

| Element | 2.0 Darcy House - West, East & South Wings | Quantity | Unit | Rate<br>£ |
|---------|--|----------|------|-----------|
| 0A      | Condition Survey                           |          |      |           |
| 2.0     | DARCY HOUSE<br>(Listing Grade I)           |          |      |           |
|         | Condition Survey Works                     |          |      |           |
|         | Preliminaries                              |          |      | 20.00%    |
|         | Scaffolding and Fixed Preliminaries        |          |      |           |
|         | Overheads                                  |          |      | 7.00%     |
|         | Design and build Fees                      |          |      | 0.00%     |
|         | Fixed Price / Inflation                    |          |      | 4.11%     |
|         | Contractor's Contingency                   |          |      | 0.00%     |
|         | Professional Fees                          |          |      | 0.00%     |
|         | Client Contingency                         |          |      | 15.00%    |
|         | Direct Contracts                           |          |      |           |

Therefore, for example, a Base Build Cost of £161,190 plus the prelims of £93,872 and £25,852 equals a restoration cost of **£280,914** and this is the cost that is shown on the attached 'St Osyth Priory Section 106 Restorations Works Calculations 18.11.2016' Spreadsheet in the third column and is the cost that McBains Cooper priced the work in 2012.

Dr Lee's report received on 17<sup>th</sup> November 2016 recommended that the McBains Cooper costs (including prelims) in 2012, were 15% too high.

Column 4 in the main table therefore reduces the £280,914 by 15% to £238,777. According to Dr Lee's report received on 17<sup>th</sup> November 2016, build costs have increased by 9% over the past two years and as such Column 5 adds in this additional amount, giving £260,267. It has also been agreed with HE that 2% be added to the condition survey works due to account for deterioration over the past two years, which is included in Column 6, giving £265,472, and it is this figure that is used to demonstrate the works being undertaken by the Residual Land Value of the applications.

APPENDIX 1

|       |  |
|-------|--|
| Phase | St Osyth Priory S.106 Restoration Works (18 November 2016) Appeal AA (West Field 5) and Appeal BB (Park 2) (Less HLF).   |
|       | Payment into the Escrow Account for BPT to be in two tranches namely £800,000 on completion of floor slab of the four units within the park that the family are occupying with the balance (£400,000) to be paid prior to the commencement of development of West Field 5.   |
| a.    | Gatehouse complete East and West. (Central Roof 4.1.2.1a to 4.1.2.1, Central South Wall 4.1.2.2a to 4.1.2.2z, Central North Wall 4.1.2.4a to 4.1.2.4o, Central Archway 4.1.2.6a to 4.1.2.6h, Interior 4.1.2.7 to 4.1.2.7g and Interior 4.2.2.4)  |
| b.    | Gatehouse - completion of ALL improvement/ new works to central, west and east ranges. (Items 1A to 6D)  |
| c.    | Darcy House West Wing (Including Abbots Lodging). (West Wing Roof 2.1.2.1a to 2.1.2.1b, West Wing South Wall 2.1.2.2a to 2.1.2.2i, Abbots Lodgings South Wall 2.1.2.3a to 2.1.2.3l, West Wing West Wall 2.1.2.4a to 2.1.2.4b, West Wing North Wall 2.1.2.5a to 2.1.2.5g, Abbots Lodgings North Wall 2.1.2.6a to 2.1.2.6d, Interior West Wing & Abbots Lodgings 2.1.2.7a to 2.1.2.7b) |
| d.    | Darcy House West internal fit out/improvement works (excluding Abbots Lodging). (Items 1A to 6D proportioned on a square footage basis based)  |
| e.    | 2.2 Darcy House East Wing Roof - condition survey works 2.2.2.1  |

St Osyth Priory Section 106 Restoration Works Calculations 18.11.2016

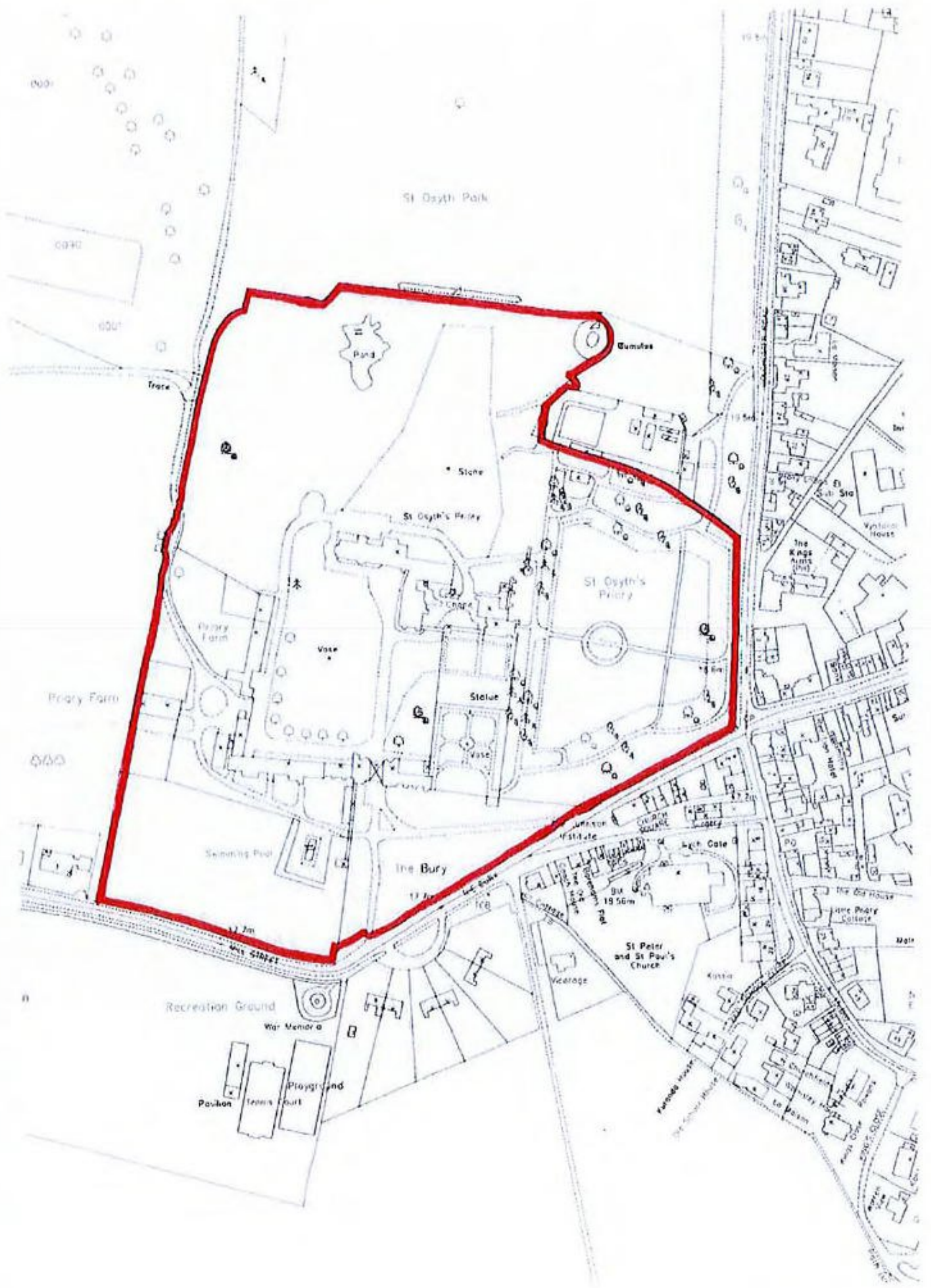
| 1     | 2  | 3   | 4  | 5  | 6   | 7                                    | 8                         | 9                   | 10   | 11                            | 12                                      | 13 |
|-------|--|---|--|--|---|--------------------------------------|---------------------------|---------------------|--|-------------------------------|---|----|
| Phase | Sargeant Family Proposed Restoration Works   | Costs of works plus prelims in each Phase as identified by Section references in CBG Condition Survey 2009 and McElains Cooper March 2012 Costplan Updated May 2013 | Costs of works in each Phase LESS 15% in line with BNP Partbas Report Nov 2016 | Costs of Works with BCIS Indexation Nov 14 to Aug 16 PLUS 9% | Costs of Works with Deterioration PLUS 2% | Cumulative Costs of identified works | Restoration Works Cascade | Residual Land Value | Less Funds to Escrow towards Grant 'Match' Funding | Remaining Residual Land Value | 55.89% of Remaining Residual Land Value |    |
| a.    | Galerhouse complete East and West. (Central Roof 4.1.2.1a to 4.1.2.1, Central South Wall 4.1.2.2a to 4.1.2.2z, Central North Wall 4.1.2.4a to 4.1.2.4b, Central Archway 4.1.2.6a to 4.1.2.6b, Interior 4.1.2.7 to 4.1.2.7g and Interior 4.2.2.4)   | 1,655,049 £   | 1,406,792 £  | 1,513,403 £  | 1,564,071 £                               | 1,564,071 £                          | Appeals AA & BB           | £7,400,000          | -£1,300,000  | £6,200,000                    | 3,469,652                               |    |
| b.    | Galerhouse - completion of ALL improvement/new works to central, west and east ranges. (Items 1A to 5D)  | 474,000 £   | 402,900 £  | 439,161 £  | 447,944 £                                 | 2,012,015 £                          | £ 3,469,652               |                     |  |                               |   |    |
| c.    | Darcy House West Wing (including Abbots Lodgings). (West Wing Roof 2.1.2.1a to 2.1.2.1b, West Wing South Wall 2.1.2.2a to 2.1.2.2z), Abbots Lodgings South Wall 2.1.2.3a to 2.1.2.3j, West Wing West Wall 2.1.2.4a to 2.1.2.4b, West Wing North Wall 2.1.2.5a to 2.1.2.5g, Abbots Lodgings North Wall 2.1.2.6a to 2.1.2.6d, Interior West Wing & Abbots Lodgings 2.1.2.7a to 2.1.2.7b) | 970,030 £   | 739,526 £  | 806,083 £  | 822,205 £                                 | 2,834,220 £                          | £ 635,432                 |                     |  |                               |   |    |
| d.    | Darcy House West internal fit out/improvement works (excluding Abbots Lodgings). (Items 1A to 6D proportioned on a square footage basis)   | 368,066 £   | 312,856 £  | 341,013 £  | 347,833 £                                 | 3,182,053 £                          | £ 287,599                 |                     |  |                               |   |    |
| e.    | Darcy House East Wing Roof. (East Wing Roof 2.2.2.1a to 2.2.2.1c)  | 280,914 £   | 238,777 £  | 260,267 £  | 265,472 £                                 | 3,447,525 £                          | £ 22,327                  |                     |  |                               |   |    |

