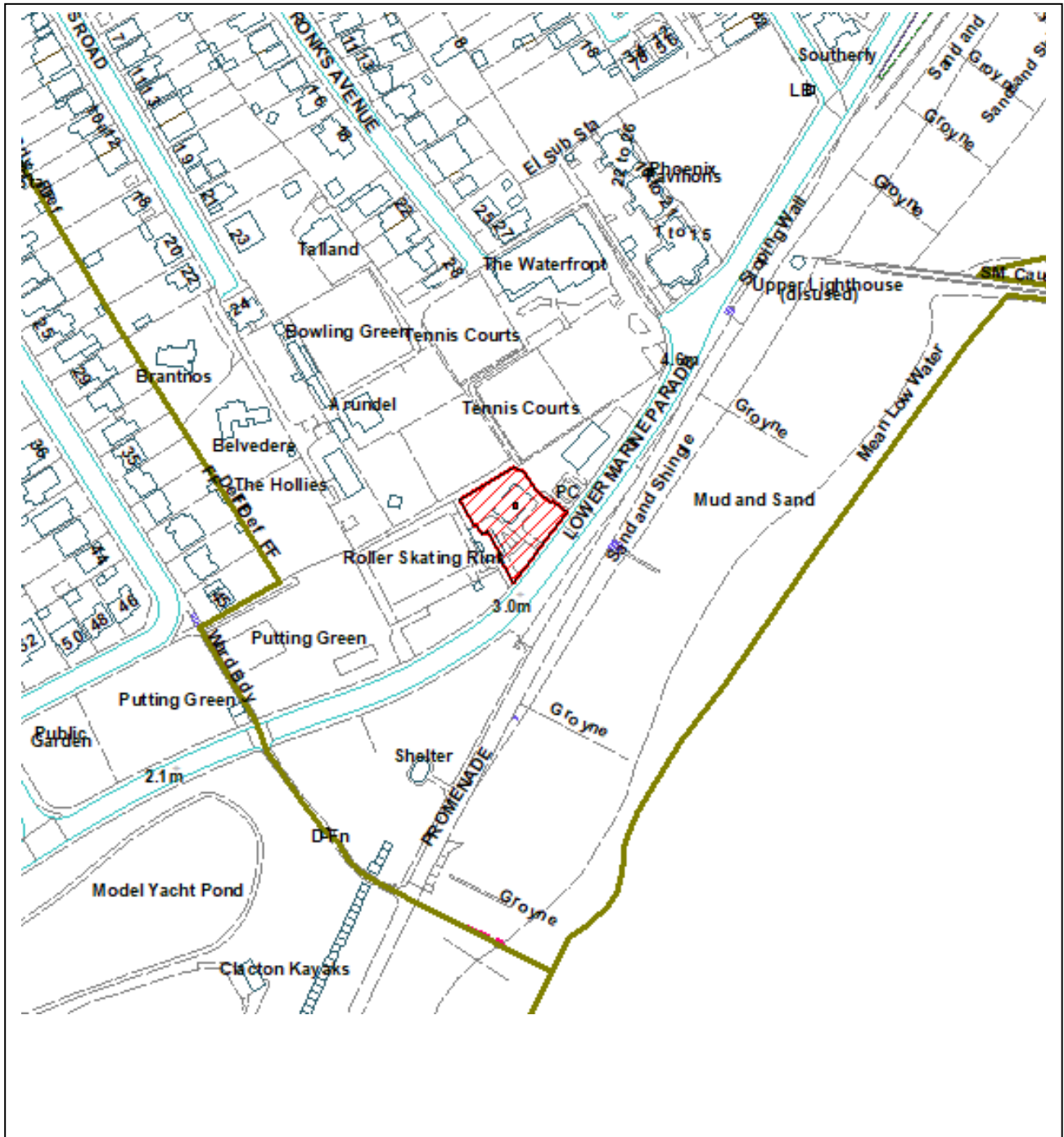


PLANNING COMMITTEE

7th July 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.4 PLANNING APPLICATION – 26/00388/FUL – LOW ROAD CAFE LOWER MARINE PARADE DOVERCOURT CO12 3ST



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Application:	26/00388/FUL	Expiry Date:	10 th July 2026
Case Officer:	Matthew Lang		
Town/ Parish:	Harwich Town Council		
Applicant:	Richardson - Cliff Trading Company Ltd		
Address:	Low Road Cafe Lower Marine Parade Dovercourt CO12 3ST		
Development:	Planning Application - Erection of proposed cafe, storage, padel court, new landscaping and associated works (following demolition of existing cafe building).		
Referral Reason:	TDC owned land		
Recommendation:	Approval		

