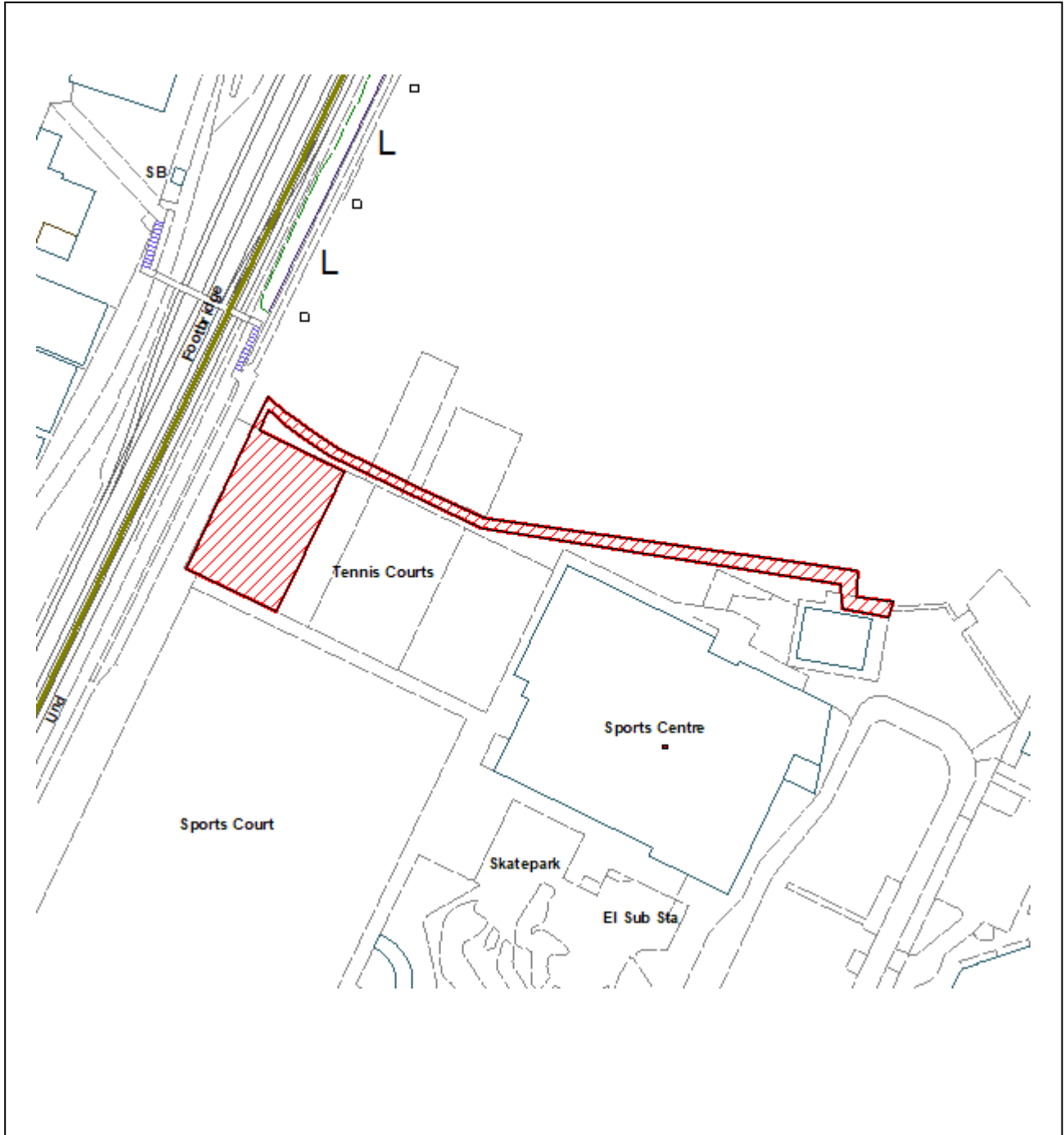


PLANNING COMMITTEE

14TH APRIL 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

**A.3 PLANNING APPLICATION – 26/00075/FUL – CLACTON LEISURE CENTRE VISTA ROAD
CLACTON ON SEA ESSEX CO15 6DB**



DO NOT SCALE

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Application:	26/00075/FUL	Expiry Date:	12th March 2026
Case Officer:	Charlotte Cooper		
Town/ Parish:	Clacton (Non Parished)		
Applicant:	Kieran Charles - Tendring District Council		
Address:	Clacton Leisure Centre Vista Road Clacton On Sea Essex CO15 6DB		
Development:	Planning Application - Construction of a floodlit Football Foundation Playzone		
Referral Reason:	TDC owned land		
Recommendation:	Approval (subject to conditions)		

