

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	13/10/2020
Planning Development Manager authorisation:	TF	19/10/2020
Admin checks / despatch completed	CC	19/10/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	19/10/2020

Application: 20/00613/FUL **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: Conversion of the West Barn from one dwelling to 1no. two bedroom house, 1no. one bedroom flat and 1no. two bedroom flat.

1. Town / Parish Council

St Osyth Parish Council
24.06.2020 No objections.

2. Consultation Responses

Historic England No comments

Essex County Council This building is Grade II* listed, located within the Scheduled Monument (SM Consent required for this scheme from Historic England), within a registered park and garden and the St Osyth Conservation Area.

I have no objection to this application.

Should this application be approved I recommend conditions are attached pertaining to provision of:

- A detailed repair schedule including a methodology for features such as the French Drain;
- Details of new fixtures and fenestration for both interior and exterior;
- Detail of landscaping scheme (including lighting);
- Samples of bricks and tiles; and
- Prior to commencement a scheme of archaeological building recording commensurate with a 'Level 4' record as outlined in Historic England Guidance Understanding Historic Buildings.

UU Open Spaces Recommendation
11.08.2020

As this application is for the conversion of an existing dwelling and there will be no additional dwellings. No contribution towards play and open space is being requested on this occasion. Should any additional dwellings be added to this site in the future a contribution towards play and open space will be required.

ECC Highways Dept No comments

Building Control and
Access Officer
23.06.2020

No comments at this time.

Tree & Landscape Officer
10.06.2020

No trees or other vegetation will be affected by the development proposal.

3. Planning History

01/02112/FUL	Change of use from vacant to office (The West Barn)	Approved	27.03.2002
06/02050/FUL	Change of use from office to residential.	Approved	30.03.2007
20/00613/FUL	Conversion of the West Barn from one dwelling to 1no. two bedroom house, 1no. one bedroom flat and 1no. two bedroom flat.	Current	
20/00614/LBC	Conversion of the West Barn from one dwelling to 1no. two bedroom house, 1no. one bedroom flat and 1no. two bedroom flat.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1	Spatial Strategy
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
EN1	Landscape Character
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN17	Conservation Areas
EN22	Extensions or Alterations to a Listed Building
EN27	Enabling Development
EN27A	St Osyth Priory
EN29	Archaeology
ER11	Conversion and Reuse of Rural Buildings

TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

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

SP1	Presumption in Favour of Sustainable Development
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
PP13	The Rural Economy
PPL3	The Rural Landscape
PPL7	Archaeology
PPL8	Conservation Areas
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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local Plan, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

St Osyth'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 West Barn and the Bailiff's Cottage according to the list description, form *"part of the west side of the former main court, the fabric of the barn and cottage suggests that they are contemporary. The current list description and Smith suggest a C16 date, but Smith acknowledges that the remnants of monastic buildings may be incorporated into the structure, and that it may have monastic foundations; this was noted during the English Heritage inspection of November 2012. Reused stone in the structure indicates remodelling during its history; in Lord Darcy's tenure the building was part of the service range depicted in Eyre's 1762 survey of the Priory and estate and Wiggins's survey of 1814. The rest of the service buildings were demolished in 1859 and the structure was divided into a cottage and farm building at some point in the C19. The barn has been used as a cowshed and chicken house during the C20; the roof structure is probably C19 and higher than the cottage"*.

Proposal

This application proposes the conversion of the West Barn to form 1No. 2-bedroom house, 1No. 1-bedroom and 1No. 2-bedroom flat for use as letting residential accommodation. The use and conversion of this building will be to support the consented Wedding Venue at St Osyth Priory.

Planning History

In 2000/01, shortly after the current owners acquired the estate, consent was sought and granted for the conversion of the building into offices linked to the estate (Ref.No 01/02112/FUL). At this time, the building was vacant and approaching dereliction. This situation did not prove to be financially viable and subsequent discussions took place with English Heritage to look at alternatives. It was agreed that a residential consent would be more valuable in that rented residential accommodation would secure the future of the buildings and contribute more to the upkeep of the estate. It was also agreed that this could be done without harm to the scheduled monument. Scheduled Monument Consent and planning permission were granted for a single house in 2007 (Ref.No 06/02050/FUL). The 2007 permission has been implemented.

Principle of Development

Whilst the site falls just outside of the settlement development boundary, it is not the open countryside as the site falls within the obvious confines of the Priory complex and is well-related to the remainder of the settlement.

Design/Changes

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The scheme has both an internal and an external stair of a format previously agreed with English Heritage when the barn was scheduled.

There are no changes to the elevations from the approved 2002 scheme which included the external staircase. Internally, the main north-south partition is to be encapsulated in a party wall to make two units upstairs and new bedroom partitions built in a different configuration from that previously agreed. Two bathrooms shown on the 2007 plan are now proposed in different places. Notwithstanding this, their erection is entirely reversible. The current scheme uses both drains previously agreed. The walls will be left in their natural condition, lime washed, with a plaster ceiling inserted at collar level.

Rural Regeneration

Nearly a quarter of Tendring District's total population live in rural areas (October 2001 estimate). Nationally over the last ten years rural communities have suffered from a loss of facilities and public services, shortage of low cost housing and changes in farming practices which have further reduced local job opportunities. These trends have also been experienced in Tendring's rural area. Policy QL7 provides the framework to provide local strategic policy for delivering rural regeneration and maintaining sustainable rural communities; Policy ER11 provides the framework specifically for the conversion or re-use of rural buildings.

