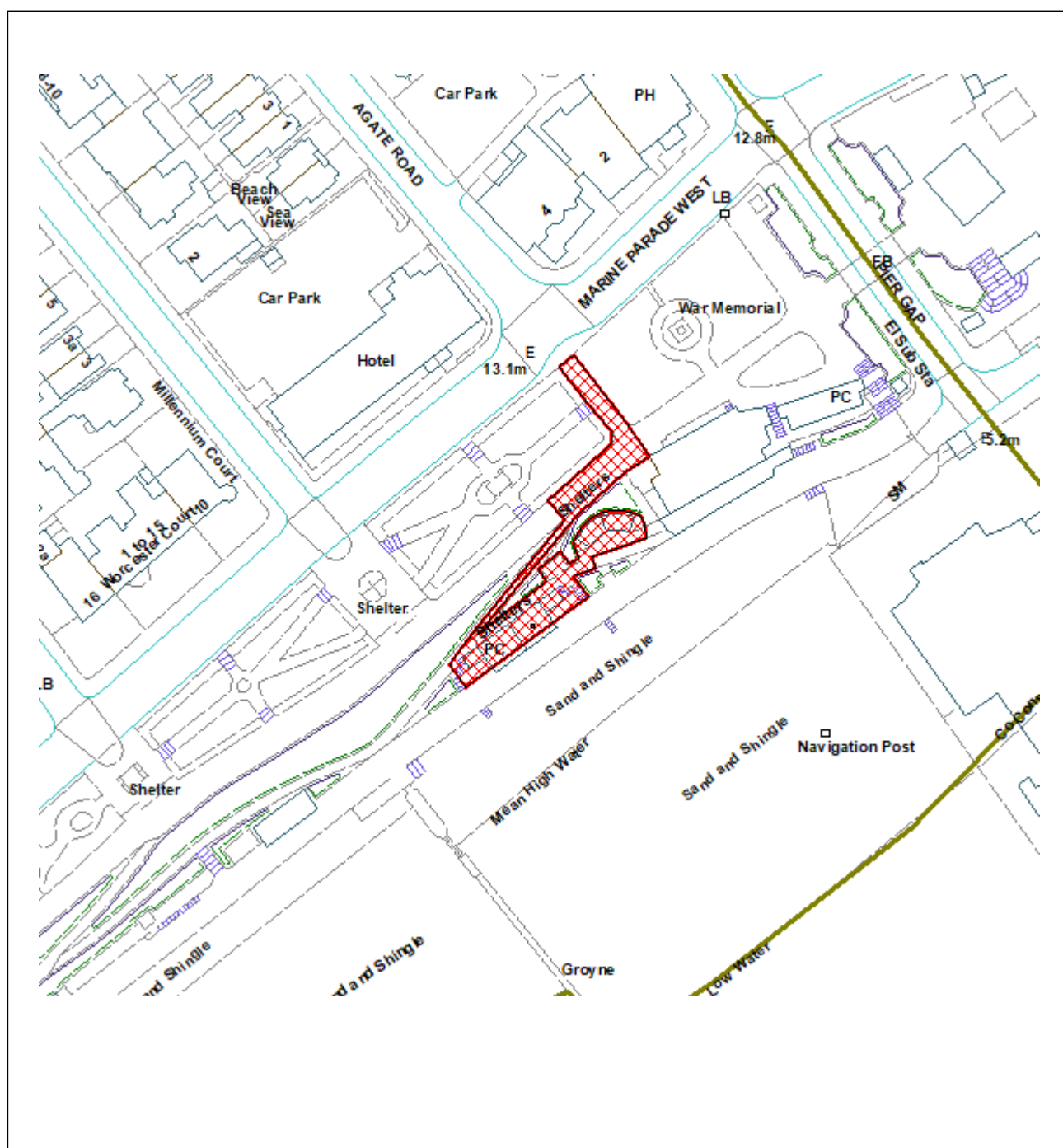


PLANNING COMMITTEE

14TH APRIL 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.4 PLANNING APPLICATION – 26/00025/FUL – FORMER PUBLIC CONVENIENCE/ BEACH PATROL UNIT EXISTING SHELTER AND SMALL HUT BUILDING KINGS PROMENADE CLACTON ON SEA ESSEX