1. **Executive Summary**

- 1.1 The proposal seeks permission for a new floodlit Football Foundation Playzone on part of the redundant games courts at Clacton Leisure Centre. The development is considered acceptable in principle and detail, representing a visual and functional improvement to existing facilities with no significant harmful impacts identified.

2. **Status of the Local Plan**

Planning Policy Context

- 2.1 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.

Neighbourhood Plans

- 2.2 At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

3. **Planning Policy**

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

National:

National Planning Policy Framework 2024 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)

SP 1 Presumption in Favour of Sustainable Development

SP 3 Spatial Strategy for North Essex
SP 7 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
HP1 Improving Health and Wellbeing
HP2 Community Facilities
HP3 Green Infrastructure
HP4 Safeguarded Open Space
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation and Energy efficiency Measures
CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents
[Essex Design Guide](#)

Local Planning Guidance
[Essex Parking Guidance](#) Part 1: Parking Standards Design and Good Practice 2024

4. **Relevant Planning History**

20/00537/FUL	Proposed refurbishment of an existing Artificial Grass Pitch (AGP) with associated features including: Replacement of existing field of play with new artificial grass surfacing sized 106 x 70m (7420m²) with associated line markings to accommodate an 11v11 football pitch and a variety of youth football pitches, mini soccer pitches and training areas. Replacement of high level fence enclosure with new 4.5m high ball stop fencing and gated entrances to the AGP perimeter. Installation of new 2.0m high and 1.2m high pitch perimeter barrier internally within the AGP enclosure, to segregate the pitch playing area from adjoining hard standing areas. Installation of replacement hard standing areas adjoining the AGP perimeter complete with associated porous asphalt surfacing and matching ball stop fencing for pedestrian access and circulation, goals storage and vehicular maintenance access. Installation of replacement floodlighting. Installation of new maintenance equipment store located within the AGP enclosure.	Approved	23.10.2020
20/01801/DISCON	Discharge of condition 2 (hockey	Approved	03.03.2021

mitigation) for approval 20/00537/FUL.

21/01857/DISCON	Discharge of conditions 5 (Landscaping and Arboricultural impact assessment) and 8 (Construction management plan) of application 20/00537/FUL.	Approved	20.12.2021
23/01393/DISCON	Discharge of condition 3 (Certification of the Artificial Grass Pitch) of application 20/00537/FUL.	Approved	16.10.2023
24/01596/FUL	Planning Application - installation of CCTV columns, cameras and ancillary equipment as part of Clacton on Sea Safer Streets Scheme.	Approved	06.02.2025
26/00074/ADV	Application for Advertisement Consent - 13 signs for Football Foundation Playzone	Approved	12.03.2026

5. Consultations

Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.

All consultation responses are available to view, in full (including all recommended conditions and informatives), 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/>.

ECC Highways

16.03.2026

No objection subject to conditions:

1. The public's rights and ease of passage over public footpath no 23 (Great Clacton) shall be maintained free and unobstructed at all times.
2. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Sport England

09.03.2026

No objection. Considered to meet exception 5 of our adopted Playing Fields Policy and paragraph 104 of the NPPF. No conditions are requested.

The proposal involves a MUGA supported by sports lighting and fencing which has been designed principally for football and basketball. It forms part of the Football Foundation's Playzone programme which is focused on investment into high quality multi-sports facilities in targeted areas which have inequalities in physical activity participation. The Playzone at Clacton Leisure Centre is to be prioritised for meeting the needs of specific groups including lower socio-economic groups, women/girls, disabled people, ethnically diverse communities and people with long term health conditions. This proposal forms part of a wider programme of Playzone investment in the Tendring district area. The Playzone would involve resurfacing the existing games court and providing new perimeter fencing and floodlighting.

