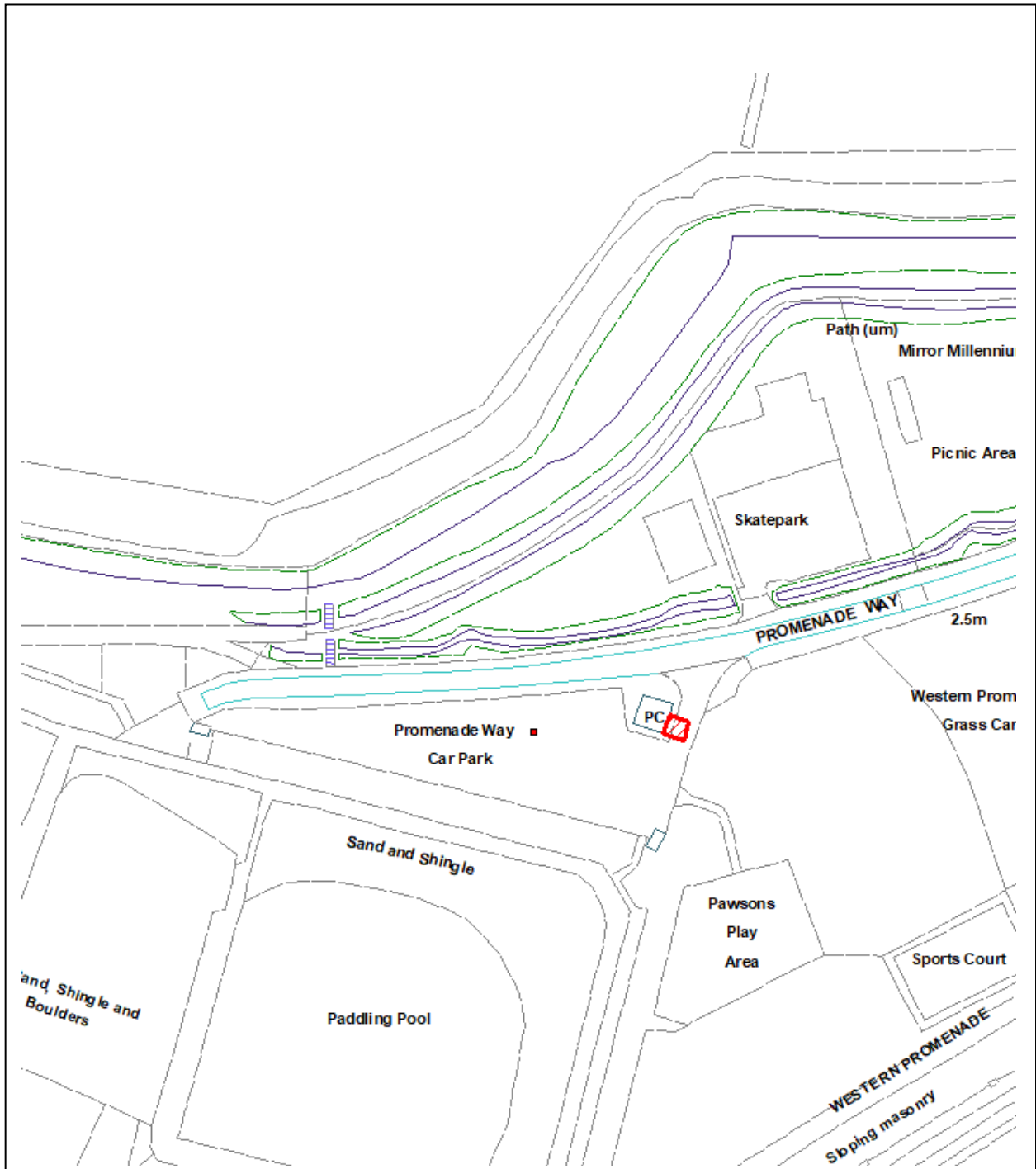


PLANNING COMMITTEE

24th November 2022

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.1 PLANNING APPLICATION – 22/01666/FUL – CAR PARK PROMENADE WAY
BRIGHTLINGSEA CO7 0HH**



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Application: 22/01666/FUL

Town / Parish: Brightlingsea Town Council

Applicant: Mr Andrew Nepean - Tendring District Council

Address: Car Park Promenade Way Brightlingsea CO7 0HH

Development: Proposed additional building on side of existing toilet block to provide enhanced facilities to meet the needs of disabled children and adults with complex care needs and who require carer support, appropriate equipment and more space.

1. Executive Summary

- 1.1 The application is before the Planning Committee as the applicant is Tendring District Council.
- 1.2 The proposal seeks the erection of an extension to the existing toilet block that would be used to provide a 'Changing Places' facility, which includes enhanced facilities to meet the needs of disabled children and adults with complex care needs, who require care support, appropriate equipment and additional space.
- 1.3 The works are considered to comply with the requirements of Policy HP1 and therefore are supported in principle. In addition, while located within a prominent location Officers do not consider that the scale or appearance of the building is harmful to the character of the area, while there will be no impact to any neighbouring amenities.

Recommendation:

That the Planning Manager be authorised to Grant Planning Permission subject to conditions as stated in section 7.2 (or as need to be varied*) and those as may be deemed necessary by the Planning Manager

*To account for any errors, legal and necessary updates

2. Planning Policy

- 2.1 The following Local and National Planning Policies are relevant to this planning application.