TOTAL COST OF IDENTIFIED WORKS

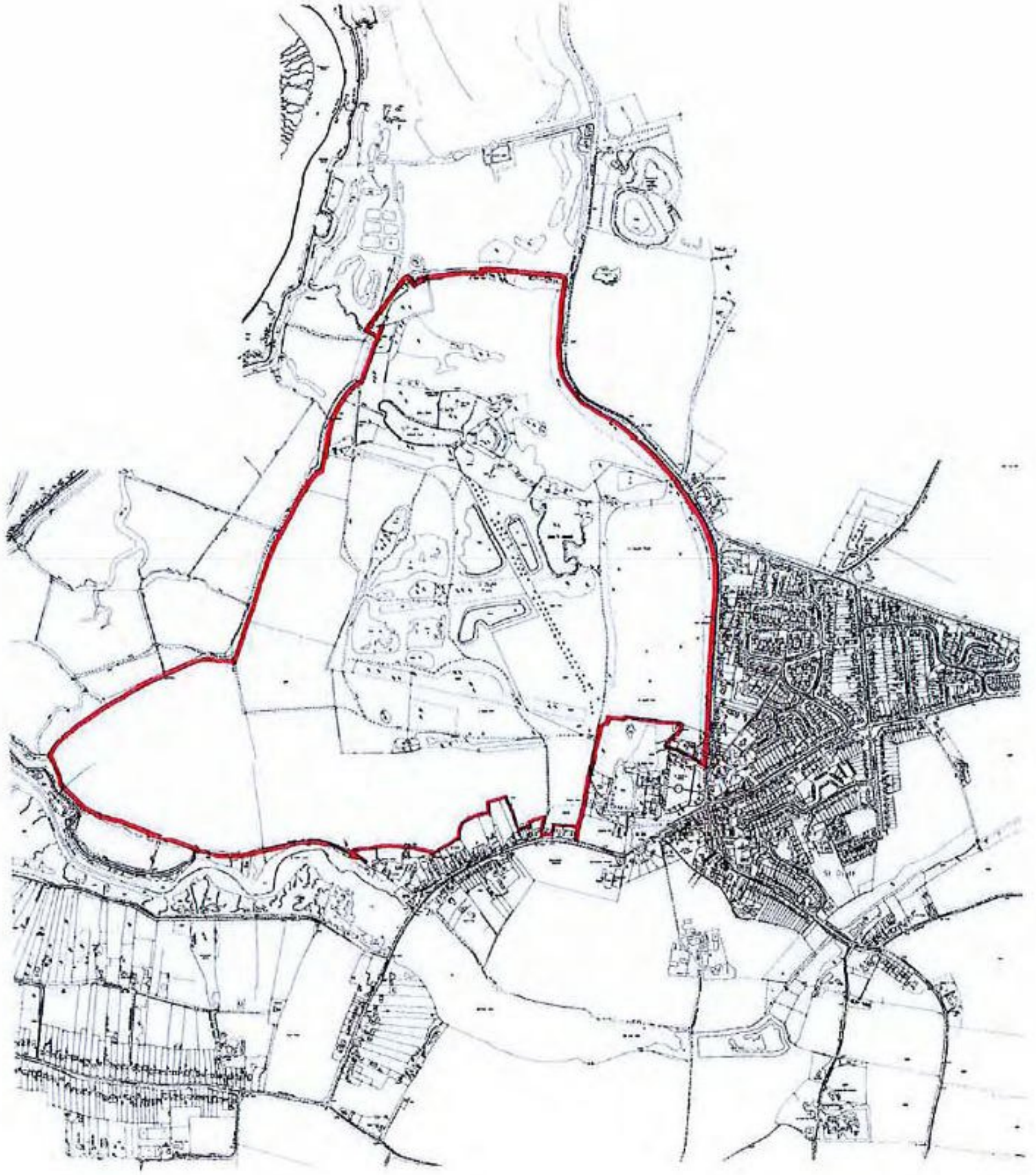
EXTENT OF WORKS THAT CAN BE UNDERTAKEN

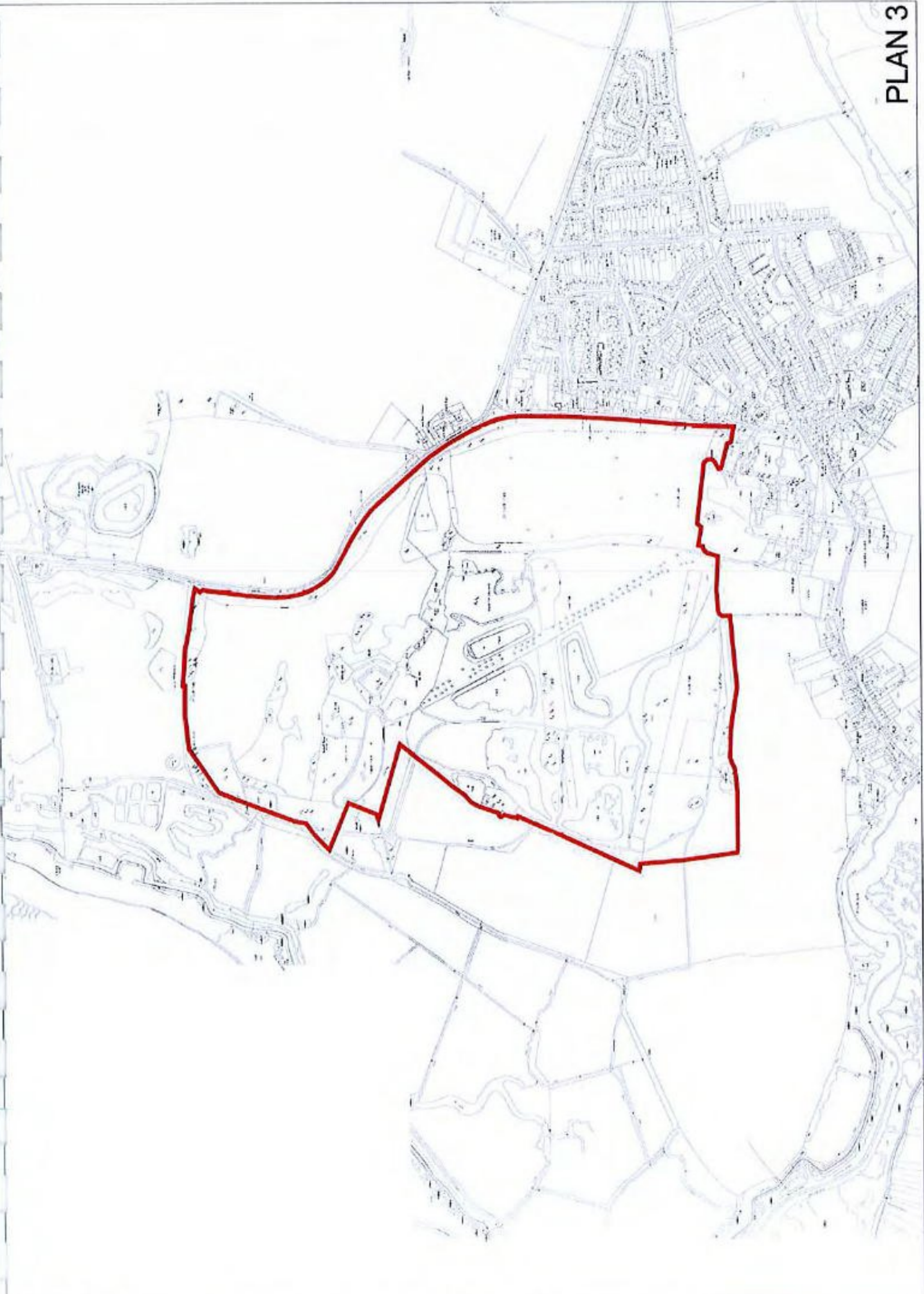
FIGURES TO IDENTIFY EXTENT OF RESTORATION WORKS POSSIBLE WITH APPEAL

N.B. Carden & Godfrey / McElains Cooper references amended to identify specific items of work



PLAN 1





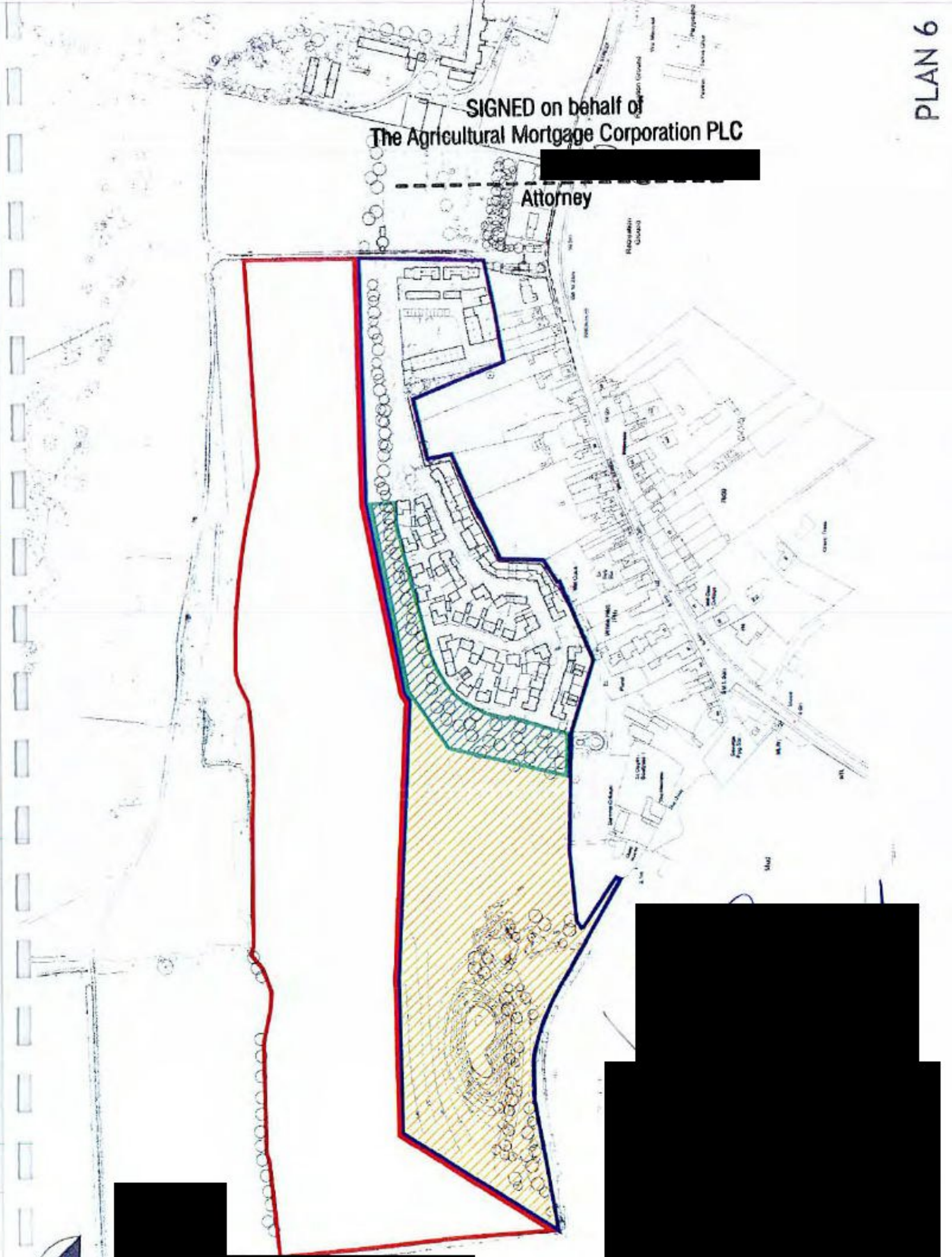
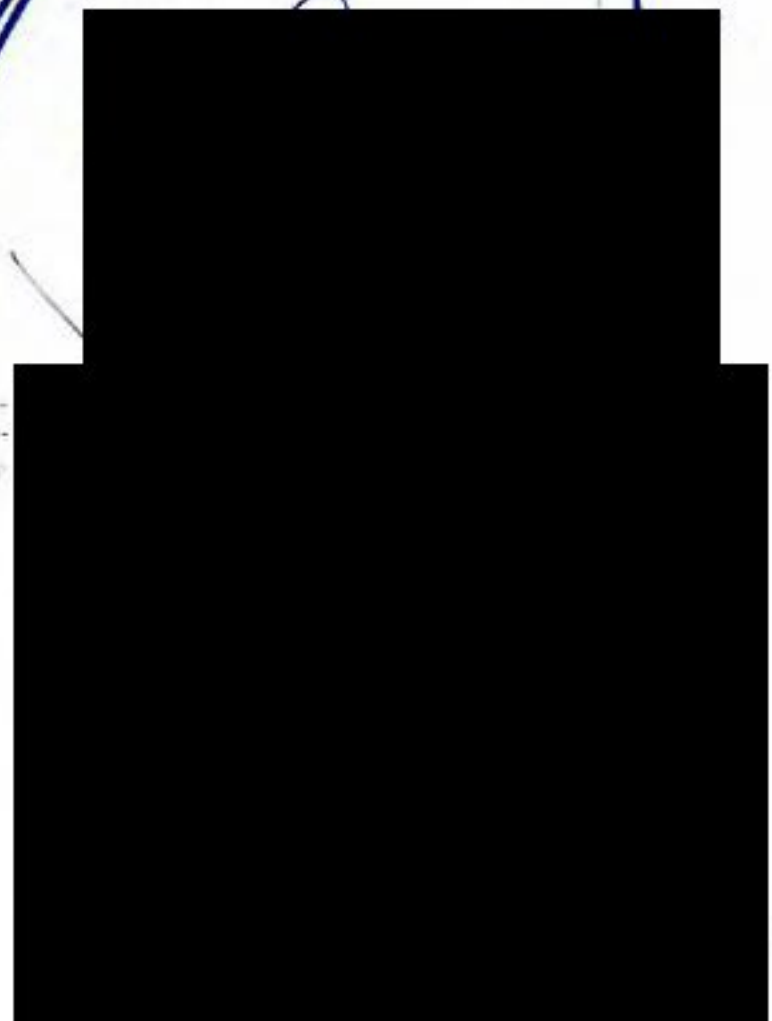
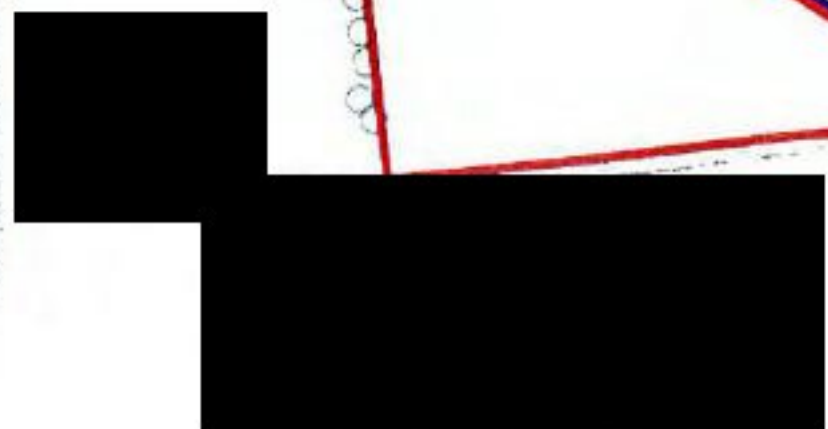