The Football Foundation (who represent the FA and the Essex County FA) are fully supportive of this project which has been awarded a grant. They have also advised that the need and design of the Playzone has been informed by extensive consultation led by the District Council with local stakeholders which resulted in football and basketball being identified as the priority sports for the facility. A macadam surface is proposed to allow both sports to be played. The sports lighting is proposed to allow use of the Playzone in the evenings to support the needs of particular clubs and groups while perimeter fencing is needed for ball stop, security and maintenance purposes.

The Playzone would be sited on part of the redundant games courts that have not been operational for at least 5 years. The surface of the games courts would need to be replaced to allow the courts to be used again due to its poor quality nature. Space would still exist on the remaining redundant games court area to the east for games courts to be reinstated for sports like tennis and netball. The sports development benefits that the Playzone MUGA would offer would outweigh any detriment caused by the impact on the playing field and games courts.

While Sport England would not require a planning condition to be imposed relating to the hours of use of the Playzone or its sports lighting, any condition that may be imposed by the Council relating to the hours of use of the lighting and the use of the Playzone should not be overly restrictive. In this regard, it is advised that peak community use of MUGAs on similar sites usually extends until 10.00 p.m. and the application is seeking use of the facility until 10.00pm. If the Council wishes to impose a planning condition restricting the hours of use of the tennis courts or its sports lighting, consideration should be given to using condition 14 from our model conditions schedule https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=playing_fields_policy.

If the design of the lighting scheme is material to the assessment of the planning application, I would recommend that consideration be given to Sport England's 'Artificial Sports Lighting' guidance note <https://www.sportengland.org/guidance-and-support/facilities-and-planning/design-and-cost-guidance/artificial-lighting>

Environmental Protection

26.03.2026

In order to minimise potential nuisance caused by demolition, ground works and construction, Environmental Protection recommend that the following is conditioned.

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.
- No materials produced as a result of the site development or clearance shall be burned on site.

Lighting

Any lighting of the development shall be located, designed and directed [or screened] so that it does not [cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary]. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Professionals (www.theilp.org.uk)

To show the potential impact of the development proposal on trees an Arboricultural Impact Assessment (AIA) has been provided that is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, Recommendations.

The AIA specifies the removal of a poor-quality group of trees (G1) comprising of Sycamore and Ash. The trees are self-sown and are growing in a position where it would not be prudent for them to be allowed to grow to their full potential. Therefore, their removal is advisable regardless of the outcome of the planning application

The AIA also identifies works that will be required to a Norway Maple (T3). Works are limited to the removal of lower branches to a height of approximately 4m and minor works within the Root Protection Area (RPA) of the tree to remove the existing hard surfacing of the games area.

The existing hard surfacing will have affected the root growth of the tree, and it would not be expected to find extensive rooting activity beneath the existing hard surfacing.

If the measures set out in the AIA are complied with then the Norway Maple (T3) will not be harmed by the implementation of the proposed development. No other trees will be adversely affected by the proposed development.

Taking into account the retention of existing trees as well as the location and position of the proposed Playzone it is not considered necessary to secure any soft landscaping associated with the development.

6. Representations

6.1 Parish / Town Council

Clacton non-parished – no consultation/comments required.

6.2 Neighbour / Local Representations

No letters of representation have been received.

7. Assessment

Site Context

- 7.1 The application site serves Clacton Leisure Centre, located towards the east of vista road, within the settlement development boundary of Clacton on Sea. The site itself currently serves an unused sports facility / pitch to the north west of the main leisure centre, and forms part of a wider safeguarded open space.

Proposal

- 7.2 This application seeks planning permission for the construction of a floodlit football foundation Playzone. The Playzone will be fully encapsulated by 3m high fencing, with a 4 metre high goal recess section to the ends of the Playzone.
- 7.3 In addition, four LED floodlights to each corner of the Playzone are proposed, each measuring 8 metres in height. There is also a spectator area, as well as ancillary features such as benches and bins.

