

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	15/03/2024
Team Leader authorisation / sign off:	ML	15/03/2024
Assistant Planner final checks and despatch:	ER	15/03/2024

Application: 23/01785/FUL **Town / Parish:** Tendring Parish Council

Applicant: Elysium Healthcare Ltd

Address: Land at Entrance to Oaktree Manor Heath Road

Development: Erection of a bus stop with shelter.

1. Town / Parish Council

Tendring Parish Council Tendring Parish Council supports this application. It will improve community facilities and also encourage the use of public transport.

The design and location are in keeping with the rural aspect of Tendring Village. We are grateful to Elysium Healthcare Ltd in providing this facility and look forward to working closely with them in the future.

2. Consultation Responses

ECC Highways Dept
15/03/2024

The additional information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on submitted material. No site visit was undertaken in conjunction with this planning application. The proposal has been discussed with the Passenger Transport team, who have no objections in principle with this proposal going ahead. They have confirmed, there are only 2 services attending this stop, the number 2 service only attends once every two hours and the 105 service is once every hour during 08:00 – 14:00 and then again between 18:00 – 19:00, so not frequent services. The shelter would need to meet Passenger Transport's most current specification, (details attached), considering these factors:

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

1. There should be no obstruction above ground level within a 4.5 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage and in front of the bus shelter. Such vehicular visibility splays shall be retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

2. Prior to first use the bus shelter, and associated improvements shall be provided in principle and accord with Drawing Number:

- 102-P2 Proposed bus shelter.

Reason: To ensure that vehicles using the proposal do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

3. No works shall commence on site until the details of the raised kerbs and the hard-standing area connectivity with the adjacent footway should be provided to the Development Management team and Road Safety Team for review.

Reason: To make adequate provision within the highway for passenger access and ensure the proposals meet current standards in accordance with policy DM1 and DM14.

4. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

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:

i) 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

ii) On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

iii) Please note that the attached shelter specification relates to a metal shelter and Passenger Transport have stated that the specification would apply and conform to a wooden alternative being proposed.

iv) 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

TRE/98/36	T.2 0- Oak prune for safety	Current	30.06.1998
TRE/98/7	T3, T21 and T22 - Prune - Cable clearance	Current	24.02.1998
02/01886/FUL	Existing C2 use to have additional use of buildings for general offices, administration, maintenance and storage facilities in connection with use of site as assessment and treatment units for people with learning difficulties	Approved	06.01.2003
03/01056/FUL	Alterations to existing building and 6 no. new build residential care homes	Approved	28.07.2003
03/01057/LBC	Alterations to existing building and demolition of outbuildings	Approved	31.07.2003
04/00434/FUL	Electrical intake and generator building	Approved	19.04.2004
05/00099/FUL	20 No. recuperation apartments and pre-diagnosis centre	Approved	06.04.2005
06/01609/FUL	Construction of link corridors between existing patient bungalows.	Approved	08.01.2007
07/00682/TPO	T27 - Lime - fell	Approved	27.04.2007
07/01989/FUL	Construction of a 30 bed 2 storey mental health building with ancillary living accommodation, two storey occupational therapy suite and enclosed/covered sports barn.	Refused	04.04.2008
09/00021/FUL	Erection of 3.5 metre high mesh fence and gates.	Approved	26.02.2009
11/00494/FUL	Erection of link corridor and lobby between existing buildings.	Approved	08.07.2011
11/01057/FUL	Construction of a 30 bed 2 storey mental health building with ancillary living accommodation, two storey occupational therapy suite and enclosed/covered sports barn. (Extension of time on previously approved 07/01989/FUL).	Approved	24.11.2011
13/00903/TPO	Lime - 50% reduction - dead and dying branches.	Approved	12.09.2013
19/00591/TPO	1 No. Lime - crown lift and remove epicormic growth, 1 No. Oak - reduce crown by approx 30%, crown lift and	Approved	16.05.2019

remove epicormic growth, 1 No. Oak - remove dead wood and crown lift, 1 No. Oak - remove dead and damaged branches and crown lift, 1 No. Oak - crown lift and dead wood, 1 No. Oak - crown lift and remove epicormic growth, 1 No. Oak - crown lift and dead wood, 1 No. Horse Chestnut - crown lift, 1 No. Silver Birch - crown lift and remove epicormic growth, 1 No. Scots Pine - crown lift, 1 No. Oak - reduce branches crown lift and remove epicormic growth, 1 No. Horse Chestnut - remove epicormic growth, 1 No. Oak - reduce crown by approx 30% crown lift and remove epicormic growth, 1 No. Oak - remove dead wood and crown lift, 1 No. Oak - remove dead wood crown lift and remove epicormic growth, 1 No. Oak - remove dead wood and crown lift remove holly, 1 No. Beech - crown lift clear structure and remove Ivy, 1 No. Holly - fell, 1 No. Holly - remove suckers, 1 No. Horse Chestnut - crown lift remove epicormic growth and cutback, 1 No. Horse Chestnut - crown lift, remove epicormic growth

