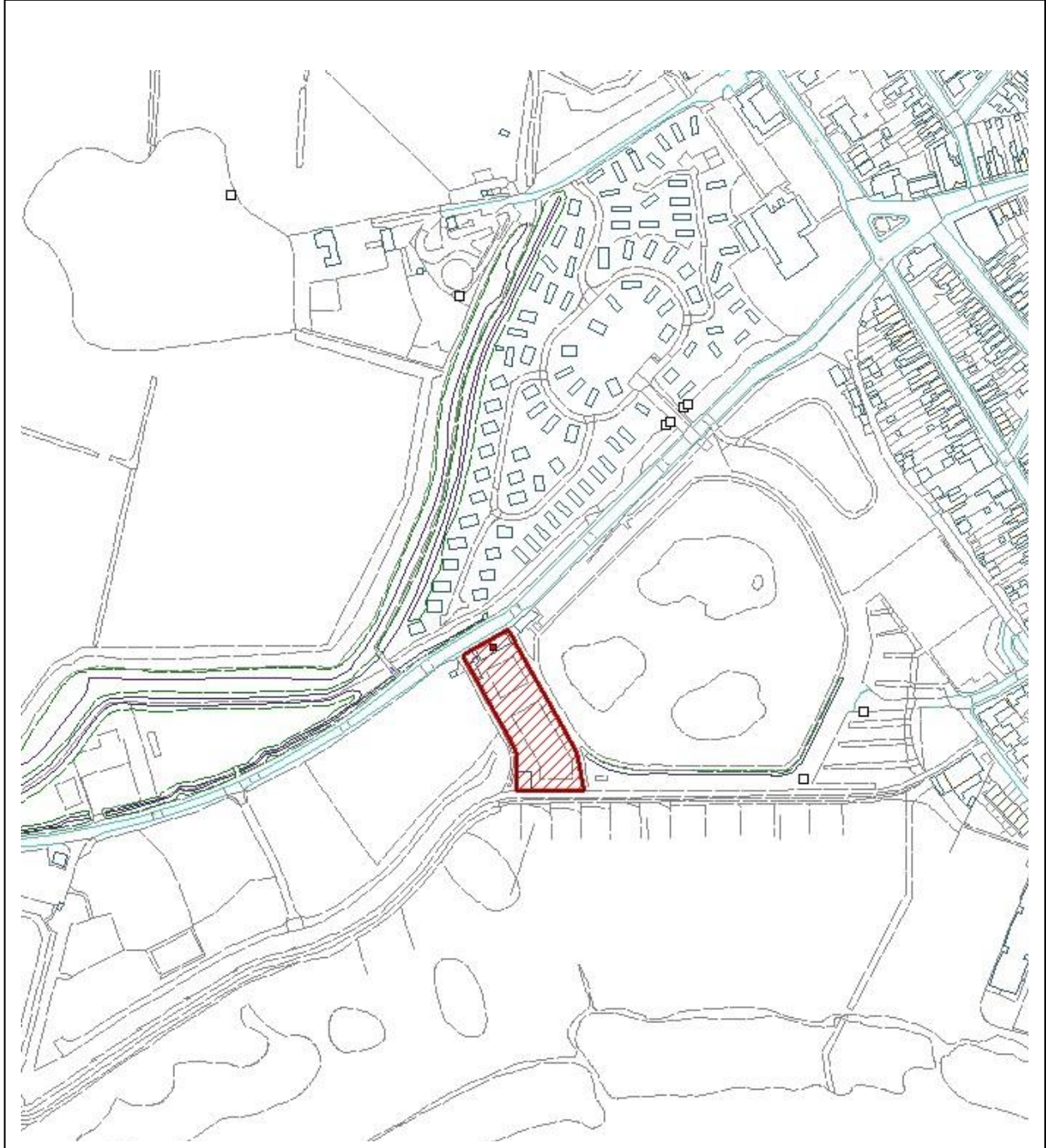


PLANNING COMMITTEE

Tuesday 1st August 2023

REPORT OF THE DIRECTOR OF PLANNING

A.5 PLANNING APPLICATION – 23/00649/FUL – BRIGHTLINGSEA LIDO - SWIMMING POOL
PROMENADE WAY BRIGHTLINGSEA CO7 0HH



DO NOT SCALE

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Application:	23/00649/FUL	Expiry Date:	29th June 2023
Case Officer:	Julie Ramsey	EOT Date:	02.08.2023
Town/ Parish:	Brightlingsea Town Council		
Applicant:	Town Clerk - Brightlingsea Town Council		
Address:	Brightlingsea Lido - Swimming Pool Promenade Way Brightlingsea CO7 0HH		
Development:	Construction of canopy over paddling pool.		

