

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		MP	02/10/24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	03/10/2024
Assistant Planner final checks and despatch:		ER	03/10/2024

**Application:** 24/01222/VOC **Town / Parish:** Manningtree Town Council

**Applicant:** East England Cooperative Society

**Address:** Riverside Health Centre Station Road Manningtree

**Development:** Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Period of this Permission) of application 21/01376/VOC to extend the temporary permission for a further 36 months.

### 1. Town / Parish Council

Manningtree Town Council No comments received.

### 2. Consultation Responses

N/A

### 3. Planning History

01/00202/FUL	Alterations to divide centre into 2 separate practices and extension to building	Approved	13.03.2001
10/01304/FUL	Temporary siting of a portakabin to provide extension to existing doctor's surgery.	Approved	05.01.2011
12/00738/FUL	Variation of condition 2 of application 10/01304/FUL for siting of portakabin for a further 18 month period.	Approved	28.08.2012
13/01068/FUL	Rear/side single storey extension to existing Health Care Centre to provide additional consulting rooms, support facilities and new entrance.	Approved	12.11.2013
15/00613/FUL	Variation of condition 2 of planning application: 10/01304/FUL - Temporary siting of the portakabin is required for a further 18 month period.	Approved	10.06.2015
16/01845/FUL	Variation of condition 1 of planning application 15/00613/FUL, temporary siting of the portakabin is required for a further 18 months.	Approved	07.06.2017

18/01518/FUL	Variation of condition 2 of planning application 16/01845/FUL, extension of the temporary siting of portakabin.	Approved	01.11.2018
21/01376/VOC	Variation of condition 2 of planning application 18/01518/FUL to request a further extension to the current planning permission on the portacabin which is due to end on 23rd October 2021.	Approved	28.09.2021

#### **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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

#### **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:

NPPF National Planning Policy Framework 2023  
National Planning Practice Guidance

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1 (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  
SPL2 Settlement Development Boundaries  
SPL3 Sustainable Design  
PPL8 Conservation Areas  
PPL1 Development and Flood Risk  
PPL10 Renewable Energy Generation  
CP1 Sustainable Transport and Accessibility

Supplementary Planning Guidance:  
Essex Design Guide

## 7. Officer Appraisal

### Site Description

The application site is Riverside Health Centre, Station Road, Manningtree. The surrounding area is characterised with urban built form, with a car park serving a Co-operative Supermarket to the north and large areas of residential development to the south-east and south-west. The site falls within flood zones 2 and 3 due to its close proximity to the River Stour further out to the north.

The site falls within the Settlement Development Boundary of Manningtree within the adopted Local Plan 2013-2033, and also falls within the Manningtree Town Centre. The Manningtree Conservation Area is sited adjacent to the east of the site, but the site falls outside of this designation.

### Description of Proposal

This application seeks planning permission for the variation of condition 2 of planning permission 21/01376/VOC, which would see the temporary renewal for the siting of a portacabin for an additional 36 months.

The portacabin is located to the rear of Century House and measures 12.2 metres in length, 3.2 metres in width and 2.3 metres in height.

### Planning History

There is extensive history attached to this. Originally under planning permission 10/01304/FUL, temporary permission was granted for a portacabin as an extension to the GP Surgery while it was being redeveloped. Three further permissions (12/00738/FUL, 13/01068/FUL, 15/00613/FUL and 18/01518/FUL) were granted that extended the period of time the structure was allowed to remain in situ.

Under planning permissions 16/01845/FUL, 18/01518/FUL and 21/01376/VOC the portacabin was then granted an additional 18 months, 36 months and 36 months temporary permission respectively.

### Assessment

The circular advice is that temporary planning permissions should not normally be renewed. However, it is acknowledged through earlier submissions and the details contained within this current application submission that the Suffolk and North East Essex Integrated Care Board is committed to a longer-term new medical facility. The current structure aids in the support of the current practice, which has now been outgrown and is no longer fit-for-purpose, and the temporary structure allows for the continued provision of services for the existing catchment area during this transitional phase.

Given that the portacabin has been upgraded in accordance with plans approved within previous permission 16/01845/FUL, and that upon undertaking the site visit the structure appears to be in a good condition, there is no principle objections to the further temporary siting of the existing structure. As the structure will be temporary and viewed in conjunction with trolley parks and a car park, it will have a limited adverse impact upon the visual amenity of the surrounding area.

Policy PPL8 of the Adopted Tendring Local Plan states that proposals should seek to preserve or enhance a Conservation Area.

The application site is adjacent to the Manningtree Conservation Area. However, due to the site not falling directly within a conservation area, a Heritage Statement is not considered necessary on this occasion. However, given that the proposal has previously been accepted within this location and that it will not be a long-term nor permanent structure, on balance, the proposal will not result in any significant harm to the character and appearance of the conservation area. It is noted that within the determination of 21/01376/VOC, ECC Place Services (Heritage) were consulted and confirmed that they are unopposed to the proposal.

Whilst the proposal falls within a flood zone 3, it is a low risk and temporary development and will not see any marked changes to the existing structure, and therefore it would not be reasonable for the Council to object on these grounds. This view was shared on previous approvals on site.

### Other considerations

Manningtree Town Council have not provided any comments on the application.

There have been no other letters of representation received.

### Conclusion

In the absence of any material harm resulting from the proposed development, this application for a further temporary renewal of an earlier planning consent is recommended for approval.

## **8. Recommendation**

Approval.

## **9. Conditions**

- 1 **CONDITION:** The period of this permission shall expire three years from the date of this permission being granted, at which time the portakabin hereby permitted shall be removed.

**REASON -** An exceptional extension of temporary planning permission is only acceptable having regard to the on-going community health needs for the facility and to allow further time for a scheme of permanent accommodation to come forward.

- 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.

18/01518/FUL:

The submitted site photographs of the structure and the letter dated 12 September 2018 titled 'Variation of Condition 2 of Planning Permission 16/01845/FUL' from North East Essex Clinical Commissioning Group.

24/01222/VOC:

Drawing Number RGP220220754PNM and the letter dated 8th August 2024 with reference PP-13155512.

**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.

## 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.

## 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.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

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
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

**12. Notification of Decision**

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>		NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>		NO
<b>Has there been a declaration of interest made on this application?</b>		NO