National Planning Policy Framework July 2021 (The Framework)
National Planning Practice Guidance

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
- SP3 Spatial Strategy for North Essex
- SP7 Place Shaping Principles

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

- SPL1 Managing Growth
- SPL3 Sustainable Design
- HP1 Improving Health and Wellbeing
- HP4 Safeguarded Open Space
- PPL2 Coastal Protection Belt

Supplementary Planning Guidance:
Essex Design Guide

Local Planning Guidance:
Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

- 2.2 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.

3. Relevant Planning History

N/A

4. Consultations

N/A

5. Representations

- 5.1 Brightlingsea Town Council have not commented on the application.
- 5.2 There have been no other letters of representation received.

6. Assessment

Site Description

- 6.1 The application site is land sited adjacent to the east of the car park sited along Promenade Way, within the parish of Brightlingsea. The site will be an extension to the existing public toilets, which is a single storey building with a pitched roof.

- 6.2 The character of the area is relatively urbanised, with the car park and toilet facilities, as well as a skate park adjacent to the north, a playground to the south-east, Bateman's Café further out to the west, and the Brightlingsea Lido approximately 300 metres to the east.
- 6.3 The site falls outside of the Settlement Development Boundary for Brightlingsea within the adopted Local Plan 2013-2033, which is located approximately 550 metres to the east. The land adjacent to the east of the site is an area of Safeguarded Open Space, but the designation does not include the application site. Similarly, to the north of the site, but not inclusive of the site itself, is a Coastal Protection Belt.

Description of Proposal

- 6.4 This application seeks full planning permission for the erection of an extension to the existing toilet block that would be used to provide a 'Changing Places' facility, which includes enhanced facilities to meet the needs of disabled children and adults with complex care needs, who require care support, appropriate equipment and additional space.
- 6.5 The extension will be a single storey structure that will be constructed with painted horizontal timber cladding. The specific external colour scheme of the building reflects those as used on other Changing Places toilets (subject of planning applications 22/01675/FUL at The Esplanade, Holland-on-Sea and 22/01676/FUL at Marine Parade East, Clacton-on-Sea), and is therefore easily recognisable by those who will benefit from its presence.
- 6.6 The supporting information provided highlights that this site has been chosen as it is located in a suitable location adjacent to the Brightlingsea Beach and other amenable areas, an existing car park and also directly adjacent to two disabled person's parking spaces. In addition, the supporting information states the building will be available 24/7 all year round, and will be accessible via a key entry system with access strictly limited to those who have need for the specialist equipment the building provides.

Principle of Development

- 6.7 Adopted Policy HP1 states the Council will work to improve the health and wellbeing of residents in Tendring by working with stakeholders on projects that provide better service integration, locating services where access can be improved, particularly for vulnerable groups and communities.
- 6.8 The application proposes enhanced facilities for disabled children and adults with complex care needs, such as profound and multiple learning disabilities or with physical disabilities such as spinal injuries, muscular dystrophy and multiple sclerosis. The development will allow 24/7 access to a building which provides the necessary extra equipment and space that people with such needs require, which in turn will allow them to take part in activities that may otherwise prove to be restrictive if such facilities were not available. Accordingly the proposal accords with the above policy, and Officers strongly support the principle of such a development.

Visual Impacts

- 6.9 Paragraph 130 of the National Planning Policy Framework (NPPF) (2021) 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.
- 6.10 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 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.
- 6.11 The application site is situated within a prominent location, adjacent to the existing public toilets and car park, and also highly visible from the street scene along Promenade Way. Against this context, Officers acknowledge that the scale of the building, single storey, will be in accordance with the existing public toilets and therefore have no concerns relating to the scale of the extension.
- 6.12 In respect of the design of the building, whilst it is noted that the external colour scheme does not necessarily accord with the existing public toilets, it is of a unique design that will stand out in a positive sense. Further, as discussed above, the unique colour pattern is a deliberate choice in order to ensure the building is easily and immediately recognisable to those who would require it. Taking all of the above into consideration, Officers do not consider the design would appear harmful to the character and appearance of the area, and therefore offer no objections in this regard.

Impact to Neighbouring Amenities

- 6.13 Paragraph 130 of the National Planning Policy Framework (2021) 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.
- 6.14 Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future 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.
- 6.15 The site is located far away from any neighbouring properties, and the development will therefore result in a neutral impact to all existing amenities in the surrounding area.

Conclusion

- 6.16 The application proposes enhanced facilities for disabled children and adults with complex care needs, and is therefore in accordance with Policy HP1 and supported in principle. In addition, while located within a prominent location Officers do not consider that the scale or appearance of the building is harmful to the character of the area, while there will be no impact to any neighbouring amenities. Accordingly the application is recommended for approval.

7. Recommendation

7.1 The following conditions are recommended.

7.2 Conditions and Reasons

1 The development hereby permitted shall be begun before 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 the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

The documents titled 'Site Location Plan', 'Block Plan', 'Statement in Support of Planning (Design and Access Statement)' and Drawing Number TDC01/05/22/SKB2 (Proposed General Arrangement).

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

7.3 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.

8. **Additional Considerations**

Public Sector Equality Duty (PSED)

8.1 In making your decision you must have regard to the 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 to:

8.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

8.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and

8.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

- 8.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 8.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 8.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 8.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 8.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 8.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 8.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 8.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

9. Background Papers

- 9.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such

information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.