SIGNED on behalf of  
The Agricultural Mortgage Corporation PLC

Attorney



St Osyth Priory Section 106 Heads of Terms 18.11.2016

Appeal References: APP/P1560/W/16/3158325 & APP/P1560/W/16/3158326

1. The Planning obligations will comprise:
  - a. The aim to complete the restoration of the buildings on the attached list at Schedule 1 within a period of 10 years from implementation subject to the availability of funding
  - b. The recently updated figures advised by the Dr Lee Report (£7.4m) apportioned as to £1.2m into the BPT Escrow Account and £6.2m allocated against the specific works set out in the Schedule 2 attached which identify the target properties
  - c. The BPT will utilise the £1.2m towards additional grant funding. This coupled with the obligation on the Sargeants to enter into an Agreement for Lease (AFL) with the BPT on the terms identified – 90 years back to back together with an AFL with the Sargeants (or trading company) to take completed heritage assets at market rent continues the revenue stream to the BPT to pick off other heritage assets creating enlarged revenue stream
  - d. The BPT in conjunction with the Sargeants will additionally seek to generate income in the following order of priority via:
    - i. Grant funding
    - ii. Commercial borrowing
    - iii. additional Enabling Development
 so as to continue to address the target list subject to acceptable finance availability with the aim to discharge the same as soon as practicality permits
2. Additionally, the obligations will provide for:
  - a. Contractual arrangements providing for the ongoing maintenance of restored assets by Independent Management Company
  - b. Facilitating the public access ancillary to the BPT
  - c. Restrictions on the future development of the Pigeon House
3. Restrictive Covenants will be offered so as to preclude further residential development within West Field and the Park above and beyond that permitted by West Field 5 and Park 2
4. Triggers will be set out as per the triggers on Schedule 2 so as to restrict release of completed residential units unless and until identified phases of completion of restoration of heritage assets has occurred (subject only to Bond delivery to secure early completions of a phase)
5. TDC and St O Parish Council will each be invited to appoint one representative of each body, the identity subject to agreement
6. A review mechanism to allow for a re-prioritisation of the works referred to in the schedule consensually. In default of agreement any matter to be referred to an expert for determination within 21 days of a dispute
7. The preparation of a business strategy for The Priory to demonstrate the delivery of the 'aim' described in Para 1(a)

Schedule J

- i) Darcy House
- ii) The Gatehouse (completion of works)
- iii) Abbot's Tower, chapel and 'Rivers Wall'
- iv) Brewhouse
- v) West Barn
- vi) Tithe Barn, Cart Shed and Dairy
- vii) Rose Garden Walls
- viii) Northern section of wall (with gate and windows) on the west side of the Bury



## TENDRING DISTRICT COUNCIL

### Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

|               |  |                   |   |
|---------------|--|-------------------|---|
| <b>AGENT:</b> | Mr Samuel Bampton - City & Country<br>Bentfield Place<br>Bentfield Road<br>Stansted<br>Essex<br>CM24 8HL | <b>APPLICANT:</b> | Mr R.A, T.R, D.R, A.I Sargeant<br>The Priory<br>St Osyth<br>Clacton On Sea<br>Essex<br>CO16 8NY |
|---------------|--|-------------------|---|

#### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 16/00671/FUL

**DATE REGISTERED:** 18th May 2016

Proposed Development and Location of the Land:

**Erection of 17 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.**

**St Osyth Priory The Bury St Osyth Clacton On Sea**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, subject to the following conditions;

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall not be implemented until a Planning Obligation under S106 of the Town & Country Planning Act 1990 pursuant to the Heads of Terms attached to this planning permission has been executed.

Reason – To ensure that the benefits of enabling development in securing the future conservation of St. Osyth Priory which justify departure from other planning policies are delivered in line with paragraph 140 of the National Planning Policy Framework (NPPF) and Policy EN27 and Policy EN27a of the Tendring District Local Plan (2007).

- 3 The development hereby permitted shall be carried out in accordance with following approved plans:

CC-0175-ABP012 Application Boundary Plan  
CMP Figure 20 Indicative Master Plan

CC-0175-LKN1 Rev. A Site G2.3: Lake House North – Site Plan & Elevation  
CC-0175-LKN2 Rev. B Site G2.3: Lake House North –Plans & Elevation  
CC-0175-LKS1 Rev. A Site G3.2: Lake House South – Site Plan & Elevation

CC-0175-LKS2 Rev. A Site G3.2: Lake House South – Upper & Lower Ground Floor Plans  
 CC-0175-LKS3 Rev. A Site G3.2: Lake House South – Elevations  
 CC-0175-SL1 Site K12 South Lodge – Site Plan & South Elevation  
 CC-0175-SL2 Rev. B South Lodge – Floor Plans, Elevations & Details  
 CC-0175-NL1 Rev. C Site B: North Lodges – Site Plan & North Elevation  
 CC-0175-NL2 Rev. D Site B: North Lodges – Floor Plans & Elevations  
 CC-0175-NL3 Site B: North Lodges – Details and Garages  
 CC-0175-NL4 North Lodges – Elevation  
 CC-0175-S1 Rev. C Site J: Slip Cottages – Site Plan & North Elevation  
 CC-0175-S2 Rev. C Site J: Slip Cottages – Floor Plans & Elevations  
 CC-0175-GG1 Rev. B Site G1: Grotto Grove – Kitchen – Site Plan, Plans & Elevations  
 CC-0175-GG2 Rev. B Site G1: Grotto Grove – Shell House – Site Plan, Plans & Elevations  
 CC-0175-PH1 Rev. B Site F: Pigeon House – Site Plan, Plans & Elevations  
 CC-0175-DH1 Rev. B Site H: Deer House – Site Plan, Plans & Elevations  
 CC-0175-AH1 Rev. B Site C: Nun's Hall – Site Plan, Plans & Elevations

730A4 09 Rev. B Lodge Piece Proposed Planting  
 730A2 122 Rev. C Lodge Piece Sections at time of planting (showing proposed traffic mitigation measures)  
 730A2/222F Estate Access and Circulation Strategy  
 730A4/05C Deer Bank Alignment Colchester Road  
 730A4/08 Rev. B Proposed Traffic Mitigation Measures: Colchester Road (Sheet 1 of 2)  
 730A4/10 Rev. A Proposed Traffic Mitigation Measures: Colchester Road (Sheet 2 of 2)  
 730A2/17 Rev. F Proposed Contours - Lodge Piece (Sheet 1 of 2)  
 730A2 22 Rev. F Proposed Contours - Lodge Piece (Sheet 2 of 2)  
 CC-175-NA Drawing No. 30 The Wellwick, North Entrance Access and Footway Proposals

Reason - For the avoidance of doubt and in the interests of proper planning.

- 4 Prior to commencement of the relevant work samples of the external facing, roofing, windows, doors, rainwater goods and hardsurfacing materials to be used in construction shall be submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason – To ensure the development, as far as possible, respects, conserves and enhances the special historic and architectural character of the St. Osyth Conservation Area and the setting of St. Osyth Priory as a heritage asset.

- 5 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure shall not be carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity as the site lies within the St. Osyth Conservation Area and forms part of the setting of St. Osyth Priory.

- 6 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.
- Reason - In the interests of visual amenity as the site lies within the St. Osyth Conservation Area and forms part of the setting of St. Osyth Priory.
- 7 Prior to commencement of the relevant work to or in the vicinity of Nun's Hall the applicant or developer shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.
- Reason - To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance.
- 8 Prior to commencement of the relevant work a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.
- Reason - To enhance the sustainability of the development through better use of water, energy and materials.
- 9 Prior to commencement of the relevant work a wastewater strategy shall be submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the wastewater strategy so.
- Reason – To prevent environmental and amenity problems.
- 10 Prior to commencement of the relevant work a foul water strategy submitted has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
- Reason – To prevent environmental and amenity problems arising from flooding.
- 11 Prior to commencement of the relevant work, a scheme for the provision and implementation of surface water drainage, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted and agreed, in writing, with the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of any part of the proposed development.

Reason – To prevent environmental and amenity problems arising from flooding.

- 12 Prior to commencement of the relevant work, a landscape/habitat management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than, privately owned, domestic gardens, shall be submitted to and approved, in writing, by the local planning authority. The landscape/habitat management plan shall be carried out as approved in accordance with the details and timescales in the plan. The scheme shall include the following elements:
- a) Detail extent and type of new planting (NB planting to be of native species of local provenance);
  - b) Details of any SUDS e.g. attenuation ponds, wetlands;
  - c) Details of the on-site recreational area, including its size and any proposed footpaths and cycleways;
  - d) Details of maintenance and habitat monitoring regimes; and
  - e) Details of any new habitat created on site.

Reason – To ensure best practice measures are used on the site and during the construction phase of the development to secure necessary landscaping and minimise the impact on birds and wildlife.