1. Executive Summary

- 1.1 The application seeks to redevelop an established seafront café within the Dovercourt Settlement Development Boundary, replacing the existing building with an enlarged, modern facility and introducing a new padel court. The proposal would enhance the site's tourism and leisure offer, support local economic growth, and improve the visual appearance of the area.
- 1.2 The development is acceptable in principle and accords with Local Plan policies, with benefits including improved design, increased visitor provision, and new recreational facilities. Technical matters relating to highways, flood risk, residential amenity, and ecology have been satisfactorily addressed, with no objections from consultees subject to conditions.
- 1.3 Overall, the scheme represents a sustainable redevelopment that would enhance the character and functionality of the site and is recommended for approval subject to appropriate planning conditions.

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 A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic

policies as part of the Development Plan alongside the Local Plan. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

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 5 Employment

SP 7 Place Shaping Principles

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

HP2 Community Facilities

HP5 Open Space, Sports and Recreation Facilities

PP8 Tourism

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL9 Listed Buildings

PPL10 Renewable Energy Generation and Energy efficiency Measures

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

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

26/00388/FUL	Planning Application - Erection of Current proposed cafe, storage, padel court, new landscaping and associated works (following demolition of existing cafe building).
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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/>.

Environment Agency

13.04.2026

Thank you for consulting us on the above application. We have reviewed the information as submitted and can confirm we have no objection to the proposed development as long as you have considered all flood risk considerations.

Flood Risk

We have no objection to the proposed development but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA), referenced AMA1000 FRA Rev 0 and dated 18 February 2026, are adhered to. In particular, the FRA recommends that

- Finished floor levels will be set no lower than 3.50 m AOD.
- Flood resilient / resistant measures will be incorporated into the development.

Our Flood Map for Planning shows the site lies within tidal Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for a demolition of existing café and construction of a replacement café with outdoor terrace and padel court which is classified as a less vulnerable development, as defined in Annex 3: Flood Vulnerability classification of the National Planning Policy Framework.

Flood Risk Assessment

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced AMA1000 FRA Rev0 and dated 18 February 2026, are:

Actual Risk

- The replacement café is of similar size and layout to the existing cafe, so there is no increase in vulnerability at the site and the flood risk to the proposed development remains the same as the risk faced by the existing development. The proposed replacement cafe also provides betterment through a small raise in finished floor levels (FFL) of 0.11m and includes improving the café's flood resilience.
- The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.
- The site does benefit from the presence of defences. The defences have an effective crest level of 4.65 mAOD which is below 0.5% (1 in 200) annual probability flood level including climate change and therefore the site is actual risk of flooding in this event.
- Finished ground floor levels have been proposed at 3.50 m AOD. This is below the 0.5% (1 in 200) annual probability flood level including climate change of 4.96 m AOD and therefore at risk of flooding by 1.46m depth in this event.
- Flood resilience/resistance measures have been proposed
- A Flood Evacuation Plan has been proposed.
- Compensatory storage is not required.

Residual Risk

- Our data shows that in a worst-case scenario the site could experience worst case undefended flood depths of up to 1.64 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 2.02 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event. You may wish to ask the applicant to provide a breach assessment for the development site in their FRA so that you can make a more informed decision on flood risk.

Safety of Building - Flood Resilient Construction

The FRA proposes to include flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding.

You should determine whether the proposed measures will ensure the safety and sustainability of the proposed development. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Further information can be found in the document 'Improving the flood performance of new buildings' at: http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf. Additional guidance can be found in our publication 'Prepare your property for flooding', which can be found on our website at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>

Safety of Inhabitants - Emergency Flood Plan

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

Sequential Test

In accordance with the National Planning Policy Framework (NPPF) paragraph 174, development in flood risk areas should not be permitted if there are reasonably available alternative sites appropriate for the proposed development in areas with a lower risk of flooding. It is for the Local Planning Authority to determine whether or not there are other sites available at lower flood risk and whether the sequential test has been passed. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance here.

Exception Test

In accordance with the National Planning Policy Framework (NPPF) paragraphs 178 and 179, the proposed development must meet the requirements of the exception test. Our comments on the proposals relate to the part of the exception test that demonstrates the development is safe. The Local Planning Authority must decide whether or not the proposed development provides wider sustainability benefits to the community that outweigh flood risk.

Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Environmental Protection (Initial Comments)

14.05.2026

STANDARD CONSTRUCTION - MINIMUM REQUIREMENT

In order to minimise potential nuisance caused by construction, Environmental Protection recommend that the following below 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.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

Lighting

Any external lighting on the proposed development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to neighbouring residential properties. The applicant shall demonstrate compliance with the Institute of Lighting Professionals code of practice. (www.theilp.org.uk).