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Application:	26/00025/FUL	Expiry Date:	9th March 2026
Case Officer:	Charlotte Cooper		
Town/ Parish:	Clacton Non Parished		
Applicant:	Tendring District Council		
Address:	Former Public Convenience/ Beach Patrol Unit Existing Shelter and Small Hut Building Kings Promenade Clacton On Sea Essex		
Development:	Planning Application - Change of use and alterations to former public convenience/ beach patrol facility and shelter (Sui Generis) to Multi Use Micro Venue (Use Classes E(a), E(c)(iii), E(d), E(g)(ii), F1(b), F1(c), F1(e), F2(b) and Sui Generis) and provision of external seating areas and balustrading; new and replacement shutters, cycle parking; refuse storage; repairs to hard landscaping; lighting; external plant and ancillary works.		
Referral Reason:	TDC owned land		
Recommendation:	Approval subject to conditions, and provided no objections are received from ECC Ecology and Natural England.		

1. Executive Summary

- 1.1 The application proposes various improvement works to bring these existing structures back into beneficial use for a variety of commercial, community and public uses. Subject to conditions the proposal is considered acceptable in relation to impact upon heritage assets, drainage, flood risk, highway safety, and visual and residential amenity.

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 5 Employment
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
HP2 Community Facilities
HP4 Safeguarded Open Space
PP1 New Retail Development
PP2 Retail Hierarchy
PP5 Town Centre Uses
PP14 Priority Areas for Regeneration
PPL1 Development and Flood Risk
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL8 Conservation Areas
PPL9 Listed Buildings
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

02/01602/FUL	Enclosure of Shelter to temporarily accommodate lifeboat	Approved	14.10.2002
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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/>.

Natural England

Consultation Ongoing – explained in the report

Essex County Council Ecology**Consultation Ongoing – explained in the report****Essex County Council Heritage****16.02.2026**

The buildings effected by this proposal (the former public toilets, viewing shelter, and a store) are unlisted, underutilised, and in a poor state of repair. They occupy a prominent position within the Clacton Seafront Conservation Area where they are exposed in views from the public realm at almost all angles because of their elevated positioning between the upper and lower promenades. The covered shelter and hut can both seen on the 1939 OS map, and therefore have some historic character owing from their mock-Tudor design, while the beach patrol dates to the post-war period. They are all located within the setting of the following designated heritage assets situated upon the upper promenade: Grade II listed Victorian Lampposts, Grade II listed War Memorial and Grade II listed Registered Park and Garden (RPG), 'Clacton Seafront Gardens'.

Following our pre-application advice the solar panels have been removed, and it is therefore considered acceptable in principle although the use of like-for-like felt membrane for roof coverings on the hut and covered shelter instead of tiles is a missed opportunity. However, prior to determination the material of rainwater goods throughout should be changed from uPVC to powder coated aluminium.

Subject to the above revision, the proposals will preserve the character and appearance of the Conservation Area and the contribution made by setting to the special interest of the listed buildings and RPG, in accordance with Chapter 16 of the NPPF and Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Should the application be approved, recommend that the following conditions:

- Repair schedule for the hut and covered shelter (including method statement)
- No demolition, conversion or alterations shall commence until a programme of historic building recording has been completed in accordance with a Written Scheme of Investigation (WSI) to be submitted by the applicant for approval by the Local Planning Authority.
- Details of proposed new windows, doors, louvres and gates
- Details (1:5) of the proposed plant enclosure
- Details (1:5) of the proposed security shutters to the covered shelter. For the avoidance of doubt, this should be an open mesh design to be in keeping with the historic character of the building.
- Details (1:5) of the proposed glazed balustrade.

Tree & Landscape Officer**02.02.2026**

There are no trees or other significant vegetation on or adjacent to, the application site. Consequently, there will be no adverse impact on any important vegetation.

ECC Highways Dept**11.02.2026**

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority.

Environmental Protection**16.02.2026**

Contaminated Land: Have reviewed the submitted CL report dated December 2025 and are satisfied with its methodology and findings. The findings confirm some associated contaminated land, but due to the nature of the proposal and any associated activities eg: no ground works are taking place, no further action is required. Therefore, the EP Team have no comments to make in relation to this element.

Construction Activities: In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following hours and actions be adhered to, should the application be approved;

- 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.

Waste Management

No comments received.

ECC SuDS Consultee**18.03.2026**

No objection based on the following: The lower floor of the development is identified as water compatible and drainage discharges direct to the estuary and can therefore discharge at unrestricted rate.