- 13 The occupation of no more than ten of the dwellings hereby permitted as part of the development shall take place until specific works related to the reinstatement of the Deer Bank, as listed at item 8 on Drawing No: CMP Figure 19 from Annex 1 Conservation Area Management Plan (2011) by Liz Lake and the filling of Lodge Piece, as shown on drawings 730A2/17F and 730A2/22E (Lodge Piece Contours); as subsequently agreed, in writing, with the Local Planning Authority as part of a landscape management plan, have been completed.

Reason – To mitigate adverse impacts of the parkland developments on the character and significance of the registered park and garden.

- 14 Prior to commencement of the relevant work a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:
- a) A detailed schedule setting out how works will be phased to avoid construction at particularly sensitive times e.g. during freezing periods when wintering birds are most vulnerable to disturbance;
  - b) Plans showing which sensitive areas of the site will have restricted access as stated in paragraph 7.302 of the Environmental Statement;
  - c) Drawings showing details of design and type of external lighting to minimise the impact on bats and birds;
  - d) Measures to ensure nesting birds, bats and reptiles are not harmed during the construction phases as stated in paragraph 7.325 of the Environmental Statement;
  - e) Measures to ensure disturbance to breeding birds is minimised;
  - f) Details of the measures taken to minimise the risk of pollution on the site; and
  - g) Arrangements for habitat monitoring.

Reason – To ensure best practice measures are used on the site and during the construction phase of the development to minimise the impact on birds and wildlife.

- 15 No development shall take place, including any works of demolition, until details of a wheel and underbody cleaning facility within the site and adjacent to the egress onto the highway have been submitted to and approved in writing by the Local Planning Authority and that facility shall be maintained during the periods of demolition and construction.

Reason - To ensure that loose materials and spoil are not brought out onto the highway, in the interests of highway safety.

- 16 Prior to commencement of the relevant work details of the gates at the proposed bell mouth access off Colchester Road to serve the Slip Cottages shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to occupation of the development.

Reason – To protect highway efficiency of movement and safety.

- 17 Prior to commencement of the relevant work or at a later date agreed in writing by the Local Planning Authority, the applicants shall submit to the Local Planning Authority, in writing, a Local Recruitment Strategy to include details of how the applicant/ developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site, for the construction of the development and for the uses of the development thereafter. The approved Local Recruitment Strategy shall be adhered to therein after.

Reason - To promote and encourage the recruitment of employees and other staff in the locality of the application site in accordance with Policy PRO3 of the of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by The Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

- 18 Prior to commencement of the relevant work which impacts on bat commuting and foraging routes, details of external lighting shall be submitted and approved in writing by the Local Planning Authority. External lighting shall be implemented and retained in accordance with the approved scheme.

Reason - To ensure lighting is sensitively designed, minimises light spillage and avoids illuminating bat commuting and foraging routes and to ensure the use of low level, directional lighting to minimise light pollution.

- 19 Prior to commencement of the relevant work a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

The Statement shall detail the following:

- i. the parking and turning of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative



displays and facilities for public viewing, where appropriate;  
 v. details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;  
 vi. measures to control the emission of dust and dirt during construction;  
 vii. a scheme for waste minimisation and recycling/disposing of waste resulting from construction works.

Reason - In the interests of highway safety and residential amenity.

- 20 No construction work shall take place onsite outside the hours of 07:30 to 18:00 Monday to Friday and 07:30 to 13:30 on Saturday and no time whatsoever on Sundays or Public Holidays, unless otherwise agreed with the Local Planning Authority. This includes deliveries to the site or work undertaken by contractors or sub-contractors.

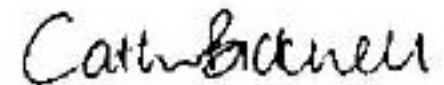
Reason - In the interests of residential amenity.

- 21 Notwithstanding what is shown on drawing number 730A2/50E with respect to 'Site J - Slip Cottages', details of revised access, layout, parking and landscaping arrangements for this development shall be submitted to and approved, in writing, with the Local Planning Authority prior to commencement of the relevant work. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of any of the dwellings proposed within this part of the development.

Reason - To ensure the development reflects the withdrawal of application 11/00334/FUL which proposed the construction of a visitor centre/function room suite to the south of the proposed Slip Cottages with parking and access arrangements to the north and west.

DATED: 18<sup>th</sup> November 2016

SIGNED:




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Catherine Bicknell  
 Head of Planning

**IMPORTANT INFORMATION :-**

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

- |      |  |
|------|--|
| QL1  | Spatial Strategy                                   |
| QL2  | Promoting Transport Choice                         |
| QL7  | Rural Regeneration                                 |
| QL9  | Design of New Development                          |
| QL10 | Designing New Development to Meet Functional Needs |
| QL11 | Environmental Impacts and Compatibility of Uses    |

|        |  |
|--------|--|
| QL12   | Planning Obligations   |
| HG1    | Housing Provision  |
| HG3    | Residential Development Within Defined Settlements                   |
| HG3A   | Mixed Communities  |
| HG4    | Affordable Housing in New Developments                               |
| HG6    | Dwelling Size and Type   |
| HG7    | Residential Densities  |
| HG9    | Private Amenity Space  |
| COM2   | Community Safety   |
| COM6   | Provision of Recreational Open Space for New Residential Development |
| COM21  | Light Pollution  |
| COM23  | General Pollution  |
| COM26  | Contributions to Education Provision                                 |
| COM29  | Utilities  |
| COM31A | Sewerage and Sewage Disposal   |
| EN1    | Landscape Character  |
| EN3    | Coastal Protection Belt  |
| EN6    | Biodiversity   |
| EN6A   | Protected Species  |
| EN6B   | Habitat Creation   |
| EN11A  | Protection of International Sites European Sites and RAMSAR Sites    |
| EN12   | Design and Access Statements   |
| EN13   | Sustainable Drainage Systems   |
| EN17   | Conservation Areas   |
| EN23   | Development within the Proximity of a Listed Building                |
| EN27   | Enabling Development   |
| EN27A  | St. Osyth Priory   |
| EN29   | Archaeology  |

|      |                                    |
|------|------------------------------------|
| EN30 | Historic Towns                     |
| TR1A | Development Affecting Highways     |
| TR3A | Provision for Walking              |
| TR5  | Provision for Cycling              |
| TR6  | Provision for Public Transport Use |
| TR7  | Vehicle Parking at New Development |

Tendring District Local Plan: 2013-2033 and Beyond – Preferred Options Consultation Document

|      |  |
|------|--|
| SP1  | Presumption in Favour of Sustainable Development |
| SP4  | Infrastructure and Connectivity                  |
| SP5  | Place Shaping Principles                         |
| SPL1 | Managing Growth                                  |
| SPL2 | Settlement Development Boundaries                |
| SPL3 | Sustainable Design                               |
| HP4  | Open Space, Sports and Recreation Facilities     |
| PL1  | Housing Supply                                   |
| LP2  | Housing Choice                                   |
| LP3  | Housing Density                                  |
| LP4  | Housing Layout                                   |
| LP5  | Affordable and Council Housing                   |
| LP7  | Self-Build and Custom-Built Homes                |
| PP12 | Improving Education and Skills                   |
| PP13 | The Rural Economy                                |
| PPL2 | Coastal Protection Belt                          |
| PPL3 | The Rural Landscape                              |
| PPL4 | Biodiversity and Geodiversity                    |
| PPL5 | Water Conservation, Drainage and Sewerage        |
| PPL7 | Archaeology                                      |

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| PPL8  | Conservation Areas                       |
| PPL9  | Listed Buildings                         |
| PPL10 | Enabling Development                     |
| CP1   | Sustainable Transport and Accessibility  |
| CP3   | Improving the Telecommunications Network |

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas

The Setting of Heritage Assets (Good Practice Advice Note 3, 2015)

Enabling Development and the Conservation of Significant Places (2008)

Informative: The applicant's attention is drawn to the advisory comments of Essex County Council Highway Authority in its letter of 17<sup>th</sup> June 2016.

Informative: The applicant's attention is drawn to the advisory comments of Essex County Council Archaeological Officer dated 10<sup>th</sup> June 2016.

Informative: The applicant's attention is drawn to the advisory comments of Essex County Council Minerals and Waste Planning Team dated 17<sup>th</sup> June 2016.

Informative: The applicant's attention is drawn to the advisory comments of Anglian Water in its letter of 15<sup>th</sup> June 2016.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

**The attached notes explain the rights of appeal.**

## NOTES FOR GUIDANCE

### WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

#### APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
  - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so **within 12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://acp.planninginspectorate.gov.uk>
  - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so **within 12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://acp.planninginspectorate.gov.uk>.
  - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so **within 6 months** of the date of this notice. A **Planning Appeal Form** is required, available online <https://acp.planninginspectorate.gov.uk>.
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

#### ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.

St Osyth Priory Section 106 Heads of Terms 18.11.2016

Appeal References: APP/P1560/W/16/3158325 & APP/P1560/W/16/3158326

1. The Planning obligations will comprise:
  - a. The aim to complete the restoration of the buildings on the attached list at Schedule 1 within a period of 10 years from implementation subject to the availability of funding
  - b. The recently updated figures advised by the Dr Lee Report (£7.4m) apportioned as to £1.2m into the BPT Escrow Account and £6.2m allocated against the specific works set out in the Schedule 2 attached which identify the target properties
  - c. The BPT will utilise the £1.2m towards additional grant funding. This coupled with the obligation on the Sargeants to enter into an Agreement for Lease (AFL) with the BPT on the terms identified – 90 years back to back together with an AFL with the Sargeants (or trading company) to take completed heritage assets at market rent continues the revenue stream to the BPT to pick off other heritage assets creating enlarged revenue stream
  - d. The BPT in conjunction with the Sargeants will additionally seek to generate income in the following order of priority via:
    - i. Grant funding
    - ii. Commercial borrowing
    - iii. additional Enabling Developmentso as to continue to address the target list subject to acceptable finance availability with the aim to discharge the same as soon as practicality permits
2. Additionally, the obligations will provide for:
  - a. Contractual arrangements providing for the ongoing maintenance of restored assets by Independent Management Company
  - b. Facilitating the public access ancillary to the BPT
  - c. Restrictions on the future development of the Pigeon House
3. Restrictive Covenants will be offered so as to preclude further residential development within West Field and the Park above and beyond that permitted by West Field 5 and Park 2
4. Triggers will be set out as per the triggers on Schedule 2 so as to restrict release of completed residential units unless and until identified phases of completion of restoration of heritage assets has occurred (subject only to Bond delivery to secure early completions of a phase)
5. TDC and St O Parish Council will each be invited to appoint one representative of each body, the identity subject to agreement
6. A review mechanism to allow for a re-prioritisation of the works referred to in the schedule consensually. In default of agreement any matter to be referred to an expert for determination within 21 days of a dispute
7. The preparation of a business strategy for The Priory to demonstrate the delivery of the 'aim' described in Para 1(a)

Schedule 1

- i) Darcy House
- ii) The Gatehouse (completion of works)
- iii) Abbot's Tower, chapel and 'Rivers Wall'
- iv) Brewhouse
- v) West Barn
- vi) Tithe Barn, Cart Shed and Dairy
- vii) Rose Garden Walls
- viii) Northern section of wall (with gate and windows) on the west side of the Bury