Noise

Noise Assessment 1 (BS4142 - Extraction System) - I have reviewed noise assessment 1 conducted by dB Consultation Ltd and can confirm that Environmental Protection are satisfied that the assessment was carried out using the appropriate standards. I can confirm that EP agree with the conclusion and as such have no comments to make in relation to this part of the planning application.

Noise Assessment 2 (Paddle Court) - I have reviewed noise assessment 2 conducted by dB Consultation Ltd and can confirm that Environmental Protection are satisfied that the assessment was carried out using the appropriate standards. The assessment concludes that the impact from the paddle courts would cause a 'Significant Adverse Effect' at the nearest receptor. There is also no mitigation recommended in the report and as such Environmental Protection cannot support this application and therefore recommend the refusal of the padel court element of this application.

Reason: to protect the amenity and health of nearby residential properties and to reduce the likelihood of nuisance complaint relating to noise.

Environmental Protection (Follow up comments)**12.06.2026**

I have reviewed the revised noise impact assessment, and the report confirms that with mitigation, the noise from the padel court lowest observed adverse impact at NSR 1 and no observed effect level at NSR 2.

On this basis, we would have no objections to make in relation to this application but would note that the mitigation in the report is implemented.

Essex County Council Ecology**27.03.2026**

Thank you for consulting Place Services on the above application.

No ecological objection subject to attached conditions.

Summary

We have reviewed the Preliminary Ecological Appraisal and Roost Assessment (Arbtech, January 2026) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We are satisfied there is sufficient ecological information available to support determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal and Roost Assessment (Arbtech, January 2026) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains and the finalised details should be outlined within a separate Biodiversity Enhancement Strategy to be secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Please note we do not provide comments on Biodiversity Net Gain as we have been instructed to leave comments on this matter to the LPA.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions**1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Roost Assessment (Arbtech, January

2026) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal and Roost Assessment (Arbtech, January 2026), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

ECC Highways Dept

24.04.2026

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. The vehicular access around the site is to remain as existing, while the established pedestrian access points with Lower Marine Parade will not change apart from providing two desire-line routes to the Café entrance. It is noted that the gross external area of the existing Cafe is approximately 133.5m², while the gross external area of the new Cafe is approximately 186m² (including the storage building), allowing for a greater volume of customers to sit indoors at any given time, particularly during poor weather. It is not envisaged that the modest increase in size of the building and the introduction of a padel court would give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors,
- ii. loading and unloading of plant and materials,
- iii. storage of plant and materials used in constructing the development,
- iv. wheel and underbody washing facilities.
- v. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by developer.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

2. Any new boundary planting with Lower Marine Parade shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

3. The powered two-wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Policy DM8.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and National Planning Policy Framework.

Informative:

i) All work within, or affecting, the highway shall be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority (Essex County Council), with all details being agreed before the commencement of any highway works. Failure to secure the necessary approvals and relevant permits for works within the highway may result in enforcement action by the Highway Authority against, but not limited to, the owner of the land or the person causing, or responsible for, the damage to the Highway. To start the process to obtain the relevant permissions the applicant should contact the Essex Highways Development Management Team by email at development.management@essexhighways.org

ii) On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

iii) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

iv) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have

regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

Sport England

25.03.2026

Thank you for consulting Sport England on the above application.
Non-statutory planning advice

The proposed development does not fall within our statutory remit (Statutory Instrument 2015/595) and, therefore, Sport England has not provided a detailed response in this case but would wish to give the following advice to aid the assessment of the application.

General planning guidance and advice can be found on our website:

- https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications

Loss of sports facilities

If the proposal involves the loss of any sports facility, then full consideration should be given to whether the proposal meets Paragraph 104 of the National Planning Policy Framework (NPPF), is in accordance with local plan policies to protect sport and recreation facilities, and whether it meets any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

New sports facilities

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with design guidance notes produced by Sport England, or the relevant sport National Governing Body.

- Design Guidance notes: <http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

Meeting the needs of new housing

If the proposal involves the provision of additional housing, then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place. Our Sports Facility Calculator is a tool that can be used to estimate the additional demand for key community sports facilities from a new population and convert that demand into sport facility requirements with indicative costs. Guidance on how to use the tool is available on the link below.

- Sports Facility Calculator: <https://www.activeplacespower.com/>

Other relevant guidance, tools and contacts

Active Design

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing

section), consideration should also be given to how new development, especially new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

6. Representations

6.1 Town Council

Harwich Town Council has no objections to this application but requests that the demolition of the existing building does not commence until after the 2026 summer season. Furthermore, the Council would ask that if the current lease includes minimum opening requirements, then can this be enforced, since the facility is presently closed.

