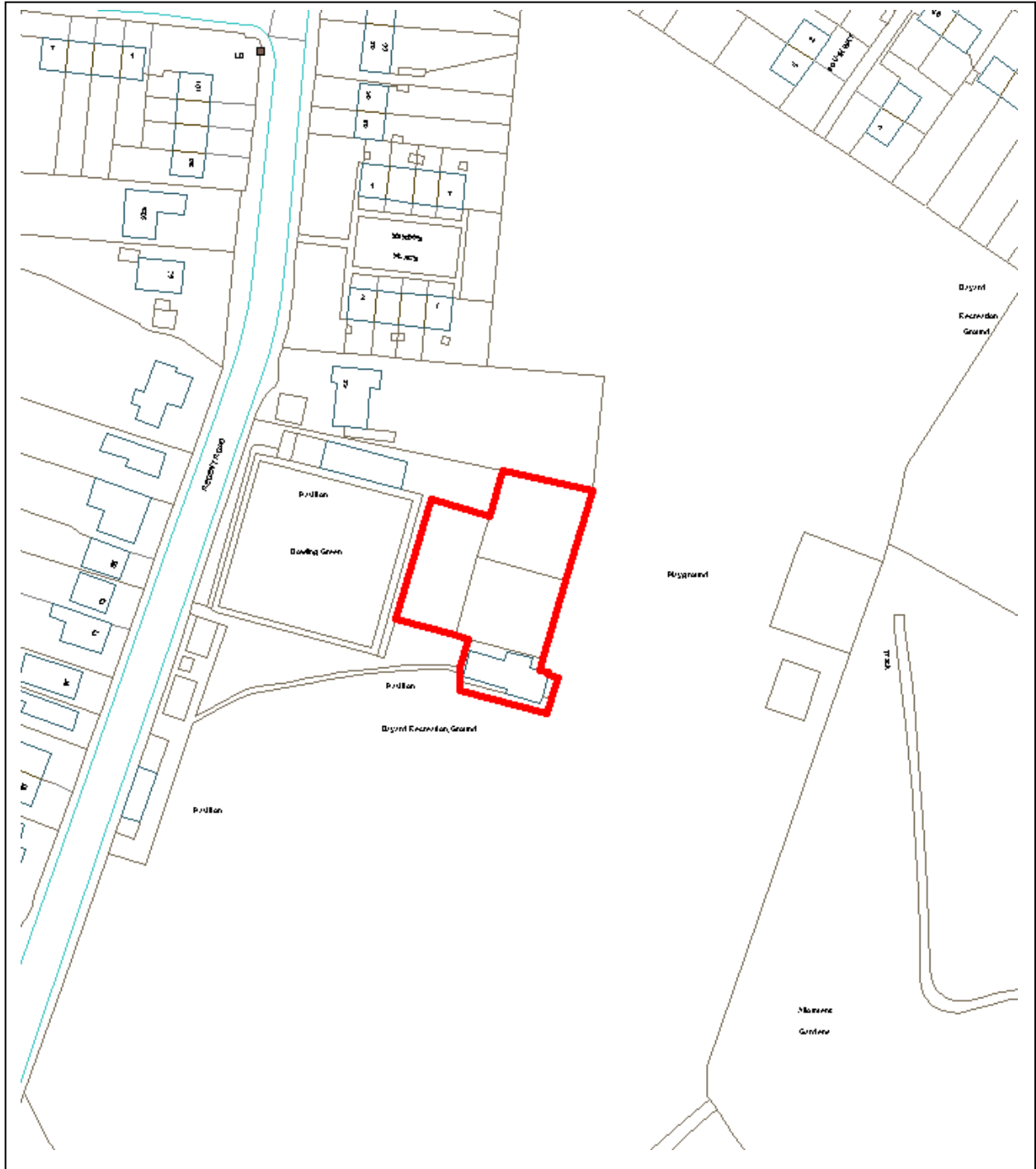


PLANNING COMMITTEE

19 APRIL 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING

**A.4 PLANNING APPLICATION – 11/00197/FUL – BRIGHTLINGSEA PLAY CENTRE,  
THE PAVILION, BAYARD RECREATION GROUND, BRIGHTLINGSEA**



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<b>Application:</b>	11/00197/FUL	<b>Town / Parish:</b>	Brightlingsea Town Council
<b>Applicant:</b>	Mrs Caroline Rix		
<b>Address:</b>	Brightlingsea Play Centre The Pavilion Bayard Recreation Ground, Brightlingsea		
<b>Development</b>	Provision of a six bay modular building with toilet facilities.		

## 1. Executive Summary

- 1.1 This application proposes an unattractive, utilitarian building that is wholly inappropriate to its prominent setting within a recreation ground which demands a quality architectural solution. No evidence is provided by the applicant to demonstrate that the building must be in this location or that it must be of such low quality design. An existing planning permission granted in August 2010 allows a modular building to be placed on this site until August 2012. This is sufficient to allow the immediate deficit in play centre places to be resolved and provide adequate time for a more acceptable solution to be achieved. For these reasons, it is recommended that this application be refused.

### **Recommendation: Refuse**

#### **Reason for refusal:**

It is the policy of the Local Planning Authority, as contained within Policy QL9 of the adopted Tendring District Local Plan (2007), and Part A of Policy DP1 of the Local Development Framework Core Strategy And Development Policies Proposed Submission Document (October 2010) that new development proposals should be of a high standard of design and not constitute an incongruous form of development in the local street scene. Policy ENV7 of The East of England Plan (2008) requires development to be of an appropriate scale, founded on clear site analysis and urban design principles. The above policies are given greater emphasis through Planning Policy Statement 1: Delivering Sustainable Development, which seeks to ensure that design is high quality, appropriate in its context, and takes the opportunities available for improving the character and quality of an area.