## Schedule 2

| Phase | St Osyth Priory S.106 Restoration Works (18 November 2016)<br>Appeal AA(West Field 5) and Appeal BB (Park 2) (Less HLF).   |   |
|-------|--|---|
|       | Payment into the Escrow Account for 8PT to be in two tranches namely £800,000 on completion of floor slab of the four units within the park that the family are occupying with the balance (£400,000) to be paid prior to the commencement of development of West Field 5.   |   |
| a.    | Gatehouse complete East and West. (Central Roof 4.1.2.1a to 4.1.2.1, Central South Wall 4.1.2.2a to 4.1.2.2z, Central North Wall 4.1.2.4a to 4.1.2.4o, Central Archway 4.1.2.6a to 4.1.2.6h, Interior 4.1.2.7 to 4.1.2.7g and Interior 4.2.2.4)  | Prior to Completion of the 25 <sup>th</sup> dwelling  |
| b.    | Gatehouse - completion of ALL improvement/ new works to central, west and east ranges. (Items 1A to 6D)  | Prior to Completion of the 41 <sup>st</sup> dwelling  |
| c.    | Darcy House West Wing (including Abbots Lodging). (West Wing Roof 2.1.2.1a to 2.1.2.1b, West Wing South Wall 2.1.2.2a to 2.1.2.2i, Abbots Lodgings South Wall 2.1.2.3a to 2.1.2.3l, West Wing West Wall 2.1.2.4a to 2.1.2.4b, West Wing North Wall 2.1.2.5a to 2.1.2.5g, Abbots Lodgings North Wall 2.1.2.6a to 2.1.2.6d, Interior West Wing & Abbots Lodgings 2.1.2.7a to 2.1.2.7b) | Prior to Completion of the 52 <sup>nd</sup> dwelling  |
| d.    | Darcy House West internal fit out/improvement works (excluding Abbots Lodging). (Items 1A to 6D proportioned on a square footage basis based)  | Prior to Completion of the 73 <sup>rd</sup> dwelling  |
| e.    | 2.2 Darcy House East Wing Roof - condition survey works 2.2.2.1  | Prior to Completion of the 82 <sup>nd</sup> dwelling. |





## TENDRING DISTRICT COUNCIL

### Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

|               |   |                   |  |
|---------------|---|-------------------|--|
| <b>AGENT:</b> | Mr Samuel Bampton - City & Country Residential Limited<br>Bentfield Place<br>Bentfield Road<br>Stansted<br>CM24 8HL | <b>APPLICANT:</b> | Mr R.A, T.R, D.R, A.I Sargeant<br>St Osyth Priory<br>The Bury<br>St Osyth<br>Clacton On Sea<br>Essex<br>CO16 8NZ |
|---------------|---|-------------------|--|

#### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 16/00656/FUL

**DATE REGISTERED:** 18th May 2016

Proposed Development and Location of the Land:

**Demolition of existing property at 7 Mill Street and the creation of 72 no. two, three and four bedroom houses, plus associated roads, car parking, garages and landscaping.**

**St Osyth Priory The Bury St Osyth Clacton On Sea**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, subject to the following conditions;

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall not be implemented until a Planning Obligation under S106 of the Town & Country Planning Act 1990 pursuant to the Heads of Terms attached to this planning permission has been executed.

Reason – To ensure that the benefits of enabling development in securing the future conservation of St. Osyth Priory which justify departure from other planning policies are delivered in line with paragraph 140 of the National Planning Policy Framework (NPPF) and Policy EN27 and Policy EN27a of the Tendring District Local Plan (2007).

- 3 The development hereby permitted shall be carried out in accordance with following approved plans:

OC002-01-01 Rev. A Location Plan

CC0175/MS-7-1 Location/Site Plan No. 7 Mill Street

CMP Figure 20 – Indicative Master Plan

OC002-03-01 Rev. G Proposed Development Layout

OC002-03-10 Rev. A Proposed Development Layout overlay with previous applications

OC002-03-02 Rev. A Proposed Detailed Development Layout  
 OC002-03-05 Rev. A proposed Development Layout with Drainage Pond  
 OC002-03-03 Rev. A Proposed Materials Layout

CC002-50-01 Rev. A Mill Street Cottage Floor Plan and Elevations  
 CC002-50-02 Rev. A Type C Floor Plan and Elevations  
 CC002-50-03 Rev. A Type D Floor Plan and Elevations  
 CC002-50-04 Rev. A Type E Floor Plan and Elevations  
 CC002-50-05 Rev. A Type F Floor Plan and Elevations  
 CC002-50-06 Rev. A Type G Floor Plan and Elevations  
 CC002-50-07 Rev. A Type H Floor Plan and Elevations  
 CC002-50-08 Rev. A Type J Floor Plan and Elevations  
 CC002-50-09 Rev. A Type K Floor Plan and Elevations

CC002-50-17a Rev. B Proposed Rear and End Elevations for plots 58-50  
 CC002-50-17 Rev. A Proposed Plans and Front Elevations for plots 58-50  
 CC002-50-16 Rev. B Proposed Plans and Front Elevations for Plots 63-59  
 CC002-50-16a Rev. B Proposed Rear and End Elevations for Plots 63-59  
 CC002-50-15 Rev. B Proposed Plans and Front Elevations for Plots 68-71; 64-67  
 (mirrored)  
 CC002-50-15a Rev. A Proposed Rear and End Elevations for Plots 68-71; 64-67  
 (mirrored)

CC002-ST-01 Rev. A Proposed Street Scene Elevations Plots 1-7, 43-48  
 CC002-ST-03 Rev. A Proposed Street Scene Elevations Plots 16-23, 33-36  
 CC002-ST-02 Rev. D Proposed Street Scene Elevations Plots 58-50, 64-71

CC002-60-01 Rev. 00 Single Garages SG1 & SG2 Floor plans & elevations  
 CC002-60-02 Rev. A Pairs of Single Garages SG3 & SG4 Floor plans & elevations  
 CC002-60-03 Rev. 00 Carport Floor Plan & Elevations  
 CC002-60-04 Rev. A Carport Floor Plan & Elevations

Reason - For the avoidance of doubt and in the interests of proper planning.

- 4 Prior to commencement of the relevant work samples of the external facing, roofing, windows, doors, rainwater goods and hardsurfacing materials to be used in construction shall be submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason – To ensure the development, as far as possible, respects, conserves and enhances the special historic and architectural character of the St. Osyth Conservation Area and the setting of St. Osyth Priory as a heritage asset.

- 5 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure shall not be carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity as the site lies within the St. Osyth Conservation Area and forms part of the setting of St. Osyth Priory.

- 6 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity as the site lies within the St. Osyth Conservation Area and forms part of the setting of St. Osyth Priory.

- 7 Prior to commencement of the relevant work a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

Reason - To enhance the sustainability of the development through better use of water, energy and materials.

- 8 Prior to commencement of the relevant work a wastewater strategy shall be submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the wastewater strategy so approved.

Reason – To prevent environmental and amenity problems.

- 9 Prior to commencement of the relevant work a foul water strategy shall be submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason – To prevent environmental and amenity problems arising from flooding.

- 10 Prior to commencement of the relevant work, a scheme for the provision and implementation of surface water drainage, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted and agreed, in writing, with the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of any part of the proposed development. Surface water shall be discharged from the site at a rate no greater than 4.87l/s as identified within the submitted Flood Risk Assessment.

Reason – To prevent environmental and amenity problems arising from flooding and to ensure a satisfactory method of surface water drainage.

- 11 Prior to commencement of the relevant work, a landscape/habitat management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than, privately owned, domestic gardens, shall be submitted to and approved, in writing, by the local planning authority. The landscape/habitat management plan shall be carried out as approved in accordance with the details and timescales in the plan. The scheme shall include the following elements:
- a) Detail extent and type of new planting (NB planting to be of native species of local provenance);
  - b) Details of any SUDS e.g. attenuation ponds, wetlands;
  - c) Details of the on-site recreational area, including its size and any proposed footpaths and cycleways;
  - d) Details of maintenance regimes; and
  - e) Details of any new habitat created on site.

Reason – To ensure best practice measures are used on the site and during the construction phase of the development to secure necessary landscaping and minimise the impact on birds and wildlife.

- 12 Prior to commencement of the relevant work a Construction and Environmental management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:
- a) A detailed schedule setting out how works will be phased to avoid construction at particularly sensitive times e.g. during freezing periods when wintering birds are most vulnerable to disturbance;
  - b) Plans showing which sensitive areas of the site will have restricted access as stated in paragraph 7.302 of the Environmental Statement;
  - c) Drawings showing details of design and type of external lighting to minimise the impact on bats and birds;
  - d) Measures to ensure nesting birds, bats and reptiles are not harmed during the construction phases as stated in paragraph 7.325 of the Environmental Statement;
  - e) Measures to ensure disturbance to breeding birds is minimised; and
  - f) Details of the measures taken to minimise the risk of pollution on the site.

Reason – To ensure best practice measures are used on the site and during the construction phase of the development to minimise the impact on birds and wildlife.

- 13 No development shall take place, including any works of demolition, until details of a wheel and underbody cleaning facility within the site and adjacent to the egress onto the highway have been submitted to and approved in writing by the Local Planning Authority and that facility shall be maintained during the periods of demolition and construction.

Reason - To ensure that loose materials and spoil are not brought out onto the highway, in the interests of highway safety.

- 14 No occupation of the development hereby permitted shall take place until the following have been completed (details of which shall have been submitted to and agreed in writing by the Local Planning Authority):

- a) A priority junction off Mill Street to provide access to the proposal site as shown in principle on planning application drawing number 208104/27 dated 24 November 2011 prepared by Waterman Boreham. Priority junction to include 2no. 2 metre wide footways and a 90 x 2.4 x 90 metre visibility splay maintained clear to the ground at all times;
- b) A dropped kerb footway crossover to serve the new dwelling proposed on land immediately west of the priority junction mentioned above;
- c) An uncontrolled dropped kerb/tactile paving pedestrian crossing point in Mill Street east of the priority junction mentioned above;
- d) The relocation of the existing dropped kerb immediately north of the parking spaces at The Bury/Church Square junction further east, tactile paving provided and a matching dropped kerb/tactile paving provided on the opposite side of the carriageway;
- e) The relocation of the east bound Bus Stop on the Bury to a point further east.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

- 15 Notwithstanding the details shown, prior to commencement of the development the planning application drawings shall be amended and submitted to and approved in writing by the local planning authority to show provision of the following:

- a) 0.5 metre wide adoptable overhang strip along the eastern side of the estate road from the Mill Street footway to an appropriate point within the proposal site;
- b) Any shared footpath/cyclepaths 3 metres wide and any footpaths 2 metres wide;
- c) An appropriate turning facility within the access way leading to plots 59-71 to accommodate refuse, service and emergency vehicles;
- d) matching dropped kerb/tactile paving on the opposite side of The Bury carriageway (as mentioned under d) of condition 14 above).

The approved details shall be implemented prior to occupation of the development

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

- 16 Prior to first occupation of the hereby approved development details of a Transport Information and Marketing Scheme (green travel pack) for sustainable transport shall have been previously submitted to and approved in writing by the Local Planning Authority. The Transport Information and Marketing Scheme shall be implemented as approved.

Reason - In the interests of promoting sustainable development and transport.

- 17 Prior to commencement or at a later date agreed in writing by the Local Planning Authority, the applicants shall submit to the Local Planning Authority, in writing, a Local Recruitment Strategy to include details of how the applicant/ developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site, for the construction of the development and for the uses of the development thereafter. The approved Local Recruitment Strategy shall be adhered to therein after.

Reason - To promote and encourage the recruitment of employees and other staff in the locality of the application site in accordance with Policy PRO3 of the of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by The Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

- 18 Save where Soakaways are used, Storm Water Storage shall be provided on site to accommodate the 1 in 100 year storm, inclusive of climate change.

Reason - To ensure a satisfactory method of surface water drainage.

- 19 Prior to commencement of the relevant work which impacts on bat commuting and foraging routes, details of external lighting shall be submitted and approved in writing by the Local Planning Authority. External lighting shall be implemented and retained in accordance with the approved scheme.