6.2 Neighbour / Local Representations

4 letters of support have been received stating the following comments;

- The Lawn Tennis Association is supportive of this project as construction of this padel court would help further satisfy the demand for padel courts within Tendring as per the LTA's padel demand calculator and entry points should be sufficient to enable wheelchair access.
- Development will be a great asset to the whole community.
- Positive addition to the site, just need to ensure construction is managed carefully.

1 letter of observation has been received outlining the following points;

- Supports café redevelopment in principle.
- Café should remain primary use with distinctive seaside design.
- Concerns over repositioning of café, reducing quality of outdoor seating.
- Questions need/value of padel court (seasonal use, impact on café, lack of business case, intrusive features).
- Notes existing nearby leisure facilities, limiting justification for padel court.
- Raises doubts about noise assessment robustness.
- Queries solar panel effectiveness and potential overshadowing impacts.

7. Assessment

Site Context

- 7.1 The site is located on the northern side of Lower Marine Parade on the Dovercourt Seafront. The site currently accommodates a low level 1950's flat roofed café building with a grassed area to the front utilised as a seating area. To the southern side of the building is a small go-kart track and to the rear of the building is a grassed area beyond which is a scrappy hedgerow present on the northern boundary. The area is characterised by a mix of uses with community/leisure uses situated to the southwest, residential to the north and public toilets and tennis courts to the northeast.

- 7.2 The site is located within the Dovercourt Settlement Development Boundary and within Flood Zones 2 and 3.

Proposal

- 7.3 The application proposes the redevelopment of the site, involving the demolition of the existing café (approx. 133.5m² GEA) and its replacement with a larger café building of approximately 186m² (including a storage building). The increased floorspace would allow for a greater indoor seating capacity, particularly during inclement weather. Enhanced outdoor seating is also proposed, including a partially covered area with a retractable awning, and a terrace to the front. The café would be repositioned slightly further forward and re-orientated within the site to enable the provision of an enclosed glazed padel court to the rear.
- 7.4 The proposed café would feature a shallow mono-pitch roof, with a maximum height of approximately 3.75m, which is lower than the existing building (approx. 4.25m high). The proposed padel court, measuring 10m by 20m with a height of 4m, would also remain below the height of the existing café.
- 7.5 The proposed hours of operation are 08:00–17:00 daily for the café and 08:00–20:00 for the padel court.

Principle of Development

- 7.6 The development plan comprises the Tendring District Local Plan (LP) 2013-2033, Section 1 which 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).
- 7.7 TDLP2 Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies.
- 7.8 The site is located within the Dovercourt Settlement Development Boundary and accommodates an established café/tourism use. Consequently, the proposal to re-develop the existing café to improve the financial viability of the site by providing further covered seating areas and associated ice cream station/kiosk features would help to improve the visitor experience and enhance the site's contribution to the local tourism economy. Furthermore, the enhancements will help to sustain an existing business, provide local employment opportunities, and encourage increased footfall along the seafront, according with the objectives of sustainable development and economic growth as set out in the Council's Local Plan.
- 7.9 The introduction of the padel court to the rear of the site aligns with the aims of TDLP2 Policy HP2 which outlines that the Council will work with the development industry and key partners to deliver and maintain a range of new community facilities, including recreational and leisure facilities. It is acknowledged that padel is a sport that is increasing in popularity and this, combined with the absence of such facilities in the local area, means that the proposal would help meet an identified need for new and diverse recreational opportunities, contributing positively to the health and wellbeing of the community. Furthermore, the provision of a padel court would enhance the overall offer of the site, encouraging greater community use and supporting the Council's objectives to promote active lifestyles and inclusive access to sport.
- 7.10 In summary, the principle of development is acceptable in this case as weight is attached to the established use of the site which is well placed and easily accessible to the local towns of Parkeston, Harwich and Dovercourt.

Scale, Layout & Appearance

- 7.11 Paragraph 135 of the NPPF 2024 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.

