

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	08/04/2021
Planning Development Manager authorisation:	TF	08/04/2021
Admin checks / despatch completed	DB	08.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	08.04.2021

Application: 21/00248/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Conrad Payne

Address: Land to Garden Cottage Colchester Road

Development: Proposed temporary retention (3 years) of building for use as an Education Centre and local Museum

1. Town / Parish Council

St Osyth Parish Council No objections.
19.03.2021

2. Consultation Responses

Essex County Council The application is for proposed temporary retention (3 years) of
Heritage building for use as an Education Centre and local Museum.
15.03.2021

ECC Heritage have no objection to this application on the basis that this is a three-year temporary solution which will support the education offer and wider presentation of the priory. ECC Heritage would correct the applicant's Heritage Statement (because there is suggestion of ECC Heritage agreement) and advise that this building will be harmful to heritage assets but its acceptability is found only in the fact it is temporary and will result in indirect benefits for the wider site. After three years it is suggested that a more permanent and better quality solution is found.

Clarification is required regarding services (particularly water) that these are sub-surface and do not impact the boundary wall.

ECC Heritage recommend a condition is attached to any approval to control that this building will be removed from the Site after a period of three years.

ECC Highways Dept The information that was submitted in association with the application
08.04.2021 has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. It is noted that the application is for a temporary relocatable building in the grounds of Garden Cottage, Colchester Road with parking for staff (4 spaces) with the main access for the Education Centre being via The Bury utilising the existing accesses and parking facilities for The Priory; with minimal vehicle movements from the existing vehicular access for Garden Cottage, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following

mitigation and conditions:

1. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

Note: As per the Essex Parking Standards (Parking Standards: Design and Good Practice, Sept 2009) 6 metres should be provided behind each parking space to allow for manoeuvring.

2. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

3. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 – Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such

compensation claims a cash deposit or bond may be required.

3. Planning History

11/00328/FUL	Erection of 23 dwellings; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access).		13.06.2014
11/00329/FUL	Erection of 46 dwellings; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access).		13.06.2014
11/00330/FUL	Erection of 33 dwellings; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access).		13.06.2014
11/00331/FUL	Erection of 21 flats within a new "Maltings" style building; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access).		13.06.2014
11/00332/FUL	Erection of 19 dwellings for use as residential and holiday accommodation (C3 use); restoration of park landscape; bunding; re-grading of 9 hectares of land; construction and alterations to access driveway; landscaping and all ancillary works.		13.06.2014
11/00333/OUT	Erection of 190 dwellings on 16.3 hectares of land; new junction and access roads; driveways; parking; footpaths; landscaping and all ancillary works; use of land as an archery range; construction of access drive and layout of parking area including siting of storage container for archery equipment. The proposals also include for a new footway to be built along a section of Colchester Road, south of the Wellwick.	Approved	18.03.2016
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	Approved	18.09.2014

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).

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
ER16	Tourism and Leisure Uses
COM4	New Community Facilities (Including Built Sports and Recreation Facilities)
EN17	Conservation Areas
EN23	Development Within the Proximity of a Listed Building
EN27A	St Osyth Priory
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

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

SPL3	Sustainable Design
HP2	Community Facilities
PP8	Tourism
PPL8	Conservation Areas
PPL9	Listed Buildings
CP1	Sustainable Transport and Accessibility

Local Planning Guidance

Essex Design Guide

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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to the front garden amenity area associated with the property known as Garden Cottage which is owned by The St Osyth Priory. The site is located on the western side of Colchester Road and being linked to The St Osyth Priory by vehicular and pedestrian access routes. The site can also be accessed via the existing crossover and driveway from Colchester Road serving Garden Cottage. The site and building will be fully screened by the existing high boundary wall running the full length of the boundary from the access point at Colchester Road, around the corner with the junction of The Bury to the south.

Description of Proposal

This application seeks full planning permission for the retention of a relocatable building to be utilised as an Education Centre and Local Museum relating to the history of the St Osyth Priory and that of the St Osyth locality. The application seeks temporary permission for a 3-year period. The building comprises 138sqm of education amenities, a local office and WC facilities together with associated car parking for the assistants. The building is 17.4 m long a 7.8 m wide clad in insulated plywood decorated with Sandtex, insulated flat roof and floor.

The application is made by St Osyth Priory and Parish Trust.

Assessment

The main considerations in this instance are:

- Principle of Development and Compatibility of Uses;
- Appearance and Impact on Heritage Assets;

- Access and Highway Safety;
- Representations.

Principle of Development and Compatibility of Uses

The proposed facility forms part of the wider plans for The Priory and its use, which include opening up the site to the public and ensuring the important history of The Priory can be shared with local residents and visitors. This small scale, temporary development will contribute positively to the area by providing important and entertaining educational facilities to children and residents both locally and further afield. The siting, modest scale and use of the facility is acceptable in this regard.

Appearance and Impact on Heritage Assets

Essex County Council Heritage raise no objection to the development on the basis that this is a three-year temporary solution, which will support the education offer and wider presentation of The Priory. It is recognised that the development will be harmful to the setting of the heritage assets and its acceptability is found only in the fact that it is temporary and will result in indirect benefits for the wider site.

A temporary permission is therefore the most reasonable solution in this instance and the necessary condition will be imposed. After three years, a more permanent and better quality solution should be found and the necessary planning and/or listed building consent applications made.

Access and Highway Safety

The application is for a temporary relocatable building in the grounds of Garden Cottage with access and parking for 4 vehicles (staff) via the existing access on Colchester Road. The main access for the Education Centre is via The Bury, utilising the larger and more easily accessible parking facilities for The Priory; with minimal vehicle movements from the existing vehicular access for Garden Cottage. On this basis, Essex County Council Highway Authority raise no objection subject to conditions, which will be imposed where necessary.

Representations

St Osyth Parish Council raise no objection.

No letters of representation have been received from local residents.

Conclusion

There would be no substantial harm arising from the temporary siting of the building that would outweigh the educational and tourism benefits of its complementary use with the wider St Osyth Priory site. The application is therefore recommended for approval subject to conditions. No time limit condition is required in this instance as the development has already been started and nearing completion.

6. Recommendation

Approval - Full

7. Conditions

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

Drawing 1913 – P02C Block Plan and Services Plan
Drawing 1913 – P03 Proposed Floor Plan and Elevations

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

- 2 The development is hereby approved for a temporary period of 3 years from the date of this decision, by which date the building shall be removed in its entirety and the land returned to its original state and use.

Reason – Due to the harm to the setting of the heritage assets, it has not been possible to grant a permanent approval. This temporary permission allows the benefits of the facility to be realised by the community immediately whilst allowing time for an application for a suitable permanent scheme to come forward.

- 3 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired and turning area, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and allocation of a turning area shall be retained in this form for the duration of this temporary period at which time it shall be removed and the land returned to its original state. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

8. **Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives

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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

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