- 7.4 The Playzone will be available from 08:30 – 22:00 Monday-Friday, and 08:30 – 18:00 Saturdays and Sundays. The booking system will comprise of set bookable timeslots, alongside open access timeslots. Access to the Playzone will be through a gate locking system and it will be free to use at all times, except when booking for commercial use.
- 7.5 The proposal also includes a number of vinyl signs to each elevation, however this only requires advert consent which has been separately approved under 26/00074/ADV.

Principle of Development

- 7.6 Paragraph 103 of the National Planning Policy Framework (NPPF) states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.
- 7.7 Local Plan Policy HP5 states The Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types. Local Plan The proposal also complies with Policy HP4 as it would not result in the loss of areas designated as Safeguarded Open Space.
- 7.8 The proposal is to provide a replacement outdoor sporting facility. Whilst there is a current sports court in situ, this is dated and in a poor state of repair. The proposal therefore results in enhanced facilities that would expand the range of accessible sports, recreation and community facilities in Clacton-on-Sea, which in turn supports community demands. Therefore, the principle is supported subject to the more detailed considerations below.
- 7.9 Sport England raise no objection to the proposal. They advise that the development meets Exception 5 of Sport England's Playing Fields Policy and is compliant with paragraph 104 of the NPPF, as the new Playzone will provide significant sports development benefits on an area of redundant games courts. No conditions are requested, though advisory comments are provided regarding suitable hours of use and sports lighting.

Impact to Character of Area

- 7.10 Paragraph 135 of the NPPF requires that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, maintain a strong sense of place and create places that are safe, inclusive and accessible.
- 7.11 Local Plan Policy SP7 seeks high standards of urban and architectural design, which responds positively to local character and context. Local Plan Policies SPL3 and LP4 also require, amongst other things, that developments are designed to high standards and which, together with a well-considered site layout, create a unique sense of place.
- 7.12 The proposal involves the construction of a new outdoor sports facility at Clacton Leisure Centre. The site currently contains an existing sports court and fencing, and the upgraded facility will represent a visual enhancement to this currently rundown area. Positioned alongside other established sports courts, the development will integrate well with the appearance and character of the wider leisure complex. While the proposal will be visible from Public Footpath No. 23, which runs to the west of the site, its siting within the existing sports centre and the separation provided ensures no material adverse impact upon users of the public right of way. Owing to its location to the rear of the leisure centre and its distance from nearby residential properties, the proposal will not appear overly dominant or intrusive within the surrounding area.
- 7.13 An Arboricultural Impact Assessment has been submitted and reviewed by the Tree and Landscape

Officer who has no objection. A group of poor quality self-sown Sycamore and Ash are to be removed and acceptable works are proposed to a Norway Maple.

- 7.14 The proposal is therefore considered to be of an acceptable design and appearance.

Highway Safety

- 7.15 Paragraph 114 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 115 adds that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.16 Local Plan Policy CP1 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.
- 7.17 The Highway Authority confirm the proposal is acceptable, subject to conditions requiring that Public Footpath No. 23 remains unobstructed at all times and that adequate on-site space is provided for construction-related loading, unloading and material storage to prevent any obstruction of the highway. However, the obstruction of a Public Right of Way is already an offence under the Highways Act 1980 and is therefore subject to separate control. This condition is not considered to meet the tests of necessity set out in Paragraph 56 of the NPPF. It is not therefore necessary however it will be included as an informative.

Residential Amenities

- 7.18 Paragraph 135 of the NPPF 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.
- 7.19 Policy SP7 of Section 1 of the 2013-2033 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL3 (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.
- 7.20 The built form to the west of the site consists of commercial properties, with residential dwellings located beyond these. However, the presence of the railway line provides substantial separation, ensuring the proposal will not appear overbearing to these properties. Similarly, there is adequate distance between the site and the residential properties to the south, preventing any undue visual impact. The site is otherwise not in close proximity to any other sensitive receptors. In addition, the proposal is situated within an established sports centre where activity of this nature is already commonplace. As such, the development is not expected to generate noise levels significantly greater than those already characteristic of the site.
- 7.21 The Playzone will be available from 08:30 – 22:00 Monday-Friday, and 08:30 – 18:00 Saturdays and Sundays. It is considered necessary to restrict the hours of floodlighting between 10pm and 8am in the interests of amenity and biodiversity.
- 7.22 The Council's Environmental Protection team have not provided any objection to the application but have suggested conditions relating to working hours throughout the construction period and ensuring the proposed lighting to be positioned and designed so that it does not cause unnecessary disturbance to nearby homes, create a traffic hazard or lead to avoidable light pollution. These conditions are included/reworded within the recommendation. A further condition has been suggested requesting that no materials, produced as a result of site development, be burned on site. However, as burning construction or demolition waste is already prohibited under the Environmental