Request the following conditions:

1. No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Provide suitable drainage to ensure no flooding in the development at upper promenade level during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that features are able to accommodate a 1% AEP + 40% CC pluvial event coincident with a 5% tidal event.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy.

The scheme shall subsequently be implemented prior to occupation.

2. Prior to occupation a maintenance plan detailing the maintenance arrangements for all SuDS features, including who is responsible for different elements of the drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

3.The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

4.The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

6. Representations

6.1 Parish / Town Council

Clacton non-parished, no comments / consultation required

6.2 Neighbour / Local Representations

No letters of representation received

7. Assessment

Site Context

7.1 The application site is located to the North West of Clacton Pier, to the West of the Martello Lounge and to the south of 'The Sunken Rose Garden', with Marine Parade West to the North. To the south is the beach promenade and Clacton beach.

7.2 The application site is located within the settlement development boundary of Clacton-on-Sea. There is pedestrian access to the application site from Kings Promenade and the seafront gardens. The application site is located within the Clacton Seafront Conservation Area. To the north of the application site are the Clacton Seafront Gardens, a Registered Park and Garden. The application site is mostly located in Flood zone 1 (lowest risk) with a small section within Flood Zone 2.

7.3 The proposal comprises three buildings;

- A two-bay single storey pitched roof shelter, which is currently affected by anti-social behaviour.
- A flat-roof two-storey building, with the ground floor used seasonally as the beach patrol operations centre. The first floor previously accommodated public conveniences; however, these are no longer required as new facilities have been provided adjacent to the Martello Lounge. The ground floor remains essential for ongoing beach patrol services.
- A small store building which is currently not in use.

7.4 With the exception of the beach patrol accommodation at ground-floor level, the buildings on site are either vacant or significantly underutilised.

Proposal

7.5 This application is seeking full planning permission for the change of use and alterations to former public convenience/beach patrol facility and shelter (Sui Generis) to Multi Use Micro Venue (Use Classes E(a), E(c)(iii), E(d), E(g)(ii), F1(b), F1(c), F1(e), F2(b) and Sui Generis) and provision of external seating areas and balustrading; new and replacement shutters, cycle parking; refuse storage; repairs to hard landscaping; lighting; external plant and ancillary works.

7.6 The proposed works for each building are described as follows;

7.7 Existing two-storey Building (Beach Patrol and Former WC's)

The continued use of the ground floor of the building as beach patrol centre and use of the upper floor as a flexible multi-use micro venue for;

- Use Class E (a) shop other than for the sale of hot food
- Use Class E (c) (iii) Provision of appropriate services in a commercial, business or service locality
- Use lass E (d) Indoor sport, recreation or fitness
- Use Class F1 (b) Display of works of art (Otherwise than for sale or hire)
- Use Class F1 (c) Museums
- Use class F1 (e) Public halls or exhibition halls
- Use Class F2 (b) Community halls and meeting places
- Sui Generis Use – theatre
- Sui Generis Use – Amusement arcade
- Sui Generis Use – Live music performance venue
- Sui Generis Use – Cinema

External alterations and improvements to the building, including;

- Insertion of new metal shutters and ramps to openings at ground floor.
- External doors and rendering redecorated.
- New windows and glazed external doors and shutters at first floor.
- Repairs to external surfacing, pedestrian steps and handrails.
- Installation of roof-mounted Man Safe system for maintenance.
- Installation of new stepped in tapered insulated roof system to the two-storey building, with finish to match existing and with a 1:40 fall to achieve 1:80.
- New Plant equipment within metal enclosure at first floor level only.

7.8 Single-storey shelter

- Change of use of the shelter to a multi-purpose venue for:
- Use Class E (a) Shop other than for the sale of hot food
- Use Class E (c) (iii) provision of appropriate services in a commercial, business or service locality
- Use Class E (d) indoor sport, recreation or fitness
- Use Class E (g) (ii) uses which can be carried out in a residential area without detriment to its amenity: research and development of products or processes
- Use Class F1 (b) Display of works of art (otherwise than for sale or hire)
- Use Class F1 (c) Museums
- Use Class F1 (e) Public halls or exhibition halls
- Use Class F2 (b) community halls and meeting places.

External alterations and improvements to the building including;

- New windows and new metal shutters to openings
- Rendering redecorated
- Roof membrane repaired as necessary

7.9 Small Store Building

External alterations and improvements to the building to provide a cycle and refuse store, including new windows.