1. Executive Summary

- 1.1 The application seeks planning permission to construct a canopy over one half of the small swimming pool at the Brightlingsea Lido. This is to provide some shade and cover over the new decking area, providing shade from the sun and cover during inclement weather for users of the Lido and a wide range of community activities.
- 1.2 The site is leased and managed by Brightlingsea Town Council via a group of volunteers. The canopy proposed is a large shade sail covering a framework of laminated timber roof beams supported of steel posts fixed to the ground. The proposal is considered to be acceptable and would provide a required upgrade to the facilities at the Lido.
- 1.3 The application is before planning committee as Tendring District Council own the site.

Approval (no S106 requirements)

Recommendation: Approval

- 1) That the Head of Planning be authorised to grant full planning permission subject to the conditions as stated at paragraph 8.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 2) The informative notes as may be deemed necessary.

2. Planning Policy

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

National:

National Planning Policy Framework July 2021 (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)

SPL3 Sustainable Design
CP1 Sustainable Transport and Accessibility
HP2 Community Facilities
HP5 Open Space, Sports & Recreation Facilities
PP8 Tourism
PPL1 Development and Flood Risk

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), together with any neighbourhood plans that have been brought into force.

3. Relevant Recent Planning History

19/00110/FUL	Extend and refurbish the kiosk to create a community cafe.	Approved	26.03.2019
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4. Consultations

4.1 None

5. Representations

5.1 No representations have been received following a public consultation which included a site notice posted at the site and neighbour consultation letters sent out to the adjacent properties, where applicable.

6. Assessment

Site Context

- 6.1 The application site is located to the south of Promenade Way, and comprises of two swimming pool, changing rooms, a café and associated facilities and operates as Brightlingsea Lido.
- 6.2 The site is within Flood Zone 2 and 3 which have a high risk of flooding and is owned by Tendring District Council. The site is leased to Brightlingsea Town Council and operated by a group of volunteers.

Principle of Development

- 6.3 The site is an establish community/tourist facility within Brightlingsea, but outside of any defined settlement development boundary. Nonetheless the proposal is for improvements to the existing operation and therefore the principle of development in this location is considered to be acceptable subject to the detailed considerations set out below.

Character and Appearance

- 6.4 The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness.
- 6.5 The proposed sail like canopy is considered to be acceptable within the setting of the swimming pool area. The canopy measures 15m x 8m and has a maximum height of some 3.75m. The structure consists of Gluelam timber roof beams with a tensioned heavy sail cloth material over and is supported by steel posts. Gluelam timber is a type of structural engineered wood product made up of layers of dimensional lumber bonded together with durable, moisture-resistant structural adhesives. This choice of material is aesthetically pleasing and is considered to be appropriate for this open seafront location and is a durable material that would require minimal maintenance.
- 6.6 Furthermore the canopy is considered to be screened from view by the existing buildings to the front of the site and the existing boundary treatment that encloses the site and any views would be seen in the context of the wider site. The proposal is therefore considered to be in keeping with the character of the site and the surrounding area.

Highway Safety/Parking

- 6.7 The proposal does not impact on the pedestrian access arrangements to the site. The site itself has no off street parking but there is unrestricted parking within the area for visitors and this is an existing situation.

Impact on Residential Amenity

- 6.8 NPPF, Paragraph 17, states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy SPL 3 states that all new development must meet practical requirements, it must be designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents.
- 6.9 There are no residential properties adjoining the site, the nearest neighbours are the occupiers of the adjacent caravan and camping parks and given the small scale nature of the proposal there are no concerns raised with regards to residential amenity.

Flood Risk

- 6.10 Given the small scale nature of the proposal and the wider use of the site. The application is considered to be of a similar water compatible use and therefore there is no requirements to apply the sequential and exceptions test. Furthermore the development is not considered to increase the flood risk elsewhere.

7. Conclusion

- 7.1 It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is before committee with a recommendation for approval.

8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and Informatives.

8.2 Conditions and Reasons

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.

Drawing No: 986/01 - Site Location Plan

Drawing No; 986/02 - Block Plan

Drawing No. 986/03 - Proposed Elevations and Floor Plan

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.

8.3 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.

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 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:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 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
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 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.
- 9.6 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.
- 9.7 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

- 9.8 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.

- 9.9 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).
- 9.10 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

- 9.11 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. In this case the site is owned by Tendring District Council and is leased to Brightlingsea Town Council.

10. Background Papers

- 10.1 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/>.