Reason - To ensure lighting is sensitively designed, minimises light spillage and avoids illuminating bat commuting and foraging routes and to ensure the use of low level, directional lighting to minimise light pollution.

- 20 Prior to commencement of the relevant work a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

The Statement shall detail the following:

- i. the parking and turning of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for waste minimisation and recycling/disposing of waste resulting from construction works.

Reason - In the interests of highway safety and residential amenity.

- 21 No construction work shall take place onsite outside the hours of 07:30 to 18:00 Monday to Friday and 07:30 to 13:30 on Saturday and no time whatsoever on Sundays or Public Holidays, unless otherwise agreed with the Local Planning Authority. This includes deliveries to the site or work undertaken by contractors or sub-contractors.

Reason - In the interests of residential amenity.

- 22 Within 24 months from the date when any of the buildings permitted are first used for the purpose of residential dwellings, the land shown on the approved plan OC002-03-01 Rev G as open space shall be laid out in accordance with that plan as amenity land and thereafter retained for public use.

Reason - The amenity land is an essential element of the development and must be provided and retained for the future.

**DATED:** 18<sup>th</sup> November 2016

**SIGNED:**

*Catherine Bicknell*

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Catherine Bicknell  
Head of Planning

**IMPORTANT INFORMATION :-**

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

Tendring District Local Plan 2007

|       |  |
|-------|--|
| QL1   | Spatial Strategy   |
| QL2   | Promoting Transport Choice   |
| QL7   | Rural Regeneration   |
| QL9   | Design of New Development  |
| QL10  | Designing New Development to Meet Functional Needs                   |
| QL11  | Environmental Impacts and Compatibility of Uses                      |
| QL12  | Planning Obligations   |
| HG1   | Housing Provision  |
| HG3   | Residential Development Within Defined Settlements                   |
| HG3A  | Mixed Communities  |
| HG4   | Affordable Housing in New Developments                               |
| HG6   | Dwelling Size and Type   |
| HG7   | Residential Densities  |
| HG9   | Private Amenity Space  |
| HG14  | Side Isolation   |
| COM2  | Community Safety   |
| COM6  | Provision of Recreational Open Space for New Residential Development |
| COM21 | Light Pollution  |

|        |   |
|--------|---|
| COM23  | General Pollution   |
| COM26  | Contributions to Education Provision                              |
| COM29  | Utilities   |
| COM31A | Sewerage and Sewage Disposal                                      |
| EN1    | Landscape Character   |
| EN3    | Coastal Protection Belt   |
| EN6    | Biodiversity  |
| EN6A   | Protected Species   |
| EN6B   | Habitat Creation  |
| EN11A  | Protection of International Sites European Sites and RAMSAR Sites |
| EN12   | Design and Access Statements                                      |
| EN13   | Sustainable Drainage Systems                                      |
| EN17   | Conservation Areas  |
| EN23   | Development within the Proximity of a Listed Building             |
| EN27   | Enabling Development  |
| EN27A  | St. Osyth Priory  |
| EN29   | Archaeology   |
| EN30   | Historic Towns  |
| TR1A   | Development Affecting Highways                                    |
| TR3A   | Provision for Walking   |
| TR5    | Provision for Cycling   |
| TR6    | Provision for Public Transport Use                                |
| TR7    | Vehicle Parking at New Development                                |

Tendring District Local Plan: 2013-2033 and Beyond – Preferred Options Consultation Document

|     |  |
|-----|--|
| SP1 | Presumption in Favour of Sustainable Development |
| SP4 | Infrastructure and Connectivity                  |
| SP5 | Place Shaping Principles                         |



|       |  |
|-------|--|
| SPL1  | Managing Growth                              |
| SPL2  | Settlement Development Boundaries            |
| SPL3  | Sustainable Design                           |
| HP4   | Open Space, Sports and Recreation Facilities |
| PL1   | Housing Supply                               |
| LP2   | Housing Choice                               |
| LP3   | Housing Density                              |
| LP4   | Housing Layout                               |
| LP5   | Affordable and Council Housing               |
| PP12  | Improving Education and Skills               |
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Informative: The applicant's attention is drawn to the advisory comments of Essex County Council Archaeological Officer dated 10<sup>th</sup> June 2016.

Informative: The applicant's attention is drawn to the advisory comments of Essex County Council Lead Flood Authority in its letter of 20<sup>th</sup> September 2016.

Informative: The applicant's attention is drawn to the advisory comments of Anglian Water in its letter of 15<sup>th</sup> June 2016.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

**The attached notes explain the rights of appeal.**

## NOTES FOR GUIDANCE

### WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

#### APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
  - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://acp.planninginspectorate.gov.uk>
  - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://acp.planninginspectorate.gov.uk>.
  - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online <https://acp.planninginspectorate.gov.uk>.
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

#### ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.

**St Osyth Priory Section 106 Heads of Terms 18.11.2016****Appeal References: APP/P1560/W/16/3158325 & APP/P1560/W/16/3158326**

1. The Planning obligations will comprise:
  - a. The aim to complete the restoration of the buildings on the attached list at Schedule 1 within a period of 10 years from implementation subject to the availability of funding
  - b. The recently updated figures advised by the Dr Lee Report (£7.4m) apportioned as to £1.2m into the BPT Escrow Account and £6.2m allocated against the specific works set out in the Schedule 2 attached which identify the target properties
  - c. The BPT will utilise the £1.2m towards additional grant funding. This coupled with the obligation on the Sargeants to enter into an Agreement for Lease (AFL) with the BPT on the terms identified – 90 years back to back together with an AFL with the Sargeants (or trading company) to take completed heritage assets at market rent continues the revenue stream to the BPT to pick off other heritage assets creating enlarged revenue stream
  - d. The BPT in conjunction with the Sargeants will additionally seek to generate income in the following order of priority via:
    - i. Grant funding
    - ii. Commercial borrowing
    - iii. additional Enabling Developmentso as to continue to address the target list subject to acceptable finance availability with the aim to discharge the same as soon as practicality permits
2. Additionally, the obligations will provide for:
  - a. Contractual arrangements providing for the ongoing maintenance of restored assets by Independent Management Company
  - b. Facilitating the public access ancillary to the BPT
  - c. Restrictions on the future development of the Pigeon House
3. Restrictive Covenants will be offered so as to preclude further residential development within West Field and the Park above and beyond that permitted by West Field 5 and Park 2
4. Triggers will be set out as per the triggers on Schedule 2 so as to restrict release of completed residential units unless and until identified phases of completion of restoration of heritage assets has occurred (subject only to Bond delivery to secure early completions of a phase)
5. TDC and St O Parish Council will each be invited to appoint one representative of each body, the identity subject to agreement
6. A review mechanism to allow for a re-prioritisation of the works referred to in the schedule consensually. In default of agreement any matter to be referred to an expert for determination within 21 days of a dispute
7. The preparation of a business strategy for The Priory to demonstrate the delivery of the 'aim' described in Para 1(a)

Schedule 1

- i) Darcy House
- ii) The Gatehouse (completion of works)
- iii) Abbot's Tower, chapel and 'Rivers Wall'
- iv) Brewhouse
- v) West Barn
- vi) Tithe Barn, Cart Shed and Dairy
- vii) Rose Garden Walls
- viii) Northern section of wall (with gate and windows) on the west side of the Bury

| Phase | St Osyth Priory S.106 Restoration Works (18 November 2016)<br>Appeal AA(West Field 5) and Appeal BB (Park 2) (Less HLF).   |   |
|-------|--|---|
|       | Payment into the Escrow Account for BPT to be in two tranches namely £800,000 on completion of floor slab of the four units within the park that the family are occupying with the balance (£400,000) to be paid prior to the commencement of development of West Field 5.   |   |
| a.    | Gatehouse complete East and West. (Central Roof 4.1.2.1a to 4.1.2.1, Central South Wall 4.1.2.2a to 4.1.2.2z, Central North Wall 4.1.2.4a to 4.1.2.4o, Central Archway 4.1.2.6a to 4.1.2.6h, Interior 4.1.2.7 to 4.1.2.7g and Interior 4.2.2.4)  | Prior to Completion of the 25 <sup>th</sup> dwelling  |
| b.    | Gatehouse - completion of ALL improvement/ new works to central, west and east ranges. (Items 1A to 6D)  | Prior to Completion of the 41 <sup>st</sup> dwelling  |
| c.    | Darcy House West Wing (including Abbots Lodging). (West Wing Roof 2.1.2.1a to 2.1.2.1b, West Wing South Wall 2.1.2.2a to 2.1.2.2i, Abbots Lodgings South Wall 2.1.2.3a to 2.1.2.3l, West Wing West Wall 2.1.2.4a to 2.1.2.4b, West Wing North Wall 2.1.2.5a to 2.1.2.5g, Abbots Lodgings North Wall 2.1.2.6a to 2.1.2.6d, Interior West Wing & Abbots Lodgings 2.1.2.7a to 2.1.2.7b) | Prior to Completion of the 52 <sup>nd</sup> dwelling  |
| d.    | Darcy House West internal fit out/improvement works (excluding Abbots Lodging). (Items 1A to 6D proportioned on a square footage basis based)  | Prior to Completion of the 73 <sup>rd</sup> dwelling  |
| e.    | 2.2 Darcy House East Wing Roof - condition survey works 2.2.2.1  | Prior to Completion of the 82 <sup>nd</sup> dwelling. |

APPENDIX P SUMMARY CRITIQUE OF COLLIERS REPORT II  
JANUARY 2019

Private & Confidential

1. Colliers incorrectly report what was agreed at the Inquiry. What was agreed was documented within the planning permissions (16/00656/FUL & 16/00671/FUL), which were issued 18 November 2016. Both these planning permissions contained a condition with regard to the Heads of Terms for the s106 too. The Heads of Terms in relation to the Business Plan was simply the following requirement, "***the preparation of a business strategy for the Priory to demonstrate the delivery of the 'aim' described in para 1(a).***" Para 1(a) is the aim to deliver the buildings in schedule 1, the Council's priority list of buildings, within 10 years. This is not a guarantee but rather a business strategy that aims to deliver the list of buildings identified by the Council. There is *no* requirement to minimise the enabling development it could simply be a credible strategy that is deemed to be delivering the aim.
2. This translated into the s106 dated 14-3-18, being the document against which this Business Strategy is to be tested, although the above is the context. It is not Colliers' place to introduce new requirements or variations to the agreed planning permission or the s106 or to misrepresent the facts. This could lead the Council into a potential breach of contract.
3. The Business Strategy requirement will be satisfied by the following s106 definition.
  - "***Business Strategy***" means a business plan that will leverage available grant and commercial funding in conjunction with Enabling Development in accordance with clause 4.2 that will seek to deliver within 10 years of the date of Commencement the restoration of the Listed Buildings
4. The overall strategy is therefore set by the s106 and has the aim to repair the buildings in the schedule, over 10 years, using the three funding sources of grant, commercial funding and enabling development. The agreement related to the granted Enabling Development, which pump primes the match funding to maximise the potential grant funding. If the Trust achieves grant funding, these combined monies will ultimately produce an income for the Trust via rent that can be recycled on the site and in theory gain further grant funding. This principle was agreed at the Inquiry, covered in the planning permission and the subsequent definition. It has also been agreed, pre and post Inquiry, that there is a limit to grant funding that can successfully be achieved over the 10 year period and that this is likely in the region of £5m.
5. The s106 has some other key definitions and clauses that are to be used to test the suitability and conformity of the Family's Business Plan to the s106. These definitions are. -
  - "***Conservation Deficit***" The amount by which the cost of repair (and conversion to optimum beneficial use if appropriate) of The Priory Estate, being the designated heritage assets exceeds its market value on completion of repair and conversion, allowing for all appropriate development costs in accordance with the Restoration Scheme and relevant practice and guidance at the date of this agreement.
  - "***Enabling Development***" means such applications for further development that would facilitate any shortfall in funding to achieve the aim within 10 years of the full restoration and viable reuse, where feasible of those buildings listed in Schedule 1 part 3
  - "***Restoration Scheme***" those parts of the written scheme of works and specifications for the restoration of the Listed Buildings prepared by Carden & Godfrey and entitled Survey of Condition with Historical Notes and Repair Recommendations dated 2009 updated by site review of current condition May/June 2010 and as altered at the request of English Heritage to lessen the amount of work so as to better accord with good conservation practice and to reduce the Conservation Deficit together with the McBains Cooper Cost Plan dated March 2012 as amended by the BNP Paribas Report November 2014 and November 2016 as are set out in Appendix 1 and subject to available funding as set out in Schedule 1 clause 4.2 but not further or otherwise
6. The main differences between the parties could be summarised as. the approach, the costs and the criticism from Colliers that the enabling development is yet to be defined so cannot be deliverable and that enabling development will negatively impact on communities. The criticisms about the structure and language have been set to one side as this is easily fixed and the headings/format were largely what Colliers had suggested in an earlier discussion.
7. The negative impact on communities would be determined by any planning consent and, in any event, is unlikely given the housing crisis and TDC's lack of a five-year land supply. 279 new units have already been approved on or adjacent to The Priory and they have, on balanced, been deemed to be beneficial in one of the more sensitive of locations in the District. It is therefore very probable that the additional enabling development required to make up the shortfall, as set out above, could credibly and viably be



achieved. This is even more likely if TDC embrace the creative solution that the Family has suggested with regard to affordable housing on Foots Farm, whether in whole or part.

