

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	13 <sup>th</sup> Aug 2020
Planning Development Manager authorisation:	AN	13/08/2020
Admin checks / despatch completed	CC	13/08/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	13/08/2020

**Application:** 19/01524/LBC **Town / Parish:** St Osyth Parish Council

**Applicant:** Mr R.A, T.R, D.R, A.I Sargeant

**Address:** St Osyth Priory The Bury St Osyth

**Development:** Proposed conversion of the drying shed to a one-bed holiday let.

### **1. Town / Parish Council**

Parish Clerk  
St Osyth Parish Council  
28.11.2019

Following a discussion as to the merits of the application, for which the consensus was that proposal would bring an otherwise unused building back into use, Councillors voted on the application.

The Council voted in favour of the application, by a margin of 7 in favour and 4 abstaining.

### **2. Consultation Responses**

Historic England  
07.11.2019

Saint Osyth Priory is a historic place of the greatest importance. That significance is reflected in a wide range of heritage designations, including listings, scheduling and entry on the register of parks and gardens. The Drying Shed is individually listed at Grade II, it sits on scheduled ground, and forms part of the wider group of listed buildings that make up the Priory site.

The proposed conversion of the Drying Shed to a one-bed holiday let is proposed to support the wider project to bring all the buildings at St Osyth back into sustainable repair and use. While we do not intend to comment on the conversion in detail, deferring to the opinion of your specialist historic buildings advisor, we note our support in principle for such a use.

National policy as set out in the NPPF makes clear the government's commitment to sustainable development (para 7 & 8). Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance (para 184). When considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the assets conservation (para 193). Harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use (para 196).

Recommendation

Historic England has no objection to the application on heritage grounds.

Essex County Council  
Heritage

The application is for proposed conversion of the drying shed to a one-bed holiday let.

This historic drying shed is curtilage listed.

I have no objection to this proposal.

Should this application be approved, I recommend conditions are attached.

### **3. Planning History**

07/00858/FUL	Use as a venue for marriage in accordance with Marriage Act, 1949 and/or Civil Partnership Act 2004.	Approved	14.12.2007
11/00334/FUL	Construction of a visitor centre/function room suite; part change of use and alteration to Darcy House for use as a function room; internal and external alterations and all ancillary works.		13.06.2014
11/00335/LBC	Alterations to Darcy House to extend window opening to ground level, insert quoins in stone and retain upper section of window as a fanlight, adapting transom to receive door and install oak frame and door to match west wing north door (but with a straight rather than arched head).	Approved	18.09.2014
14/01008/FUL	Creation of a Visitor Centre in the Tithe barn, Cart Shed, Dairy and adjacent paddock including changes of use to A1, A3, B1, D2 and conference / functions / wedding reception use; construction of extensions; internal and external alterations and all ancillary works shown on the drawings.	Approved	09.01.2015
14/01009/LBC	Creation of a Visitor Centre in the Tithe barn, Cart Shed, Dairy and adjacent paddock including changes of use to A1, A3, B1, D2 and conference / functions / wedding reception use; construction of extensions; internal and external alterations and all ancillary works shown on the drawings.	Approved	09.01.2015
19/00208/ADV	5 No. signs to advertise development and business activities.	Approved	07.06.2019
19/01523/FUL	Proposed conversion of the drying shed to a one-bed holiday let.	Current	19.05.2020
19/01524/LBC	Proposed conversion of the drying shed to a one-bed holiday let.	Current	19.05.2020
20/00719/FUL	Conversion of and external alterations to	Current	

existing C20 barn and repositioning of 4no existing shipping containers to form mixed use visitor destination and community hub (comprising microbrewery, café, farm shop, interpretation & visitor reception and soft play) and construction of temporary 20 space car park

20/00755/COUNOT Change of use of existing Atcost barn for a microbrewery (B1c), cafe (A3) and play space (D2). Prior App not Req. 28.07.2020

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN22 Extensions or Alterations to a Listed Building

EN27 Enabling Development

EN27A St Osyth Priory

EN29 Archaeology

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

PPL7 Archaeology

PPL9 Listed Buildings

#### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on

their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal**

### Site Description

St Oyth's Priory was founded around 1120 by Richard de Belmeis, Bishop of London, as a house for Augustinian canons from Holy Trinity, London. It became an abbey before 1161. Dissolved in 1539, it was bought by Thomas Darcy who demolished the church and built a large brick house on the site incorporating the abbey remains. Sacked in the Civil War, the site was restored in the 1720s with a new house to the NW, itself demolished in the 1860s when the site was again transformed. The house declined in the C20, accommodating a hospital use after WWII until the 1980s, the owner residing in the C15 gatehouse. The surviving buildings range in date from the C12 to the C19 and are complimented by archaeological remains which are scheduled along with the ruins of Darcy's C16 House.