- 7.10 The proposal seeks to continue supporting the existing beach patrol unit while providing enhanced facilities, alongside creating flexible, light and airy internal spaces suitable for a range of tenant uses within a multi-purpose environment that reflects and complements the seaside setting and its heritage. By repurposing the buildings, the scheme aims to reduce antisocial behaviour in this part of Clacton-on-Sea and encourage greater movement between the beach and the town centre through the introduction of attractive, versatile spaces. The project also focuses on improving the energy efficiency and sustainability of the buildings to deliver a future-proofed and resilient asset, while sensitive refurbishment works will open up views into and out of the buildings, enhancing their historic features and contributing positively to the wider Conservation Area.

Principle of Development

- 7.11 The development plan comprises the Tendring District Local Plan (LP) 2013-2033, Section 1 which Delegated Officer Report for Application 25/01479/FUL was adopted on 26 January 2021 (TDLP1) and Section 2 of the Tendring District Local Plan 2013-2033 and Beyond which was adopted on 25 January 2022 (TDLP2).
- 7.12 TDLP1 Policy SP3 provides the spatial strategy for North Essex, including Tendring, whereby existing settlements will be the principal focus for additional growth within the plan period. It states that development will be accommodated within or adjoining settlements according to their scale sustainability and existing role and beyond the main settlements the diversification of the rural economy and conservation and enhancement of the natural environment will be supported.
- 7.13 TDLP1 Policy SP3 relies on the TDLP2 to identify a hierarchy of Tendring settlements. New development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs. TDLP2 Policies SPL1 and SPL2 provide for this by establishing the Tendring settlement hierarchy and address development outside of settlement development boundaries.
- 7.14 The application site lies within the Clacton-on-Sea Settlement Development Boundary where adopted Local Plan Policy SPL2 provides a general presumption in favour of new development. Adopted Local Plan Policy SPL3 states that all new development should make a positive contribution to the quality of the local environment by incorporating, amongst other things, measures to minimise opportunities for crime and anti-social behaviour.
- 7.15 Policy HP2 of the Local Plan 2013-2033 states that the Council aims to collaborate with developers and key partners to deliver and maintain new community facilities. Where appropriate, new developments should support this goal by either providing facilities on-site or contributing to their enhancement, particularly where needs arise from growth. Co-location of facilities is encouraged where feasible. The proposed works are considered to bring back into use buildings which are able to provide community facilities which will benefit local residents and any visitors to Clacton. It is therefore considered that the development will comply with Policy HP2.
- 7.16 Policy HP4 of the Local Plan 2013-2033 aims to protect open spaces as defined on the Policies Map and Local Maps. The application site is located within the Clacton Greensward Marine Parade West Safeguarded Open Space. As the proposal is to reuse the existing buildings and improve their visual appearance, the proposed works would not result in any harm to the existing use of open space and therefore the proposal complies with Policy HP4.
- 7.17 As part of this application, the proposal seeks a change of use to the first floor element of the two storey building and the change of use of the single storey covered shelter. The proposal seeks the introduction of mixed use micro venues, the specific uses these could involve have been listed in full above (paragraphs 7.7 and 7.8).

- 7.18 The proposed buildings are intended for flexible uses to maximise their potential occupancy. The scheme is expected to deliver economic regeneration benefits by bringing currently vacant buildings back into use and the full range of flexible uses detailed above in this location are considered acceptable given their significant separation from residential properties and their sustainable location.
- 7.19 Policy PP14 identifies Clacton Town Centre and Seafront as a priority area for regeneration, with a focus on investment in social, economic and physical infrastructure to enhance vitality, environmental quality, social inclusion and economic prospects. The proposed flexible uses are considered to contribute positively by creating employment and tourism opportunities, whilst also helping to revitalise this part of the Clacton Seafront Conservation Area.
- 7.20 As previously stated, the buildings are currently vacant or underutilised, and the proposal seeks to bring them back into active use. As part of the scheme, improvements to their visual appearance are also proposed, enhancing both the functionality and visual contribution of the site. The proposed multi-use venues are considered to align with the Local Plan Policies as mentioned above. The proposed development is therefore considered acceptable in principle, subject to the detailed considerations addressed below.