8. The overall strategy was agreed at the November 2016 Inquiry and is considered to be viable and obviously therefore not flawed. This has flowed through into the s106. The issue is due to the limits on grant funding and commercial funding, and therefore the amount of enabling development that is required to viably solve the problem. The Family feel confident, given their track record, that they will successfully address this shortfall. Obviously if more grant funding was available, the amount of enabling development could be reduced. The s106 allows for revisions. There is no stated requirement of this Business Strategy to minimise the need for enabling development. It is making up the shortfall that is required to complete the aim. Colliers are therefore wrongly asserting their own views with regard to enabling development. They are failing to follow both the s106 and the HE 2008 enabling development guidance. This is causing further damaging delays. These assets are and have been since 2007 on the Historic England At Risk register.
9. The Family's Business Plan clearly identifies the three funding streams, the amounts raised via each source and the reasons that these assumptions have been made. Enabling Development is simply making up the shortfall and the Family has held in abeyance a sizeable sum to cater for an improvement in grant or commercial funding. It has also provided for significantly more grant funding than was thought possible at the time of the Inquiry.
10. It is relevant to note that the amounts and timings of grants and/or commercial loans are not significantly called into question. Colliers recognise that the HLF grant funding bid could fail and they concede that this would lead to a requirement for more Enabling Development.
11. Colliers have identified the possibility of the Council providing loans. This was a suggestion first raised by the Family but to date the Council have not taken this suggestion forward. If this was possible, it could enhance the deliverability of the plan and reduce some costs. Cath Bicknell has been emailed separately on this point. The Family and the Trust would willingly embrace more advantageous loans from the Council than those contained within the Business Plan. This can be easily justified by the Council, based on the potential positive economic impact the development, if successfully realised; would have on the entire district. The Council need to advise whether and on what terms, if any, they would lend; so the Business Plan can be adjusted accordingly.
12. The Business Plan does not yet take into account another idea that had been suggested by the Family; which would take benefit of the Gift Aid provisions available to the Trust to enhance the £1.2M monies the Trust receives by a further £300,000. This would need to be approved by HMRC but before that we need the Council to agree the proposal and supply a signatory for the escrow account as part of the s106 provisions. The Trust and Family will thereafter adjust the Business Plan to align with this; if accepted by both the Council and HMRC.
13. As was evidenced at the recent meeting on 14.1.19 and by the failed Round 1 HLF bid, that grant funding is far from certain but all parties believe it will be achievable. It is not guaranteed but it would be wrong not to include it at this early stage.
14. The Commercial funding terms are also not guaranteed but what has been included is the best estimate. The Council could ensure the terms with their own involvement.
15. The quantum of enabling development that is required to close the funding gap feasibly and viably, has always been the major problem for the Council and their consultants. The optimum way to reduce the amount of enabling development is to do something rather than nothing; to back people with a proven record of creating successful place-changing developments that increase property values and therefore reduce the Conservation Deficit. When nothing happens costs escalate, as can be seen from the Business Plan and the relative inactivity with regard to funding since the Inquiry.
16. The approach that Colliers advocate is not to be found in the HE guidance. It is akin to the approach for historic entities<sup>1</sup> but in the HE guidance this requires that the end value of the property is **not** deducted as the historic entity is not to be sold. If Colliers faithfully followed this approach, based on the figures at the Inquiry; it would have added circa £12.7M to the Conservation Deficit.

<sup>1</sup> An historic entity is an outstanding ensemble of historically associated buildings, often land (which may include archaeological remains) and normally contents, whose significance would be inevitably and materially harmed by break-up and sale

17. The Colliers report uses out of date and the incorrect construction costs and professional fees only, rather than all the appropriate costs. It produces a number which is not a Conservation Deficit as defined in the HE guidance or as required by the s106. See the definition of "Conservation Deficit" contained within the s106 and of particular note is the following, "**allowing for all appropriate development costs in accordance with the Restoration Scheme and relevant practice and guidance at the date of this agreement**". It is clear that in working out a Conservation Deficit the 2008 HE Enabling Development guidance should be used and all the development costs are to be included. Colliers have failed to do this.
18. The inclusion of Restoration Scheme within that definition also has a bearing on the Colliers report and its suitability. For the purposes of agreeing the Business Strategy/Plan we can see from the s106 definition that the specification is defined (Colliers suggest that this is reopened) and the cost base is also defined. The specification is the adjusted one provided by the Carden & Godfrey base and as for the numbers it is the BNP Paribas figures from the Inquiry, when they acted as a joint expert for all parties rather than the RNJ figures.
19. Colliers plan is based on RNJ numbers. These *were not* accepted by the Council's, Historic England's or the Family's jointly appointed expert at the inquiry. The Family's Business Plan has been based entirely on the jointly appointed expert's report, updated by third party indices and a mixture of figures produced by both Colliers and Savills so it represents the vision that has been agreed and is current.
20. The definition of Enabling Development makes it clear that this is the means by which any funding shortfall is made up - '*would facilitate any shortfall in funding to achieve the aim within 10 years of the full restoration and viable reuse*'. Colliers recognise there will be a need for enabling development<sup>2</sup>, so it is the quantum that is the issue between the parties. We believe Colliers' approach is fundamentally flawed.
21. The other clauses of relevance to the discharging of the s106 process are those below.
- 4. ADDITIONAL RESTORATION - (BUSINESS PLAN)
  - 4.1. *Subject to the grant of all necessary statutory and other consents and approvals and subject also to the availability of funding the Owner will separately aim to complete in conjunction with the BPT the restoration of the buildings on Schedule 1 Part 3 within 10 years of Commencement.*
  - 4.2. *The Owner will (in conjunction with the BPT) seek to generate income to facilitate such works in the following order of priority namely:*
    - i. *Grant funding*
    - ii. *Commercial borrowing on the Trust Property*
    - iii. *Additional Enabling Development*

*So as to facilitate the completion of the said Restoration of the Buildings in 4.1 above*
  - 4.3. *The Owner will in conjunction with the Trust prepare a combined Business Strategy that realistically and viably seeks to achieve the restoration of the Listed Buildings at Part 3 of this Schedule. The Business Strategy will be submitted to the Council for approval. Failure by the Council to respond within 20 working days will represent an approval to the request. In the event the Council does not agree to the Business Strategy they must provide reason/s for the refusal including an explanation of how it will fail to secure the future of the identified Listed Buildings and such other alternative that they would find acceptable. If there is a dispute this will be referred within 21 calendar days for determination in accordance with clause 5.*
  - 4.4. *Once the Business Strategy is agreed the Owner and Trust will subject to market forces and availability of suitable funding proceed using reasonable endeavours to deliver the Business Strategy. Similarly, without fettering the Council's powers unlawfully the Council will be bound to act where relevant and appropriate in accordance with the agreed Business Strategy. For the avoidance of doubt the Owner will not be required to proceed if the Business Strategy does not or will not deliver market returns of profit based upon the risks associated with the Business Strategy. If the Business Strategy is unviable then the Owner will prepare a new Business Strategy and seek approval with the Council as set out above. The process will be an iterative process over the 10 years.*
  - 4.5. *The Council or the Owner can annually on the date of this agreement seek the other to agree to the re-prioritise of the Restoration Scheme with regard the Target Listed Buildings in Schedule 1 Part 3. The party to whom the application is made has 20 working days to agree or otherwise. If, the*

<sup>2</sup> Section 2 - *although there is likely to be some conservation deficit*

*alteration alters the Business Strategy then this period will be extended to 3 months. Both parties acting reasonably need to agree to the proposed re-prioritisation and in the event of a dispute then within 21 days it is to be referred to an expert for determination otherwise in accordance with Clause 5 ante. The decision to alter, substitute and remove Trust Property will be determined by the Business Strategy and require the agreement of the Council such agreement not to be unreasonably withheld or delayed and subject also to provisions of clause 5 (Disputes) ante.*

22. Clause 4.1 and 4.4 make clear the critical role that funding has to the success of the project.
23. Clause 4.2 has been embraced wholeheartedly by the Owner (The Family), by providing the funding costs of the phase 1 HLF bid rather than the Trust and suggesting the Council loan and Gift Aid proposals. It is therefore disappointing that there is criticism of the Owner in this regard.
24. Clause 4.3 includes the requirement that the Business Strategy needs to be realistic and viable. It does not need to be a guaranteed outcome. The Owner has not sought to enforce the required 20 day response timeframe, which was missed, in order to work collaboratively with the Council. This is why the misguided response from Colliers is so disappointing.
25. Clause 4.4 is of critical relevance as it does not bind the Council to approve unacceptable enabling development, but it simply requires that it agrees the funding shortfall that exists to deliver the aim, in accordance with the other s106 provisions. The agreement already provides that enabling development is the means to address this funding shortfall.
26. Clause 4.4 also makes it clear that the Owner does not have to accept or the implement the Council's Business Strategy if, in their opinion, it does not or will not deliver market returns for the associated risks. The Owner simply has to produce a new Business Strategy. A deadlock is not, however, in the interests of any party.
27. There is a dispute resolution clause within the agreement to assist with disputes and deal with deadlock situations.
28. Colliers have been very critical of the Business Strategy the Owners have produced. Their own report is overly emotive, littered with inaccuracies and not based upon the s106 obligations<sup>3</sup>. We have chosen not to deal with these now but will do so if progress is not made in light of this brief note. Save we invite the Council to consider the following statement from the Colliers report and interrogate it to see if it is an accurate representation of the facts.
  - *HLF has refused the application. They say it would have been stronger if it included accommodation, had a viability appraisal produced by an RICS surveyor, and more clarity about governance and management. Colliers made the same observations when the application was being prepared.*

What the HLF letter actually said was.