This application site is situated in a prominent and sensitive location within a recreation ground where the building will be visible from properties surrounding the recreation ground, from users of the recreation ground and from roads and footpaths adjacent to the recreation ground. In view of this highly prominent and sensitive location, a high quality architectural solution is required if development is to avoid harming the appearance of the recreation ground. Instead, the application proposes the permanent siting of an unattractive utilitarian building. The modular building is of very low architectural worth and is not appropriate to this setting. As such it will be harmful to the site's appearance and the wider area.

## **2. Planning Policy**

### National Policy:

PPS1 Delivering Sustainable Development

### Regional Planning Policy:

ENV7 Quality in the Built Environment

### Local Plan Policy:

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

TR1A Development Affecting Highways

### Core Strategy and Development Policies Proposed Submission Draft

DP1 Design of New Development

## **4. Consultations**

The highway authority has no objection.

## **5. Representations**

Brightlingsea Parish Council support this application and feel the visual impact is minimal.

Councillor Graham Steady has requested that the application be determined at the Planning Committee for the following reason;

*“The extension to the Playcentre will fulfil a proven need due to this being the only type of facility in the town. The Town Council has worked closely with the management of the Playcentre to ensure funding is in place and to accommodate all children with all abilities and needs. This project fits in with the Town Council’s plan of upgrading community facilities on Council owned property.”*

In addition, 3 comments of support have been received from members of the public. All material planning considerations raised in those comments are addressed in the subsequent sections of this report.

## **6. Assessment**

The main planning considerations are:

- Context and Planning History;
- Visual Amenity, and;
- The Deficit in Nursery Places.

## **Context and Planning History.**

- 6.1 Up until 2010, there were two businesses providing nursery places in Brightlingsea – Busy Bees and Brightlingsea Playcentre. Busy Bees provided facilities for 26 children, running morning sessions four days a week from New Church Hall in Queen Street. Brightlingsea Playcentre provided 18 children on session at any one time in the building known as the Cricket Pavilion at the Regent Road Recreation Ground.
- 6.2 Busy Bees closed in 2010 and, because of their statutory responsibilities, Essex County Council (ECC) became involved in trying to find a solution to meet the deficit in places. ECC offered funding of £300,000 to Brightlingsea Playcentre to provide a new building that would allow that company to meet this local deficit. Subsequently Brightlingsea Playcentre applied for permission to erect a new modular building behind the cricket pavilion building (10/00647/FUL).
- 6.3 The proposed building was considered to be very unattractive and harmful to the appearance of the recreation ground. Never-the-less, in recognition of the immediate and urgent need for nursery places, planning permission was granted for a 2-year period which was considered to be adequate time for either a better proposal to be devised by the applicant or for an alternative company to meet the need at another venue. That 2 year period ends on 3<sup>rd</sup> August 2012. This planning application seeks to retain a modular building permanently.
- 6.4 A modular building is now on the site, but it is not the same as the one which was approved. As such it does not have the benefit of planning permission. Although the applicant's agent has said on the telephone that this planning application seeks the retention of that building, the drawings submitted with the application are different to the building currently on the site (and to the building previously refused). The application must therefore be considered as proposing a new, permanent building on the site to replace the existing unlawful building.
- 6.5 The planning status of Brightlingsea Playcentre itself, including the land that the new building is located on is also unclear. The Council has no records of planning permission being granted for a change of use of the building or the outside area behind it or for the erection of the security fence that surrounds the outside area. There has clearly been a play centre business operating from the Cricket Pavilion for many years but whether this operation has been adequate to make the use immune from enforcement action is uncertain.

## **Visual Amenity**

- 6.6 The application site is situated in a prominent and sensitive location within the recreation ground where it will be visible from properties surrounding the recreation ground, from users of the recreation ground and from roads and footpaths adjacent to the recreation ground. In view of this highly prominent and sensitive location, a high quality architectural solution is required if development is to avoid harming the appearance of the recreation ground. Instead, the application proposes the permanent siting of an unattractive utilitarian building. The Council's Architecture and Urban Design adviser from Essex County Council objects to the proposal stating "The visual appearance of the proposed structure is inappropriate in relation to its use, location and character and the building has no visual relationship with the existing pavilion structure." Officers agree that the modular building is of no architectural worth and is not appropriate to this setting. As such it will be harmful to the site's appearance and the wider area.

6.7 Although such harm was, on balance, just about acceptable for the temporary period of 2 years when weighed against the immediate and urgent deficit in nursery places, it is wholly unacceptable as a permanent fixture.

### **The Deficit in Nursery Places**

6.8 The applicant says that the building is essential to meet the local deficit in nursery places. For that argument to carry any material weight, it would have to be demonstrated;

1. That the deficit in nursery places could not be met at an alternative venue where the visual harm would be less.

Such an alternative venue could be in an existing building or a new build. It could comprise a similar modular building to that which forms part of this application if it were much more discretely sited. The deficit could be met by the Brightlingsea Play Centre company or by another company.

2. That if the deficit in nursery places can only be met at this site, a building of improved design would be unachievable.

6.9 This is a very poor application that has failed to make either case. It contains no assessment of alternative venues. Nor does it provide any financial or other evidence that a building of improved design would be unachievable. Consequently, the applicant's argument relating to a deficit in nursery places should not be given material weight.

6.10 The responsibility for ensuring that there are adequate nursery places available sits with Essex County Council. No supporting information from Essex County Council is provided with this application.

### **Background Papers.**

None.