Scale, Layout & Appearance and Impacts on Heritage Assets

- 7.21 Paragraph 135 of the NPPF 2025 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.
- 7.22 Adopted Section 1 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Section 2 Policies SPL3 and LP4 of the Local Plan 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.
- 7.23 The proposed works comprise a range of external repairs, upgrades and improvements to enhance the buildings functionality and appearance. These include the installation of new metal shutters and access ramps, the redecoration of existing external doors and rendered surfaces, and the provision of new windows and glazed external doors to improve the building's façade. External surfacing, pedestrian steps and handrail will be repaired where required, alongside localised repairs to the roof membrane. The scheme also incorporates the installation of a new tapered insulated roof system to the two storey building, designed to match the existing roof finish while improving drainage. Additionally, new plant equipment will be installed within a metal enclosure to ensure a tidy and secure arrangement.
- 7.24 The range of external improvements will collectively modernise the appearance of the structures while respecting their original form and setting. These works will open up views into and out of the spaces and create a more active and inviting frontage. The alterations are modest, well-integrated and use materials consistent with the seaside character of the area and the wider Conservation Area. As such, the proposals are considered to represent a high-quality and sympathetic upgrade that enhances the buildings' contribution to the locality and results in an overall improvement to the design, appearance and amenity of the site. Accordingly, the development is deemed acceptable in design and visual impact terms.
- 7.25 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. Section 72(1)

of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 7.26 Paragraph 212 of the NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.27 Policy PPL8 states that new development within a designated conservation area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of:
- a. Scale and design, particularly in relation to neighbouring buildings and spaces
 - b. Materials and finishes, including boundary treatments appropriate to the context
 - c. Hard and soft landscaping
 - e. Any important views into, out of, or within the Conservation Area.

Where a proposal would cause harm to a Conservation Area, the relevant paragraphs of the NPPF should be applied, dependant on the level of harm caused.

- 7.28 Policy PPL9 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building, the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused.
- 7.29 The application site is located within the Clacton Seafront Conservation Area and is within close proximity to a number of designated heritage assets situated upon the upper promenade; Grade II Listed Victorian Lampposts, Grade II listed War Memorial and Grade II Listed Registered Park and Garden (RPG) 'Clacton Seafront Gardens'.
- 7.30 Place Services Heritage have noted that the site occupies a prominent position within the Clacton Seafront Conservation Area, where it is exposed in views from the public realm at almost all angles. The covered shelter and hut can be seen on the 1939 OS map and therefore have some historic character owing to their mock-Tudor design, while the beach patrol dates to the post-war period.
- 7.31 Place Services have noted that the rainwater goods throughout should be changed from UPVC to powder coated aluminium, this change of material can be secured through condition. Subject to this revision, the proposal is considered to preserve the character and appearance of the Conservation Area and the contribution made by setting to the special interest of the Listed Buildings and RPG, in accordance with the above mentioned policies. The proposal is therefore considered acceptable in terms of its design and appearance and impacts on Heritage Assets.

Highway Safety/Parking

- 7.32 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.
- 7.33 Adopted 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.

- 7.34 The application site is set back from the highway due to the buildings' positioning in close proximity to Clacton Seafront. There are no parking provisions at the site. However, due to the town centre location, with the buildings being in close proximity to bus stops and a short walk to the train station, public car parks and local dwellings, the application site is located within a highly sustainable area and parking provision is not therefore required for the proposals.
- 7.35 The Highway Authority raise no objections to the proposal and confirm it is deemed acceptable in terms of highway safety.

Trees and Landscaping

- 7.36 The Tree and Landscaping Officer confirms that there are no trees or other significant vegetation on or adjacent to, the application site. Consequently, there will be no adverse impact on any important vegetation.
- 7.37 The Planning Design, Access and Heritage Statement submitted with this application states that the application site includes two small areas of soft landscaping that will be removed, with outdoor seating areas provided. There are other areas of landscaping around the buildings that are outside of the application site. These areas will be improved, and the applicant is working in collaboration with the Council's Open Space Team to develop a low maintenance soft landscaping scheme. These works do not require planning permission and therefore have not been included in this application.