- *They considered that the sustainability of the project would be closely allied to separately funded guest accommodation. Risks were identified around the absence in the Viability Appraisal of a final market value provided by a RICS qualified professional, omission in the proposed timetable for assessment of the second round application and no explicit provision for producing the required Development Appraisal for the second round bid. Some concerns about proposed leasing and governance arrangements were also raised.*

The first point made by the HLF is an observation and it accurately reflects what the Family and their consultants have been telling from the outset if the proposal is to be really successful. Perversely Colliers has been advocating that accommodation was not essential. Even in this report they continue with this approach - *"Darcy House West and the Abbot's Lodging could form a successful functions business, with or without visitor accommodation."*

<sup>3</sup> "A hypothetical model for the whole estate, built on many dubious assumptions, is no longer relevant, therefore. It has no value. It would be inappropriate to use it to consider applications for grants, enabling development or loans" - "Cost estimates are not trustworthy" - "The way it is structured and written makes it almost unintelligible" - "The plan is opaque" - "The quality of the application needs to be substantially improved compared to the first effort, including greater transparency and demonstration of genuine community support, for realistic chance of success."

Colliers did not mention in their critique of the draft HLF round 1 bid the need for a RICS valuation to accompany the HLF bid.

Colliers did not mention in their critique of the draft HLF round 1 bid the need for timetable to a round two bid. Whilst the bid did not explicitly contain this it was implicit in the detail [the cashflow and text]

Colliers did not mention in their critique of the draft HLF round 1 bid the need for an explicit requirement for a development appraisal for the second round bid.

Colliers have raised concerns in the past about governance arrangements and they were seemingly satisfied with the response as evidenced by the s106 and further exchanges over email and at meetings. Indeed, since then the Trust has received charitable status and I'm sure that both Ian and Sonia will vouch for the Trust's independence. Colliers only mentioned the City & Country role as an issue in their critique of the draft HLF round 1 bid. We addressed this point by speaking to the Heritage Lottery Fund case officer, who did not see it as a big issue but to avoid any criticism we effectively wrote City & Country out of the process on the following basis as reported back to Colliers:

*"Therefore, to avoid any potential criticism it is not proposed that City & Country will have any formal involvement past the First-Round application, which they are doing pro bono, and that any further involvement by City & Country will only be as part of a competitive tender process. As such, there is no remuneration proposed for C&C within the bid. Obviously, Tim and Helen will bring their development experience as Trustees though, which will help ensure the project is a success and City & Country will be happy to tender for any additional work if required, albeit they will not be offended if the Trust chose to use another party."*

All parties, as far as we were concerned, were satisfied about the lease arrangements as the s106 provides for a 90 year lease and the critical terms associated with access etc.

We therefore feel that Colliers have misrepresented the facts but the Council can check for themselves and draw their own conclusions.

29. It would not be unreasonable to ask Colliers to apply the same rigour to their nascent Business Plan as they seem to seek to apply to the Family's one. Any business strategy over 10 years is going to be an aim which is what we are dealing with. The later years will be less substantial and certain compared to the initial years. Any 10-year Business Plan will be changed to address events as they happen and market changes; with the reality being different to the initial plan. This is recognised in the s106 as the clause reproduced above demonstrates. There is also provision for both parties to annually re-prioritise repairs and to alter the Business Plan when it proves to not work or be unviable. The s106 is a useful and sensible road map that the Council are contractually bound to follow.
30. Whilst it is noted that Paul Drury has reviewed the report (section 1), it is interesting that this is not a joint report. Is this because of the obvious flaws and misinterpretation of HE Enabling Development guidance? The Council will be aware of the huge sums paid to these particular consultants, who to varying degrees, advised the Council to refuse applications that were approved after only three days of evidence at the scheduled 12-day Inquiry. We had hoped lessons might have been learnt but this seems not to be the case. Public finances are being wasted on consultant fees, an increasing conservation deficit, delay in the use of the potential facilities and the heightened risks that result from these delays.
31. HE has advised the Family that the Priory is not a historic entity and that a holistic approach was required. The Family's approach faithfully follows both this advice/requirement and the details of the HE guidance. The numbers used follow the approach of the joint expert, as endorsed by the Council and HE at the 2016 Inquiry. The approach for working out the Conservation Deficit was debated by all sides and the expert reached their conclusion. This begs the question why is this being revisited; especially when this would breach the terms of the s106?
32. The project phasing in the Business Strategy aligns to what was discussed and agreed, when agreeing the uses.
33. The requirements that the report sets out in section 4.3 do not align with the Historic England guidance on enabling development.

Monday, 21 January 2019

# 1 VISION FOR ST OSYTH

## ST OSYTH DEVELOPMENT STRATEGY

*This is a record of agreement reached in a series of meetings held between late 2017 and June 2018 about the strategy for restoring to sustainable use the heritage assets forming St Osyth Priory. The meetings were attended by the owners, the Sargeant family (represented by Tim Sargeant and Sam Bampton), Tendring District Council (represented by Catherine Bicknell, Head of Planning, and their advisors, David Geddes of Colliers and Paul Drury, of Drury McPherson Partnership), Essex County Council (represented by Tim Murphy, Historic Environment Manager), Historic England (represented by Andrew Martingdale).*

## STRATEGY

The strategy is to use the proceeds from agreed enabling development, any grants that can be secured, especially from the Heritage Lottery Fund, and commercial funding to restore the heritage assets in a manner that makes the priory into a successful business operation.

The property is owned freehold by the Sargeant Family (the Family). There is an agreement that they will grant a 90-year lease to a charitable trust, St Osyth Priory & Parish Trust (the Trust) on the commercial use properties that the Trust are able to secure grant funding to restore in full. The Family or their nominated operating company will take a lease on the properties restored with assistance from the Trust at a market rent.

Surpluses that are generated from the Trust, plus any further grants, commercial funding and proceeds from enabling development will be used to continue restoration work until all the heritage assets are secured for the long term.

Grants and revenue generated from the Trust operations will also be used to create training schemes and fund continuing restoration work.

The whole estate will be managed as a single holistic entity to ensure the group value of the heritage assets is sustained and where possible enhanced. The Family via their freehold ownership or leasehold interests over the Trust properties will manage the estate as a business, which will seek, so far as is compatible with sustaining its heritage values, to maximise profits, in order to increase the property values. This will, in turn, reduce the conservation deficit and increase the potential for viable commercial loans that will assist with the restoration of further properties.

It is the ambition to restore the heritage assets of the precinct within 10 years.

The first major grant application will be to Heritage Lottery Fund's Heritage Enterprise Fund.

There will be two main components of the business based on this strategy.

The first will be functions and accommodation-orientated, akin to a hotel. The core of this will be weddings and other functions held in Darcy House West (including Abbots Lodging) and the Tithe Barn, plus letting accommodation provided in other buildings.

The second will be visitor-attraction orientated. This will be a combination of heritage attraction and country park, with an attractive retail and food and beverage component.

Darcy House West and the Tithe Barn plus enough space around them to provide privacy, will be closed to visitors while events are taking place and for a reasonable set-up period but will normally otherwise be open to visitors. Most of the priory precinct will be accessible to the public, with some restrictions to provide privacy for people staying in the buildings or to cater for exclusive functions where financially desirable.

Circular walks around the Park will be part of the visitor offering. These will be open in combination with the café, gift shop and farm shop but will be closed to the public outside of operating hours to ensure security and allow appropriate management.

#### SITE LAYOUT

It was agreed that to deliver the vision set out above, maximising public access, that the optimal site layout appears to be:

- A new build café and entrance building of appropriate architectural standard, alongside a children's play area, to the west of the cart shed, possibly containing a kitchen capable of preparing food for functions. Outdoor seating on either side (south side overlooking garden in front of the building, and north side overlooking play area). Retention of the Atcost barn, preferably with cosmetic improvement to the exterior, for indoor play. Base for cycle hire and other activities on the estate. Starting point for walk through the park.
- Cart Shed used for food-orientated shop.
- Ground floor of Dairy used for gifts-orientated shop; upper floor for offices.
- Tithe Barn used for events and pop-up commercial activity in summer holidays, school groups during term time. A service kitchen, of a size to be dictated by whether the wedding operator will cook on site and/ or whether one is provided within the new build café. The removal of the café, as currently consented, from the Tithe Barn will allow the amount of space for events to be maximised, enabling larger wedding parties.
- Abbots Lodging used for functions space, with capability to do both wedding ceremonies and wedding breakfasts, plus other types of event.

- Darcy House West Wing (once accommodation for the Family in the Park is complete) to be bar, boardroom style meeting room and lounge / tea room on the ground floor; 3 luxury rooms for let on first floor.
- Abbots' Tower and the Chapel to be a visitor attraction, with the tower containing an exhibition on the story of St Osyth. The Chapel will be available for smaller wedding ceremonies and the St Osyth Day service.
- Gatehouse, Bailiff's Cottage (once the Family accommodation in the Park is complete) and Slip Cottages (in short to medium term) to be used for visitor accommodation.
- The Slip Cottages may be retained as visitor accommodation in the longer term if there is demand (there are few wedding venues in Essex with 50+guest suites) Darcy House East and South to be used once funding has been secured.
- Parking for visitor accommodation and functions off Colchester Road. Area between Darcy House South and Chapel ideally landscaped, allowing greater access to pedestrians around the Precinct area.
- Spa in the Walled Garden or vaulted rooms in Darcy South (subject to inspection of archaeology).
- A loop walk through the park accessed via the existing personal gate in the western boundary wall, ending in the wilderness garden and then out to the Bury.

The layout is shown on an attached plan.

It is recognised that there may need to be a time curfew on weddings while properties in the Precinct remain in residential use.

#### **DEVELOPMENT PARTNERSHIP (Subject to HLF endorsement)**

It is understood that the development of elements that involve grant funding will be managed by a partnership between the Trust and City & Country, the development company owned by the Family.

City & Country will be paid a development management fee that will be transparent and reasonable in relation to what would normally apply in the market. It will include a bonus element that relates to the success and delivery performance of the Trust's grant application and subsequent delivery of the restoration work on behalf of the Trust.

City & Country's work will include the development management, managing the elements of constructing and delivering projects, including funding, selecting professionals and contractors, and overseeing the works.

## OPERATION / ONGOING DEVELOPMENT

The business will be managed by an operating company set up by the Family (to create a separate commercial entity). The operating company will manage the site on behalf of the Family, in collaboration with the Trust. The section 106 agreement has an agreed mechanism by which trustees can influence operations.

The operating company will either manage all elements of the business itself or contract elements of the operation to one or more specialist commercial operating companies (either through an operating agreement, or the operator taking a lease). It is the intention to contract the management of weddings and other functions to a specialist operator.

The operating company will pay a rent to the Family for space it uses. This will be reasonable in relation to market values and expected to be in the range £8-12 per square foot.

A proportion of any profits made by the operating company over a certain level (i.e. super profits) will be channelled to the Trust to facilitate their work, on the understanding that all parties will work together to find a solution that delivers restoration of the heritage assets over 10 years. The formula for this will be agreed by SOPPT and the Trust at an early stage.

The Trust will have a 90-year lease for parts of the site for which they have obtained grant funding. This is envisaged as initially being the Tithe Barn (plus Dairy and Cart Shed) plus new build café and play area, which will be the subject of the Heritage Enterprise application.

They will sub-lease to the operating company or commercial operator, who will pay a market rent. This is expected to be £12-£14 psf, c.£130,000 per annum plus an allowance for inflation.

The Trust will use the rent, supplementing it with grant funds where possible, to take on the restoration of other heritage assets on the site, with the development work managed for them by City & Country. The operating company / commercial operator will pay a market rent for the additional buildings restored in this way. This will be a peppercorn for any assets, like walls, that do not directly generate income.

It is understood that the Family wish to use proceeds from enabling development from other sites they might acquire in the district to assist with restoring the heritage assets. TDC is obliged to consider these proposals on their individual merit, but understands the value enabling development could have in ensuring that all the heritage assets at the priory are restored and the scale of the challenge in securing enough funding to make it possible.

DG – 22 July 2018