Protection Act 1990 there is no need to include this condition on any approval of the application.

Habitats, Protected Species and Biodiversity Enhancement

7.23 General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: “For the purposes of this section “the general biodiversity objective” is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England.” Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

7.24 Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). As this proposal is replacing an existing structure it will not result in the loss of habitat. This proposal is not therefore applicable for Biodiversity Net Gain.

7.25 Protected Species

In accordance with Natural England’s standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

7.26 Ecology conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

8. Conclusion

8.1 The proposal for a new floodlit football foundation Playzone is supported in principle, as it would deliver upgraded sports facilities that represent a clear improvement over those currently on site. Officers considered the proposal to be a visual enhancement when compared to the existing structure and it is deemed acceptable in terms of design and impact upon trees. Due to adequate separation distances and lighting controls the proposal is considered acceptable in terms of residential amenities. Essex Highway Authority raise no objection to the proposal. The proposed development is considered to align with local and national planning policies and is therefore recommended for approval.

9. Recommendation

9.1 Approval (no S106 requirements)

Recommendation: Approval

1. That the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 9.2, 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.

9.2 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.

- Drawing No. MCA-MUK3423-03 A - Site Plan - Received 15.01.2026
- Drawing No. MCA-MUK3423-02 C - Block Plan - Received 15.01.2026
- Drawing No. MCA-MUK3423-01 B - Proposed Layout Playzone- REC'D 15/01/2026
- Drawing No. MCA-MUK3423-04 - Proposed East and South Elevations - Received 15.01.2026
- Drawing No. MCA-MUK3423-06 - Proposed Construction Details - Received 15.01.2026
- Drawing No. MCA-MUK3423-07 - Proposed North and West Elevations - Received 15.01.2026
- Arboricultural Impact Assessment - Received 15.01.2026
- Clacton LC Pathway Data - Received 15.01.2026
- Clacton LC Playzone Data - Received 15.01.2026
- Construction Environmental Management Plan - Received 15.01.2026
- Planning Statement - Received 15.01.2026
- Playzone Proposed Materials - Received 15.01.2026
- Playzone Standard Design Floodlighting - 15.01.2026
- Playzone Technical Design Guidance - Received 15.01.2026
- Preliminary Ecological Appraisal - Received 15.01.2026

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.

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.

3 COMPLIANCE REQUIRED - HIGHWAYS

CONDITION; Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

4 COMPLIANCE REQUIRED - CONSTRUCTION ACTIVITIES

CONDITION; No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

REASON; In the interests of residential amenity.

5 COMPLIANCE REQUIRED - LIGHTING

CONDITION; The hereby approved floodlights shall only operate between the hours of 8am and 10pm. Any lighting of the development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to adjacent residential properties, constitute a traffic hazard, or cause unnecessary light pollution outside the site boundary.

REASON; In the interests of residential amenity and biodiversity.

NOTE FOR CONDITION: "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Professionals www.theilp.org.uk

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.

Biodiversity Enhancements Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

Highways Informatives:

i. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 23 (Great Clacton) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant temporarily closing the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

iii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway

10. Additional Considerations

Equality Impact Assessment

- 10.1 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.
- 10.2 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.

- 10.3 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

Human Rights

- 10.4 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.
- 10.5 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).
- 10.6 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

- 10.7 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.

11. Declaration of Interest

- 11.1 Please refer to the minutes of this meeting, which are typically available on the councils website which will be published in due course following conclusion of this meeting.

12. Background Papers

- 12.1 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/>.