Impact on Residential Amenity

- 7.38 Paragraph 135 of the NPPF 2024 includes that planning decisions should ensure developments 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.
- 7.39 Section 1 Policy SP7 of the 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. Section 2 Policy SPL 3 Part B requires that new development meets practical requirements and that structures should be designed and orientated to ensure adequate daylight, outlook, and privacy for future and existing residents.
- 7.40 The site is located a significant distance away from any neighbouring properties to prevent any harm to residential amenity from the proposed range of uses. Furthermore, there are other restaurants and commercial enterprises, such as Clacton Pier, in close proximity to the application site. Due to the proposed uses and location, the proposal is considered unlikely to cause any harm to neighbouring amenities.
- 7.41 The Environmental Protection Team recommend conditions relating to construction activities to safeguard residential amenity. In particular, they advise restricting construction working hours, and this requirement will be secured through a planning condition. They also note that the prohibition on burning construction or demolition waste on site is already regulated under existing legislation, including the Environmental Protection Act 1990, and therefore a separate planning condition for this is not necessary.

Drainage

- 7.42 Paragraph 187(e) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 198 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location considering the likely effects of pollution on the natural environment.

- 7.43 Policy PPL5 states that all new development must make adequate provision for drainage and sewerage. Connection to the mains is the preferred option having regard to the drainage hierarchy and building regulations requirements.
- 7.44 The application form confirms that the proposal will be connected to the mains sewer, which is the preferred option and therefore deemed acceptable.

Flood Risks and SUDS

- 7.45 Paragraph 181 of the NPPF states that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 goes on to say that, developments should incorporate sustainable drainage systems. The systems used should, amongst other things, take account of advice from the lead local flood authority and have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.
- 7.46 Local Plan Policy PPL5 requires that all new development must make adequate provision for drainage and sewage treatment and should include sustainable drainage systems (SuDs). Policy SPL3, Part B criterion g), requires that development reduces flood risk and integrates sustainable drainage within development.
- 7.47 The application site is mostly located in Flood zone 1 (lowest risk). A very small part of the front of the Beach Patrol building lies within Flood Zone 2 at medium risk of flooding. The use of the ground floor of this building is unchanged and will remain as a 'water compatible' beach patrol use. The other proposed uses are classed as 'more vulnerable' development but all lie within Flood Zone 1 at low risk of flooding.
- 7.48 The proposed works are classed as 'minor development' i.e. minor non-residential extensions under 250 square metres. As required a site specific Flood Risk Assessment has been provided to demonstrate that the development will be safe for its users for the intended lifetime of the development, without increasing flood risk elsewhere, and be sufficiently flood resistant and resilient to the level and nature of the flood risk.
- 7.49 The main risks pertain to the tidal flood risk associated with part of the site affecting the beach patrol building. Currently this is largely within Flood Zone 1 at low risk of flooding but with tidal climate change considered, the beach patrol building will be in Flood Zone 3b at high risk of flooding. The other buildings are located on higher ground, within Flood Zone 1 and not at risk from tidal flooding. The FRA confirms that in the event that there is a severe flood on site, the site can be closed and evacuation routes established to mean that site users will be able to take refuge in either the other buildings or evacuate to the wider area, which is outside of flood risk areas and can be considered as safe from flooding. Measures are detailed in the FRA to confirm the beach patrol building will be constructed using flood resilient measures to minimise the damage from flood water should a flood event occur. Compliance with the FRA is secured by the approved plans condition, a Flood Evacuation Plan for the beach patrol building is also secured by condition.
- 7.50 Essex County Council SuDS Department have been consulted on this application. Their comments can be viewed in full above and summarised here. They have confirmed they have no objection to the proposed development as the lower floor of the development is identified as water compatible and drainage discharges direct to the estuary and can therefore discharge at unrestricted rate. The suggested conditions will be included on any approval of the application.

Sustainable Construction and Design

- 7.51 TDLP2 Policy SPL3 states that all new development should incorporate climate change adaptation measures and technology from the outset including reduction of emissions, renewable and low carbon energy production, passive design , and through green infrastructure techniques, where appropriate. Under TDLP2 Policy PPL10, there is a requirement for all development proposals to demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in the scheme and for new buildings.
- 7.52 The proposal involves the re-use of three existing buildings, significantly reducing the environmental impact associated with demolition and new construction. Furthermore, the proposed works will enhance the buildings overall energy performance through improved glazing, reducing the heat loss and supporting more efficient operation. The installation of a stepped, tapered insulated roof system will further improve thermal retention, contributing to better long-term energy efficiency and reduced carbon impact.

Environmental Protection – Contamination

- 7.53 Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.
- 7.54 Environmental Protection have confirmed that the findings of the Tier 1 contamination assessment are satisfactory. Although the assessment identifies some areas of contamination, the nature of the proposal—specifically the absence of any groundworks or intrusive activities—means that no further investigation or remediation is required.

Habitats, Protected Species and Biodiversity Enhancement

- 7.55 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.

- 7.56 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). This proposal is for the change of use of existing structures, with less than 25 square metres of habitat loss. This application is therefore not applicable for Biodiversity Net Gain.

7.57 Protected Species

In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. A Preliminary Ecological Appraisal has been submitted which identifies the site comprises predominantly low-value urban habitats, including bare ground, sealed surfaces, introduced shrub, and small patches of neutral grassland, with the majority of vegetation being ornamental or unmanaged non-native species. Invasive Japanese rose (a Schedule 9 species) is present and must be removed to prevent spread. Buildings B1, B2 and B3 were assessed as having *low potential* to support roosting bats, and further bat activity surveys were required to confirm use of the structures. Although no birds were recorded during the survey, introduced shrub and building features provide suitable nesting habitat for common passerines, and vegetation clearance must therefore be timed to avoid the March–August breeding season unless checked by an ecologist. The site was not considered suitable for a range of other protected species, including reptiles, great crested newts, dormice, otter, water vole, badger and hedgehog, due to limited or fragmented habitat.

A preliminary Roost Assessment confirmed that no bats or evidence of bat roosting were found on site, and all three buildings were assessed as having negligible potential to supporting roosting, foraging or commuting bats due to the highly exposed coastal environment, cold winds and lack of suitable vegetation. The survey recorded no evidence of bat presence and therefore no further bat surveys were recommended.

The site lies within the Clacton Cliffs and Foreshore Site of Special Scientific Interest (SSSI). Consultation with Essex County Council Ecology and Natural England are outstanding. However, the statutory response periods extend beyond the date of the Planning Committee meeting. In order to ensure that any ecological advice or concerns raised by these consultees can be fully taken into account, the recommendation has been amended to approval subject to conditions and subject to no objections being received from both these consultees. Should either consultee raise substantive issues that cannot be addressed through planning conditions, the application will be returned to Planning Committee.

8. Conclusion

- 8.1 The proposal represents a sustainable and appropriate re-use of existing seafront buildings, delivering community, economic and visual benefits while enhancing the character of this part of Clacton Seafront. The development is acceptable in principle and complies with relevant Local Plan policies, with no identified concerns regarding design, heritage, amenity, drainage, contamination or highway safety. Consultation with Essex County Council Ecology and Natural England is currently ongoing; the application is therefore recommended for approval *subject to conditions and no objections being received*. Should either consultee raise substantive issues that cannot be addressed through planning conditions, the matter will be reported back to Planning Committee. Overall, the scheme is considered to provide a positive enhancement to the site and its surroundings and is 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 provided no objections are received from Essex County Council Ecology and Natural England. And,

2. The informative notes as may be deemed necessary.

Or;

3. That in the event of an objection being received from Essex County Council Ecology and / or Natural England that the grant of planning permission will be withheld pending the return to the Planning Committee of a revised report and, if necessary, revised recommendations for either the imposition of planning conditions or for the overall decision to be taken again by Members of the Planning Committee.

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. 0000 - Site Plan - Received 12.01.2026
- Drawing No. 0002 - Proposed Block Plan - Received 12.01.2026
- Drawing No. 2000 - Beach Patrol - Proposed Ground Floor Plan - Received 12.01.2026
- Drawing No. 2001 - Beach Patrol - Proposed First Floor Plan - Received 12.01.2026
- Drawing No. 2002 - Covered Shelter - Proposed Ground Floor Plan - Received 12.01.2026
- Drawing No. 2003 - The Hut - Proposed Ground Floor Plan - Received 12.01.2026
- Drawing No. 2010 - Beach Patrol - Proposed South East and South West Elevations - Received 12.01.2026
- Drawing No. 2011 - Beach Patrol - Proposed North East and North West Elevations - Received 12.01.2026
- Drawing No. 2012 - Covered Shelter - Proposed South East Elevation - Received 12.01.2026
- Drawing No. 2013 - The Hut - Proposed South East Elevation - Received 12.01.2026
- Iguzzini Down Lighter - Received 06.01.2026
- Iguzzini Receipt - Received 06.01.2026
- Electrical Installation Condition Report - Received 06.01.2026
- Flood Risk Assessment - Received 06.01.2026
- Planning, Design, Access and Heritage Statement - Received 06.01.2026
- Preliminary Ecological Appraisal - Received 06.01.2026

- Tier 1 Desk Study Report (1)- Received 06.01.2026
- Tier 1 Desk Study Report (2) - Received 06.01.2026
- Visual Structural Inspection Report - Received 06.01.2026
- Preliminary Roost Assessment - Received 09.01.2026

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 HERITAGE REPAIR SCHEDULE

CONDITION; A repair schedule for the hut and covered shelter, including a method statement, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the repair works. The works shall be implemented in accordance with the approved schedule and shall be permanently maintained as such.

REASON; In the interests of preserving the heritage significance and historic fabric of the buildings and the wider Conservation Area.

4 HISTORIC BUILDING RECORDING

CONDITION: No demolition, conversion or alterations shall commence until a programme of historic building recording has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. No demolition, conversion or alterations shall take place until the satisfactory completion of the recording in accordance with the approved WSI.

REASON: In the interests of preserving the historic and architectural significance of the heritage assets.

5 HERITAGE - JOINERY / OPENINGS DETAILS

CONDITION: Details of proposed new windows, doors, louvres and gates (to be provided by section and elevation at scales between 1:20 and 1:5 as appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: In the interests of preserving the historic and architectural significance of the heritage assets.

6 HERITAGE - PLANT ENCLOSURE DETAILS

CONDITION: Details (scale 1:5) of the proposed plant enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: In the interests of preserving the historic and architectural significance of the heritage assets.

7 HERITAGE - SECURITY SHUTTER DETAILS

CONDITION: Details (scale 1:5) of the proposed security shutters to the covered shelter shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. This shall be an open mesh design to be in keeping with the historic character of the building. The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: In the interests of preserving the historic and architectural significance of the heritage assets.

8 HERITAGE - GLAZED BALUSTRADE/RAINWATER GOODS DETAILS

CONDITION: Details (scale 1:5) of the proposed glazed balustrade and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: In the interests of preserving the historic and architectural significance of the heritage assets.

9 CONSTRUCTION - WORKING HOURS

CONDITION: No vehicle connected with the works shall arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours shall 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 protecting residential amenity

10 FURTHER APPROVAL - SURFACE WATER DRAINAGE DETAILS

CONDITION: Full details of surface water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority prior to the beginning of any works to the building/s it would serve are commenced. As part of the submitted details, evidence shall also be provided confirming that all existing surface water drainage pipes within the site that are to be relied upon by the development have been cleared of any blockage and restored to a fully operational condition. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is functionally available for use. The surface water drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment and minimise the risk of flooding.

11 DRAINAGE - SuDS MAINTENANCE PLAN

CONDITION: Prior to occupation, a maintenance plan detailing the maintenance arrangements for all SuDS features, including identification of those responsible for each element of the drainage system and the associated maintenance activities and frequencies, shall be submitted to and approved in writing by the Local Planning Authority. Where any part of the system is to be maintained by a management or maintenance company, full details of the long-term funding arrangements shall also be provided. The approved maintenance plan shall thereafter be adhered to for the lifetime of the development.

REASON: To ensure the SuDS features are adequately maintained in the interests of flood prevention and environmental protection.

12 DRAINAGE - SuDS MAINTENANCE LOG (ONGOING REQUIREMENT)

CONDITION: The applicant or any successor in title shall maintain yearly logs of maintenance for all SuDS features, which shall be carried out in accordance with any approved Maintenance Plan. These logs shall be made available for inspection at any time upon request by the Local Planning Authority.

REASON: To ensure the SuDS features are properly maintained for the lifetime of the development in the interests of flood prevention and environmental protection.

13 FLOOD WARNING AND EVACUATION PLAN – BEACH PATROL BUILDING

CONDITION: Prior to commencement of any improvement works to the Beach Patrol Building a Flood Warning and Evacuation Plan (FWEP) for the Beach Patrol Building shall have been submitted to and approved in writing by the Local Planning Authority. The approved FWEP shall be immediately brought into use and shall remain in force for the duration of the occupation period. The FWEP shall remain a live document and be updated where required.

REASON: The site is at future risk from flooding and a detailed evacuation plan is essential to safeguard future occupiers of the development.

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>

SuDS Informatives

- Essex County Council has a duty to maintain a register and record of assets which have a significant

impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

Highways Informative:

i. 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

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.
- 10.8 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.

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/>.

