Committee.

#### **Impact upon residential amenity**

- 6.23 A Noise Survey has been provided to assess the noise impacts of the proposal and the likely impact upon neighbouring residential properties. Mitigation proposed includes effective acoustic insulation to the walls and roof, appropriate glazing and doors during the conversion, and consideration of choice of sound systems, and implementation of a noise management plan for the venue. With this mitigation it is concluded that the proposal could be operated with no significant adverse impact through noise to the nearest noise sensitive property.
- 6.24 Drawings have now been provided to show the appearance of the proposed insulation and lobby entrance doors.
- 6.25 Comments from Environmental Health on the Noise Survey will be updated at Planning Committee.

#### **Impact upon Protected Species**

- 6.26 An Ecological Survey has been submitted with the application comprising a phase 1 habitat survey of the paddock and a bat and bird survey for the buildings.
- 6.27 A maximum of 1-3 Natterer's bats, a maximum of 1-2 soprano pipistrelles, and a maximum of 5 common pipistrelles are roosting within the tithe barn. The proposed development will therefore result in the loss of day roosts for small numbers of three species of bat and it will be necessary to obtain a licence prior to works commencing on site. Licences will not be granted unless adequate compensation for the loss of roost sites is provided with a commitment to post-construction monitoring to measure the effectiveness of any mitigation. It is considered that appropriate mitigation can be readily accommodated on the Estate.
- 6.28 The report concludes that the paddock has negligible potential to support protected species although it may be used by common bird species for nesting and it is recommended works are carried out outside the bird nesting season or following checks by a suitably qualified ecologist.
- 6.29 Subject to a condition securing the recommendations within the Ecological Survey the proposal is therefore considered to result in no significant harm to protected species.

#### **Background Papers**

None.