

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	AP	15/3/2023
Planning Manager / Team Leader authorisation:	AN	16/3/23
Planning Technician final checks and despatch:	ER	17/03/23

Application: 22/02058/FUL **Town / Parish:** Manningtree Town Council

Applicant: Tesco Stores Ltd

Address: 32 - 34 High Street Manningtree Essex

Development: Proposed installation of a HT1 Gas Cooler at roof level.

1. Town / Parish Council

Manningtree Town Council No representation received

2. Consultation Responses

Environmental Protection
23.01.2023 I have reviewed the plan noise assessment carried out by NSL as revised on 1st December 2022 and confirm that Environmental Protection have no comments to make.

Essex County Council
Heritage
01.02.2023 The application is for proposed installation of a HT1 Gas Cooler at roof level.

The proposal site is within the Manningtree and Mistley Conservation Area and in close proximity to a number of designated heritage assets, including, but not limited to:

- Grade II Listed Hammonds Shoes (List UID: 1261280);
- Grade II Listed Pollyanna (List UID: 1254319);
- Grade II Listed H Piper and S Priom Ophthalmic Opticians Manningtree Jewellers (List UID: 1254311);
- Grade II Listed Townsends (List UID: 1239925).

There is no objection in principle to the installation of the proposed HT1 Gas Cooler to the roof of the existing building, however there are concerns that, in the proposed location, the new plant would still be visible from the High Street and from the adjoining properties within the Conservation Area. As such, the proposal would introduce a non-traditional and incongruous feature within the streetscape which would affect the character and appearance of the Conservation Area, making Paragraph 202 of the NPPF relevant here.

It is advised that the proposed cooler is set back further from the main elevation and that the applicant provides additional information in order to demonstrate that the new installation would not be visible from High Street and from Stour Street.

3. Planning History

00/01785/ADV	Shop sign and projecting sign	Refused	05.01.2001
01/01387/ADV	Shop Sign	Refused	15.11.2001
04/01740/ADV	3 No. illuminated fascia signs and 2 No. illuminated projecting signs	Approved	08.11.2004
04/01741/FUL	Conversion of a One Stop Store to a Tesco Express including the installation of an ATM.	Refused	01.11.2004
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).	Approved	30.08.2019
21/01270/FUL	Proposed installation of new 1x CO2 gas cooler.	Refused	19.01.2022
22/00633/FUL	Retrospective application for the installation of a new CO2 gas cooler, acoustic panels, hit and miss fence and access gate.	Refused	08.08.2022
22/02058/FUL	Proposed installation of a HT1 Gas Cooler at roof level.	Current	

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design

PPL3 The Rural Landscape

PPL8 Conservation Areas

PPL9 Listed Buildings

PP5 Town Centre Uses

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

Site Description

The application site is located on the southern side of the High Street within the town centre and recognised Historic Town of Manningtree and associated Manningtree and Mistley Conservation Area. The building to which this application relates is part of a terrace of shops facing the High Street and currently accommodates a Tesco Express store. The façade of the building is of Georgian styling with casement windows at first floor and a parapet roof. The shop front at ground floor is of aluminium construction. The building has been extended to the rear to accommodate storage associated with the retail use and which access is gained from Stour Street. The extension to the store is of red brick construction for functional use only with no features of architectural interest. 32-34 High Street is not listed although many of the surrounding buildings are, and the application site also lies just outside of the recently extended designation of the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty.

Recent Planning History

Planning application references 21/01270/FUL and 22/00633/FUL for retrospective planning permission for the CO2 gas cooler sited at ground floor level at the rear of the store with a proposed timber enclosure were refused by the Council's Planning Committee in January 2022 and August 2022 respectively. The planning applications were both refused for two reasons, 1) by reason of appearance and siting causing harm to the significance of the conservation area and failing to enhance or preserve it; 2) Notwithstanding the Plant Noise Impact Assessments submitted with the applications, it was considered that the noise emitted from the CO2 gas cooler is unacceptable and has a significant impact on the residential amenity of the occupiers living in the properties nearby.

Proposal

This application seeks planning permission for the installation of a HT1 Gas Cooler at roof level set back from the front parapet wall of the Tesco store by 3.57 metres and 1.74 metres from the eastern side parapet wall.

Design, Appearance and Heritage

Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surrounding.

Policy PPL8 seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of: any important views into, out of, or within the Conservation Area.

Policy PPL9 states that 'Proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric'.

The gas cooler will be installed on the roof of the Tesco store building towards the front of the building but set back a distance of 3.57 metres from the front parapet wall. The gas cooler is

consistent with the appearance of retail plant and measures 1.58 metres in height, 1.13 metres in depth and 3.29 metres wide.

Essex County Council Place Services have been consulted on the application for their heritage advice and although they have no objection in principle they expressed concerns about the visibility of the plant and its impact on the character and appearance of Conservation Area. Due to the positioning of the gas cooler on the roof and its low height, it has been demonstrated that the plant will not be visible from the High Street or Stour Street.

The gas cooler sited on the roof of the Tesco store is considered acceptable and will preserve the character and appearance of the conservation area, and the settings of the listed buildings taking into account its scale, design and positioning.

Noise and Environmental Impacts

Policy SPL3 seeks to ensure that new development should be compatible with surrounding uses and minimise any adverse environmental impacts in terms of the amenities of occupiers of nearby properties, minimising the production of greenhouse gases and impact on climate change and unacceptable levels of pollution.

The use of the application site remains as retail, with other retail uses, residential properties and spaces for use by the wider community surrounding the application site there is the potential for existing amenities to be harmed.

As part of this planning application the applicant has commissioned a Plant Noise Impact Assessment. The Plant Noise Impact Assessment uses the original survey data from June 2021 which has been updated to reflect the new plant and revised position which forms part of this planning application. Section 3.0 and Appendix C of the report identifies the nearest properties and windows with the potential to be impacted by the proposal.

The Plant Noise Impact Assessment has been carried out in accordance with BS4142:2014 'Methods for Rating and Assessing Industrial and Commercial Sound'. Table 5 on page 8 of the Plant Noise Impact Assessment concludes that the noise levels associated with the proposed plant and equipment would be below the background noise level at existing properties. It is noted at paragraph 6.7 that the assessment is based on the plant operating at its maximum during the day and night although it is acknowledged that the plant will not operate at maximum design duty all of the time and therefore the assessment is considered to be representative of the worst case.

Following consultation with the Council's Environmental Health team, they do not object to the proposal and confirmed that they have reviewed the revised plant noise assessment carried out by NSL as revised on the 1st December 2022 and have no comments to make.

The need for new development must be carefully balanced against the requirement to conserve and enhance the Natural Beauty of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. In this case it is considered that there is no significant impact on local wildlife and the extension to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty due to the location of the minor development proposal contained within the busy town centre for an existing retail use surrounded by a mix of uses and town centre activity.

Other considerations

No letters of representation have been received.

Conclusion

In the absence of material harm resulting from the development the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

The approved red line plan drawing is supplied by Streetwise Maps Ltd and titled 'Site Location Plan' at a scale of 1:1250 received 09/12/2022.

Drawing No. PL(20)100

Drawing No. PL(20)200

Heritage Statement

Plant Noise Impact Assessment Project Reference: 90017 | Revision: 3 | Date: 2nd June 2021 | Revised : 1st December 2022

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be

considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 3 The development hereby approved shall operate in full accordance with the Plant Noise Impact Assessment Report dated 2nd June 2021, revised on 1st December 2022 and submitted on 9th December 2022 at all times

Reason - To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance.

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