The Drying Shed at St Osyth's Priory is the only building without an allocated use on site. It is a C18 red brick building incorporating an earlier wall on its west side. It has a pyramidal tiled roof over a single volume on an almost square plan. There is a centrally placed plank and batten door in the south elevation and louvred openings to both the west and east elevations, those to the east taller than those to the west. There is a blocked window to the north. The west elevation has a tall English bond plinth, probably of C16 date, with a straight joint to the south wall. The rest of the brickwork is Flemish bond, more or less. The interior is a single volume with various wooden structures of indefinite date for hanging dead animals.

### Proposal

The application seeks planning permission to convert the Drying Shed, which has a footprint in the region of 33sqm in to a one-bedroom C1 holiday-let. The use and conversion of this building will be to support the consented Wedding Venue at St Osyth Priory.

### Listed Building

Development affecting the setting of a Listed Building can have as dramatic, and if not properly controlled, as severe an impact as unacceptable alterations to the building itself. The setting of a Listed Building is a material planning consideration when considering planning applications.

Paragraph 192 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 196 of the NPPF requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important

the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

“Enabling Development” may be defined as development promoted primarily as a way of saving an important Listed Building, registered garden or scheduled monument that is neglected, dilapidated, or otherwise perceived to be “at risk”. Such development is regarded as an established and useful planning tool by which the community may be able to secure the future of a heritage asset, provided that, on balance, the benefit outweighs any harm caused by the new development. Many applications affect historic buildings and places and should, subject to conforming to other planning policies, either enhance or preserve their integrity. Occasionally, however, enabling development is proposed which, whilst it would achieve the preservation or secure the future of an historic structure or landscape, would normally be rejected because it is contrary to other national or local planning policies. In order to justify allowing development, which would otherwise be regarded as inappropriate, very special circumstances must exist. The objective of such applications is to provide funds for repairs that cannot be generated from any other source. So unlike most planning decisions, the financial consequences of the granting of planning permission are not only relevant but fundamental to the decision-making process.

St. Osyth Priory is of national heritage importance and the most notable heritage site within the district. It contains an exceptional Grade 1, Grade 2\* and Grade 2 group of listed buildings, a schedule ancient monument and registered garden and park. The Council is committed to the conservation, preservation and restoration of St. Osyth Priory and, to that end will work in conjunction with the landowner and English Heritage. An assessment of works required to preserve and restore the listed buildings and the scheduled ancient monument to standards agreed by the Council and Historic England and to establish the scale of funding consequently needed will be made. A separate evaluation will be required of the scope of works for the restoration of the registered park and garden. Any conservation deficit (as defined in the English Heritage publication ‘Enabling Development and the Conservation of Heritage Assets’) must be clearly established and identified. Thereafter, any application for enabling development will be judged against the criteria set out in Policy EN27.

Section 16 of the NPPF, which deals with conserving and enhancing the historic environment, is particularly relevant to this proposal, as it proposes to make a financial contribution towards restoration works at St Osyth Priory. The heritage significance of St Osyth Priory has been considered in detail as part of the enabling development proposals already consented on the estate and is detailed in the 2011 and 2016 Heritage Assessments, with the need for further funding acknowledged by all parties.

The Drying House is listed at Grade II for the following principal reasons:-

- \* Architectural interest: it is of special interest for the way its form, including louvred windows and pyramidal roof, reflects its function;
- \* Historic interest: it forms part of the C18 development of the Priory and its buildings, but also retains fabric indicating earlier use;
- \* Group value: the building has group value with the other designated buildings and structures on the site, particularly the Brewhouse immediately to the west, as well as the Scheduled Monument and the registered Park and Garden.