It is also acknowledged that the District's rural areas and countryside are used for certain activities that need to take place in these areas, some of which can bring about positive outcomes for the rural economy and so the Council will support proposals for appropriate development in the countryside that would help strengthen the rural economy, subject to meeting other policies in this Local Plan and national planning policy.

In this regard St Osyth Priory will deliver a number of commercial uses including a wedding venue, café, farm shop, and public access. This will support rural tourism and leisure activities in the area. This proposal would assist in giving the building a long term viable use that not only secures its own future but supports the other ventures at the Priory that will generate revenue towards the restoration and conversion of the group of heritage assets that make up St Osyth Priory. Consequently, the use and conversion of this building will support the consented Wedding Venue at St Osyth Priory, which will in turn support the long-term conservation of the Priory as a whole. It is therefore considered that this would be the optimum use for the building.

Conservation Area

Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The character of an area is made up not only by individual buildings but also their relationship to each other and the sense of place that they create. The setting of a building is therefore a material consideration when assessing the suitability of development proposals in Conservation Areas.

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.

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.

Policy EN17 of the Saved Plan (Development within a Conservation Area) requires that development must preserve or enhance the character or appearance of the Conservation Area. Development will be refused where it would harm the character or appearance of the Conservation Area, including historic plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain, or significant natural or heritage features. Emerging Policy PPL8 reflects this consideration.

St. Osyth is a large and diverse Conservation Area which embraces the Priory and Park and the adjacent village focused on the church and former marketplace, but which extends to the west down to St. Osyth Creek and the surrounding marshland, where there was a port and where there is still a quay. The Priory, the Creek, and the former marketplace are the significant historic features of the settlement, little altered in their visual relationship since the 16th century. The Priory is central to the Conservation Area, especially prominent being the gatehouse, the Abbot's Tower, the boundary walls and the Park. Ribbon development from the Creek along Mill Street, and down the Colchester Road which follows the Park boundary, leads to the more tightly built-up village centre which is busy with shops and food outlets, and where the narrow streets struggle to accommodate heavy traffic flows. Housing typically comprises 17th- to 19th-century cottages, interspersed with some late medieval and some larger 18th- or 19th-century houses, and 20th-century infill. The Conservation Area consists of three distinct components, which combine to give it a special character and a high level of historical interest. The Priory precinct is enclosed on three sides by massive walls, which are an arresting sight in the public areas of the village, and lend the Conservation Area a distinctive character. The Priory is contained within Character Zone 5; to a large extent, however, the Priory is screened from public view by the tall imposing perimeter wall.

Save for a number of small external internal changes the proposal amounts largely to a change of use and, for this reason the development would preserve the character and appearance of the conservation area.

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 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 originally provided the following comments;

Metal lath and plasterboard finish is proposed to elements of the first floor whilst the exposed masonry is left throughout the remainder. I would welcome a conversation as to why the plasterboard is required or recommend its removal from the application. I recommend the removal of lights to the external elevations; uplighters (or alternative) may be more subtle and appropriate.

It has also been assumed that almost all interior fabric is to be retained. It would be useful if a drawing plan/elevation can be provided highlighting all fabric to be removed.

Should the above be resolved I consider this application beneficial, in its own right, to the significance of this heritage asset and the acceptability of this particular scheme is not reliant on the agreement of the wider plan for the priory.

Additional plans/information were provided in response to the comments raised above. Revised comments were then received from the Historic Environment Officer stating;

I have no objection to the proposal, subject to conditions securing the following;

- A detailed repair schedule including a methodology for features such as the French Drain;
- Details of new fixtures and fenestration for both interior and exterior;
- Detail of landscaping scheme (including lighting);
- Samples of bricks and tiles; and
- Prior to commencement a scheme of archaeological building recording commensurate with a 'Level 4' record as outlined in Historic England Guidance Understanding Historic Buildings.

Parking/Highways

The existing access from Mill Street into the main complex will be utilised for this development. Existing parking for the 2007 scheme is in a parking court for 20 cars just to the southwest of the green.

Parking will remain in the parking court and safe, level access will be afforded via footpaths across the green. The site being a courtyard within a walled enclosure will provide a good degree of security to the inhabitants.

Legal Obligations

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. The contribution is secured by unilateral undertaking.

The application scheme proposes 2 new dwellings (net gain) on a site that lies within the Zone of Influence (Zoi) of the Colne Estuary RAMSAR site. New housing development within the Zoi would be likely to increase the number of recreational visitors to the Colne Estuary and, in combination with other developments it is likely that the proposal would have significant effects on the designated sites. Mitigation measures must therefore be secured prior to occupation.

A proportionate financial contribution has been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements.

The proposal is therefore considered to be acceptable with regard to Policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

The Open Spaces Team have confirmed that a public open space contribution is not required given the 1 bed nature of the additional units.

Other Considerations

The Council's Building Control Team/Tree Officer have no comments upon the proposal.

St Osyth Parish Council has no objections. No further letters of representation have been received.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three 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 Prior to the commencement of any above ground works the following details shall be submitted and approved, in writing, by the Local Planning Authority;

- A detailed repair schedule including a methodology for features such as the French Drain;
- Details of new fixtures and fenestration for both interior and exterior;
- Detail of landscaping scheme (including lighting);
- Samples of bricks and tiles; and
- A scheme of archaeological building recording commensurate with a 'Level 4' record as outlined in Historic England Guidance Understanding Historic Buildings.

The approved details shall be those used in construction.

Reason - To preserve the historic fabric and the listed building and its setting.

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

- (02)800 A
- CC-175-WB42 B
- CC-0175-WB46

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

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.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO