

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	20/03/2019
Planning Development Manager authorisation:	AN	25/3/19
Admin checks / despatch completed	AN	26/3/19

**Application:** 19/00110/FUL

**Town / Parish:** Brightlingsea Town Council

**Applicant:** Tracey Pulford

**Address:** Brightlingsea Lido Kiosk Promenade Way Brightlingsea

**Development:** Extend and refurbish the kiosk to create a community cafe.

### 1. Town / Parish Council

Mrs Brightlingsea Town Council As the applicant, Brightlingsea Town Council makes no comment.

### 2. Consultation Responses

Building Control and Access Officer No comments at this time.

### 3. Planning History

18/30217/PREAPP To extend and refurbish the kiosk to create a Community Cafe, the extension will be 5 x 3.795 x 3m with a further shaded area of the same dimensions. 11.12.2018

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

ER16 Tourism and Leisure Uses

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

SPL3 Sustainable Design

PPL1 Development and Flood Risk

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

### **5. Officer Appraisal (including Site Description and Proposal)**

#### Site Description

The application relates to the Brightlingsea Lido facility located on the southern side of Promenade Way, Brightlingsea. The site is located within a protected recreational facilities area, within a defined urban regeneration area and within Flood Zone 3.

The application relates specifically to the lido kiosk building located to the north western corner of pool.

#### Description of Proposal

The application seeks full planning permission for the refurbishment of the existing kiosk and extension to create a cafe facility.

At the time of the officer site visit, works had already commenced.

#### Assessment

The main considerations in this instance are;

- Design, Appearance and Layout;
- Impact on Tourism;
- Flood Risk, and;
- Representations.

#### Design, Layout and Appearance

The adopted Tendring District Local Plan (2007) Saved Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The plans and images provided show that the extension will be contained within the existing Lido site without having a detrimental impact on these existing facilities. In fact, the proposal will enhance the use.

The refurbishment and extension will contribute positively to the area by upgrading and enhancing the existing facilities. The extension is an interesting design, a suitable scale and provides a complementary use that will contribute to the vitality and longevity of the lido.

#### Impact on Tourism

Policy PP8 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states that to attract visitors to the Tendring District and support economic growth in tourism, the Council will generally support proposals that would help to improve the tourism appeal of the District to visitors, including high quality restaurants and cafes.

The proposal is considered to improve the tourism appeal for visitors to the District being in line with the aims of the Emerging Local Plan.

#### Flood Risk

The site lies within Flood Zone 3 which is defined as having a high probability of flooding. A café is classified as a 'less vulnerable' use. As the proposal refurbishes and extends an existing facility and results in a development categorised as 'less vulnerable' it is unlikely that the proposal would raise any flood risk concerns.

The application is accompanied by the required flood risk assessment which confirms the above and demonstrates that the finished floor levels will be the same as the existing.

Consultation with the Environment Agency is not required in this instance as the proposal is less than 250m<sup>2</sup> falling under the minor scale development definition and therefore covered by their standing advice.

#### Highway Considerations

Officers consider that the site is located in a highly sustainable location within close proximity of the Town Centre and easy walking distance from surrounding residential development. The site and surrounding public open spaces are served by ample parking sited adjacent. Therefore, the proposal will not result on any harmful impact upon highway safety.

#### Representations

The application has been made by Brightlingsea Town Council and therefore no comments are required from them in this instance.

No letters of representation or objection have been received.

#### Conclusion

For the reasons set out above, the proposal is well designed and provides a complementary use that will contribute positively to the area and to the vitality and longevity of the lido. The application is therefore recommended for approval. As works have already commenced, the standard time limit condition is not required in this instance.

### **6. Recommendation**

Approval - Full

### **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: DWG - 2555 - 201 Rev B.

Reason - For the avoidance of doubt and in the interests of proper planning.

## **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.