The Listing is described as:

Drying House; possibly C18 with some earlier brickwork to the west wall. Red brick with a tiled roof.

EXTERIOR. The drying house is square and has a pyramidal roof with a chimney in the south slope. To the centre of the south elevation is a plank and batten door, and there are two louvred openings below the eaves to both the west and east elevations, those to the east taller than those to the west. The west elevation has a tall plinth and the brickwork below the louvres, including the plinth, is laid in English bond. The brickwork here appears earlier than that in the remainder of the building and is not keyed in fully to the south wall. The rest of the brickwork is laid mainly in Flemish bond.

The proposal does not result in any significant external change to the building, other than to existing openings and the character would therefore remain unchanged. The internal arrangement has been designed to have minimal impact on the internal fabric of the building, meaning that the heritage value of the building is retained. The setting of the surrounding buildings would be enhanced by the scheme through careful repair of the exterior and the interior changes would not cause harm to the building overall.

The Historic Environment Officer has no objection to the proposal, subject to a number of conditions to be attached to any forthcoming permission.

### Archaeology

Archaeological sites are a finite and non-renewable resource. In many cases they are highly fragile and vulnerable to damage or destruction. These sites contain information about our past, are part of our sense of place and are vulnerable for their own sake and for their role in education, leisure and tourism. As a result it is important that they are not needlessly or thoughtlessly destroyed. Within Tendring approximately 1880 sites of archaeological interest are recorded on the Essex Heritage Conservation Record (EHCR) of which 27 are Scheduled Ancient Monuments. These sites range from Palaeolithic deposits of international significance through those of the prehistoric Roman, Saxon and medieval periods and up to modern industrial and World War II/ Cold War monuments. However, the EHCR records only a proportion of the total with many more important sites remaining undiscovered and unrecorded. The nature of archaeological evidence means that all areas of high potential may not have yet been identified. Important archaeological evidence may exist on any site, and thus may be at risk from proposed developments. The District Council, in conjunction with the County Archaeologist and relevant bodies, is determined to identify and protect all-important remains through the use of appropriate policies and their implementation through the development control process. Where the Council believe important archaeological remains are likely to exist, it is reasonable to request a field evaluation funded by the developer, but carried out independently, is carried out prior to determining a planning application. Not all surviving archaeological remains are of equal importance and Policy EN29 reflects this hierarchy. Where permission is granted for development affecting archaeological remains, and preservation in situ is not possible or feasible, conditions will be imposed to ensure that the remains are properly recorded and evaluated and where practicable, preserved, prior to development. Saved Policy EN29 states that development will not be permitted where the Council considers that it will adversely affect nationally important archaeological sites and their setting and permission will be refused where development proposals do not satisfactorily protect archaeological remains of local importance.

None stated but the building is of interest as part of the C18 outbuildings of the main house. The Drying Shed was scheduled until 2014 but the ground under it still retains that status.

The Historic Environment Officer has no objection to the proposal, subject to a number of conditions to be attached to any forthcoming permission.

## **6. Recommendation**

Approval - Listed Building Consent

## **7. Conditions / Reasons for Refusal**

- 1 The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason - To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:- (02)303C Proposed Plans And Elevations, (02)304 Proposed Details and Flex-Fence-Building-A-Louvered-Screen-For-Indoors-And-Out, received 6th December 2019.

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

- 3 Prior to commencement of development a schedule of works for the repair and restoration of the Drying Shed shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To enable full investigation and recording of this site of archaeological importance.

- 4 Prior to commencement of development detailed drawings of all new windows and doors, of the rainwater goods and rafter support for gutters and any other interventions required (such as Damp Proof Coursing) shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure the use of appropriate detailing on this listed building.

- 5 Prior to commencement of development samples of the new bricks and tiles shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details / samples.

Reason - To ensure the use of appropriate detailing on this listed building.

- 6 The applicant will submit to the Local Planning Authority an approved historic building report (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority).

Reason - To enable full investigation and recording of this site of archaeological importance.

- 7 Prior to commencement of development a scheme of archaeological building recording commensurate with a 'Level 3' record as outlined in Historic England Guidance Understanding Historic Buildings shall have been submitted to and approved in writing by the Local Planning Authority.

Reason - To enable full investigation and recording of this site of archaeological importance.

## 8. Informatives

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO