

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	03/10/2022
Planning Development Manager authorisation:	JJ	03/10/2022
Admin checks / despatch completed	CC	03.10.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC/AP	03.10.2022

**Application:** 22/01430/NMA **Town / Parish:** St Osyth Parish Council

**Applicant:** R.A T.R D.R and A.I Sargeant

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

**Development:** Non-material amendment sought for application 21/00798/LBC to amend description of condition 4 to "No development or conversion of any kind shall take place within each phase (as per the phasing details outlined on drawing no. Darcy House HBR Phasing Plan - FF - Aug 22 and Amended Darcy House HBR Phasing Plan - GF - Aug 22) until a historic building recording report relevant to that phase has been submitted to and approved, in writing, by the Local Planning Authority. The historic building report shall be completed in full accordance with the written scheme of investigation which has been previously approved in writing by the Local Planning Authority".

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

St Osyth Parish Council      No objections.  
22.09.2022

### **2. Consultation Responses**

n/a

### **3. Planning History**

21/00798/LBC	Proposed change of use of the historic buildings to form function/wedding venue with supporting kitchen/serving facilities and guest accommodation with associated works.	Approved	14.02.2022
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21/00799/FUL	Proposed change of use of the historic buildings to form function/wedding venue with supporting kitchen/serving facilities and guest accommodation with associated works and construction of a new car park.	Approved	14.02.2022
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22/00082/DISCON	Discharge of condition 21 (SUDS Scheme) of application	Approved	12.04.2022
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20/01124/OUT.

22/00662/LBC	Proposed internal changes following the grant of 21/00798/LBC to consolidate the kitchen operations upstairs and WCs downstairs in Darcy House East Wing (west end), in response to structural review.	Approved	12.07.2022
22/01430/NMA	Non-material amendment sought for application 21/00798/LBC to amend description of condition 4 to "No development or conversion of any kind shall take place within each phase (as per the phasing details outlined on drawing no. Darcy House HBR Phasing Plan - FF - Aug 22 and Amended Darcy House HBR Phasing Plan - GF - Aug 22) until a historic building recording report relevant to that phase has been submitted to and approved, in writing, by the Local Planning Authority. The historic building report shall be completed in full accordance with the written scheme of investigation which has been previously approved in writing by the Local Planning Authority".	Current	
22/01574/LBDISC	Discharge of conditions 3 (Service Runs) and 5 (Lift/Partitions/Blocked Doors) of applications 22/00662/LBC.	Current	

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

n/a

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

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

#### **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.

This non-material amendment submission and the original listed building consent relate to the alteration of Darcy House, specifically a proposal to convert the south and east wings into function rooms to hold weddings and associated bedroom suites/kitchens. The building is Grade I Listed and one of the dominant buildings within the main cluster of Priory Buildings to the south of the site, close to the village centre of St. Osyth.

### Proposal/Planning History

The buildings are currently partially used as residential accommodation and part as storage.

The listed building consent (Ref - 21/00798/LBC) secured permission for the following: Conversion of Darcy House South and East Wings into function rooms/event space to hold weddings, conferences etc; provision of ancillary bedroom suites, kitchens, lifts, and storage.

The buildings are to be repaired and reordered to provide weddings and function facilities and bed suites. The proposed amount encompasses the existing footprint so no additional space is created. Apart from the function spaces, the amended scheme produced 19 bedroom suites over three floors.

This non-material amendment application seeks a slight re-wording of Condition 4 (Historic Building Recording) to enable a phasing of the recording work rather than a full recording report prior to any work taking place.

The phasing plans show Phase 1 as encompassing the front half of the ground floor (including the function room, kitchen areas, WCs and several bedroom suites). Phase 2 will include the bedroom suites to the rear half of the ground floor and the entire first floor element.

The revisions to the condition wording allow for the historic recording work to take place in Phase 1 first enabling conversion works to commence quicker in this area to facilitate the opening of the function area for events early next year. The recording work in the 2nd Phase can then follow on at a later date to facilitate the conversion of the remainder of the accommodation areas.

### Assessment

This is an application for a Non-Material Amendment (NMA). Section 96A of the Town and County Planning Act 1990 says in deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change on the planning permission as originally granted. The Planning Practice Guidance confirms there is no statutory definition of 'non-material'. It will be dependent on the context of the overall scheme - an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application.

The key test as to the acceptability of an NMA application is whether the change is material to any development plan policy. The proposed changes to the wording of Condition 4 (to provide a phasing element in respect of the historic recording) are, in relation to the scale and size of the whole development, considered to be minor and not material to any development plan policy. Then three further tests should be applied:

1. Is the proposed change significant in terms of its scale, in relation to the original approval?
2. Would the proposed change result in a detrimental impact either visually or in terms of amenity?
3. Would the interests of any third party or body who participated in, or were informed of, the original decision be disadvantaged in any way?

In this instance the revisions to the condition are put forward to meet the commercial needs of the proposed operators by bringing forward the conversion works in Phase 1 to facilitate events/functions early in the next year. The revisions do not remove any requirement placed upon the applicants in respect of producing the historic building recording assessments, but merely alter the timing for such assessments to be provided.

The revisions to the condition wording have been discussed with Place Services (Archaeology) and Historic England and they do not raise any concerns. It is acknowledged that a phasing arrangement would be beneficial in securing public benefits arising from the commercial use in a timelier manner.

As such it is considered that these revisions are non-material and as such can be dealt with via the NMA process. It is considered that the changes would not disadvantage the interests of any third party or body who participated in, or were informed of, the original decision in any way.

**Conclusion**

The changes to the Condition 4 are non-material to 21/00798/LBC and the requirements of the adopted development plan and are therefore recommended for approval.

**6. Recommendation**

Approval

**7. Conditions**

- 1 No development or conversion of any kind shall take place within each phase (as per the phasing details outlined on drawing no. Darcy House HBR Phasing Plan - FF - Aug 22 and Amended Darcy House HBR Phasing Plan - GF - Aug 22) until a historic building recording report relevant to that phase has been submitted to and approved, in writing, by the Local Planning Authority. The historic building report shall be completed in full accordance with the Written Scheme of Investigation which has been previously approved in writing by the Local Planning Authority.

Reason - To secure a historic building record of the heritage asset to be converted, in the interests of the historic environment.

**8. Informatives**

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