20/30031/PREAPP	Seeking confirmation that residential use of the site is acceptable in class use terms.	Refused	27.03.2020
23/01093/LBC	Proposed works to repair and refurbish building including: structural remediation including repointing and 'Helifix' crack stitching; Remove redundant fire door and infill brickwork; Remove redundant steel beam across window, repair and reinstate masonry; Internal refurbishment and decoration; Reinstatement of guttering as necessary; Replace existing timber joists at second floor level with matching joist sizes; and other associated works in line with Structural Report including window glazing replacement to repair cracked glazing near the office.	Approved	19.09.2023
23/01785/FUL	Erection of a bus stop with shelter.	Current	

4. **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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

5. **Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

6. **Relevant Policies / Government Guidance**

NATIONAL:

National Planning Policy Framework 2023 (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):

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

HP2 Community Facilities

Supplementary Planning Guidance:

Essex Design Guide

No emerging or adopted neighbourhood plan

7. **Officer Appraisal**

Site Context

The application site currently comprises grassed land marked by a low chain link fence. A bench, which was the village's informal marker for the bus stop, used to be situated on the land. However, the bench has recently been removed due to its state of disrepair.

The site is located outside of the development boundary and is nearby an existing care home and opposite a row of residential properties.

Proposal

This application seeks planning permission for the erection of a timber framed bus stop shelter and bus stop.

Assessment

Visual Impact

The National Planning Policy Framework attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 97 states local authorities should plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments. Decisions and policies should ensure that established shops,

facilities and services are able to develop and modernise and are retained for the benefit of the community.

Paragraph 135 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Adopted Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.

Policy HP2 states that the Council will work with the development industry and key partners to deliver and maintain a range of new community facilities. New development should support and enhance community facilities where appropriate by: providing on site, where necessary, or contributing towards new or enhanced community facilities to meet needs arising from the proposed development or growth and where possible, encourage co-location.

The application site at present is a vacant piece of land indicated by low chain link fencing. The land has previously hosted an existing bench which informally marked the location of the existing bus stop. This bench has since been removed. Whilst there is no existing formal bus stop sign the agent has confirmed within their covering statement that this land services a number of bus routes to towns within the wider area.

The proposal includes a new timber framed structure which will be enclosed on 3 sides with a small bench area to provide seating. The structure will measure 3.1m by 1.6m and will also include a small area of hardstanding to accommodate it and provide suitable level access. The proposed bus stop sign will be 3.07m in height and will have a flat timetable case mounted on the pole.

The proposal will be a new addition to the existing piece of land which is currently absent from existing benches or signage indicating this it is a bus stop. The new building will be a noticeable building which will be set back from the main highway providing better facilities for people using the bus stop. The land in question is large enough to accommodate the structure and still maintain sufficient open space around it to prevent it from appearing as an oppressive feature within the streetscene and the use of timber will allow it to conform to the countryside character of the area.

The proposal is therefore considered not to result in a negative impact in regard to the visual amenity of the area and would provide better facilities for local residents therefore conforming to the above mentioned policies.

Highway Safety

Paragraph 114 of the National Planning Policy Framework 2023 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and the design and layout of the development provides safe and convenient access for people.

The new bus shelter will provide better facilities for users of the public service.

The proposal will be set back from the main highway to reduce its prominence and prevent it from obscuring views to passers by and therefore not resulting in a harmful impact to highway safety.

The ECC Highways Team been consulted and have provided no objections to the proposal subject to a number of conditions to be imposed upon the planning permission.

1. No obstruction provided above ground level.

Officer Response - This condition is not necessary to the permission as the planning consent will refer to amended plans showing only the bus shelter and bus stop. Any further development/ structures will require a separate planning permission and further consultation with ECC Highways.

2. Details of the bus shelter to be provided prior to first use.

Officer Response - This condition is not relevant as we have received elevations of what the proposal will look like and a layout plan of how it will be positioned on the land. This condition is therefore not necessary to the application.

3. No works shall commence until details of the raised kerbs and hardstanding connectivity shall be provided to the development management team and Road Safety Team for review.

Officer Response - This is not a requirement which would be relevant to the planning permission however it will be placed as an informative on the permission to advise the developer accordingly.

- 4 - No discharge of surface water onto the highway.

Officer Response - This condition is considered relevant to the proposal and will be applied to the planning permission.

The proposal is therefore considered not to have a harmful impact in this regard.

Residential Amenities

Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The proposal will be visible to the surrounding properties however because of its small scale nature and set back positioning it is considered not to result in a significant loss of amenities to neighbouring sites.

Ecology and Biodiversity

General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion, for decision-making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore, the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sqm of habitat, or 5m of linear habitats such as hedgerow). This proposal is not therefore applicable for Biodiversity Net Gain.

Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

Other Considerations

Tendring Parish Council supports this application.

One Letter of support has been received.

Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of material harm resulting from the proposed development the application is recommended for approval.

8. Recommendation

Approval - Full

9. 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.

000-P2
101-P1

102-P1
102-P2

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 HIGHWAYS CONDITION

There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

10. 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.

Ecology Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include: <https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

Highways Informatives

i) 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

ii) On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

iii) Please note that the attached shelter specification relates to a metal shelter and Passenger Transport have stated that the specification would apply and conform to a wooden alternative being proposed.

iv) 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.

No works shall commence on site until the details of the raised kerbs and the hard-standing area connectivity with the adjacent footway should be provided to the Development Management team and Road Safety Team for review. To make adequate provision within the highway for passenger access.

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.

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact (As known with application)
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral