

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	30/08/2019
Planning Development Manager authorisation:	GRG	30/8/2019
Admin checks / despatch completed	ER	30/8/19.
Technician Final Checks/ Scanned / LC Notified / UU Emails:	LC	30/8/19

Application: 19/00863/FUL **Town / Parish:** Manningtree Town Council

Applicant: Tesco Store Ltd.

Address: Tesco Store 32 - 34 High Street Manningtree

Development: Installation of perimeter steel balustrading around existing roof for health and safety (retrospective).

1. Town / Parish Council

Manningtree Town Council No comments received

2. Consultation Responses

n/a

3. Planning History

00/01785/ADV	Shop sign and projecting sign	Refused	05.01.2001
04/01740/ADV	3 No. illuminated fascia signs and 2 No. illuminated projecting signs	Approved	08.11.2004
04/01773/FUL	To install a plant frogbox, located behind a licensed convenience store	Refused	04.11.2004
04/02405/FUL	To install a plant frogbox located behind a licensed convenience store	Refused	15.02.2005
05/00501/FUL	To install a plant condenser unit	Approved	13.05.2005
19/00863/FUL	Installation of perimeter steel balustrading around existing roof for health and safety (retrospective).	Current	

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

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

ER7 Business, Industrial and Warehouse Proposals

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

SPL3 Sustainable Design

PPL9 Listed Buildings

PPL8 Conservation Areas

Conservation Area Character Appraisals

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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. In addition, the actual need for housing 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. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the southern side of the High Street within the town centre of Manningtree and associated conservation area. The building to which this application relates is part of a terrace of shops and currently accommodates a Tesco Express store. The building has been extended to the rear to accommodate storage associated with the retail use.

The building is of Georgian styling with casement windows at first floor and a parapetted roof. The shop front at ground floor is of aluminium construction. To the rear of the building is a service lane and the building is not listed although those adjacent are.

Proposal

This application seeks the retention of the installed high level perimeter roof 'barrier rails'. The rails consist of galvanised steel and extend the length of the building. They extend approximately 1m above the parapet. The rails have been installed for health and safety reasons.

Appraisal

Visual/Heritage Impact

The application site is located within the Manningtree Conservation Area and is located adjacent to several listed buildings. As a result the applicant has provided a heritage statement which concludes that as the rails are only partially visible at street level any visual impact would be minimal upon the heritage asset. Officer concur with this view, it is evident that from street level that only glimpses of the rails can be viewed from the High Street due to their position behind the existing parapet. To the rear the rails are more visible but are located in amongst existing buildings and positioned on the more recent flat roof addition to the rear.

The galvanised steel finish is however considered quite stark in comparison to surrounding features. As a result a condition requiring the painting of the rails black within 3 months will be included.

As a result the rails are not highly visible and would, with the application of black paint, suitably preserve the character and appearance of the Manningtree Conservation Area and would not harm the setting of adjacent listed buildings.

Residential Amenities

The rails are a health and safety feature that allow access to the roof for maintenance purposes. The position and size of the railings would not harm local resident's amenity levels.

Other Considerations

Manningtree Town Council has not commented upon the application. No letters of representation have been received.

6. Recommendation

Approval

7. Conditions

- 1 Within 3 months from the date of this planning permission the perimeter steel balustrading shall be painted black and retained as such thereafter.

Reason - In the interests of visual amenity and to safeguard the character and appearance of the Manningtree Conservation Area.

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.

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