- 7.12 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.
- 7.13 The existing building is of a utilitarian 1950s design and does not make a positive contribution to the character or appearance of the area. Its replacement with a more contemporary form is therefore supported. The proposed development incorporates a modern design approach, including extensive areas of aluminium framed glazing (finished in grey), vertical cladding, areas of white corrugated metal cladding, and a standing seam grey roof. The use of hexagonal plan forms provides a subtle reference to the nearby historic lighthouses, adding local distinctiveness. Overall, the contemporary architectural approach, together with the proposed material palette and colourful furnishings, would respond appropriately to the seaside context and the character of development along Lower Marine Parade. The scheme is therefore considered to represent an enhancement to the appearance of the site, particularly in views from the beach and promenade to the south.
- 7.14 The padel court to the rear would be enclosed by transparent plastic glazing together with 3 metre high acoustic fencing wrapping around one side and the rear of the court, this will allow users of the café views of the court when dining. Wider public views of the court and associated fencing will be limited due to the presence of surrounding buildings and the re-developed café building screening views. However, there are existing tennis courts located to the north and a roller-skating rink to the south meaning that leisure uses are a characteristic of the locality. The proposed layout would allow for a pedestrian pathway along the side of the building to enable use of the padel court independent of the café.
- 7.15 Whilst the terrace area takes up most of the area to the front of the building, there is space either side of the proposed ramp to provide some planting to assist in softening the development and enhancing its overall appearance.
- 7.16 Overall, the proposed redevelopment represents a significant improvement over the existing 1950s building, which currently lacks architectural merit and does not contribute positively to the character of the area. The introduction of a contemporary design will enhance the visual appeal of the site and strengthen its relationship with the seaside context of Lower Marine Parade. The inclusion of a padel court, sensitively sited to respect surrounding views and existing leisure uses, further supports the site's active and recreational character.

Heritage Assets

- 7.17 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.
- 7.18 Paragraph 212 of the NPPF 2024 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.
- 7.19 TDLP2 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.

7.20 Approximately 150 metres to the east of the site is the Dovercourt Lighthouses and Causeway Scheduled Ancient Monument. However, given the distance involved, the presence of other intervening structures and the limited intervisibility between the site and the designation, the impacts of the development are not considered to affect the setting of the monument.

7.21 As such the development is considered to suitably preserve the setting of the scheduled monument.

Highway Safety/Parking

7.22 Paragraph 115 of the NPPF 2024 requires Councils, when making decisions to ensure:

- appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

7.23 Paragraph 116 goes on to say, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

7.24 Paragraph 109 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

7.25 TDLP2 Policy CP1 in the Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.

7.26 TDLP2 Policy SPL3 Part B of the Local Plan seeks to ensure that access to a new development site is practicable, and the highway network will be able to safely accommodate the additional traffic the proposal will generate.

7.27 The site does not benefit from its own parking provision; however, the site is defined in the Essex Parking Standards as an area of high connectivity indicating easy accessibility via public transport, walking and cycling by way of its location along the seafront in Dovercourt.

7.28 Therefore, although the site does not benefit from its own off-street parking there is ample on road unrestricted parking on the opposite side of Lower Marine Parade and a nearby Tendring District Council car park. Lower Marine Parade has the advantage of footpaths on both sides of the road, and a zebra crossing is located to the front of the site.

7.29 The Highway Authority (ECC-Highways) has assessed the submitted information and have noted that vehicular and pedestrian access arrangements would remain largely unchanged, with only minor adjustments to provide improved pedestrian routes to the café. Although the proposed café is larger than the existing building, it is not considered that this increase, together with the introduction of a padel court, would materially increase traffic generation or alter the character of vehicle movements in the surrounding area.

7.30 Subject to conditions securing a construction management plan, appropriate boundary planting setbacks, and the provision of cycle and powered two-wheeler parking, the Highway Authority raises no objection and considers the proposal acceptable in highway safety and transportation terms.

Trees/Landscaping

- 7.31 Paragraph 136 of the NPPF 2024 sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.
- 7.32 The application site is bounded by established hedgerows along the frontage with Lower Marine Parade and the rear boundary. No trees are present within the site.
- 7.33 The submitted drawing titled 'Site Plan as Proposed' indicates the retention and extension of the existing hedgerows, which would provide a degree of visual mitigation and assist in softening the appearance of the development. It is noted, however, that the existing hedges are currently in only moderate condition.
- 7.34 Whilst opportunities for additional soft landscaping are limited, there appears to be scope for the introduction of approximately 3 to 4 trees within the grassed areas to the front of the proposed café and to the east of the proposed padel court. The provision of such planting will be secured by way of a planning condition.

Impact on Residential Amenity

- 7.35 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.
- 7.36 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.
- 7.37 To either side of the site are established community and leisure uses, which are not expected to be adversely affected by the proposed redevelopment. Immediately to the rear lies a recently constructed dwelling (Arundel House), understood to be occupied by the tenant of the application site. It is noted, however, that the proposed padel court will be situated close to the rear boundary, where noise generated from its use may impact the amenity of this occupier.
- 7.38 Having regard to the context of the site a Noise Impact Assessment has been undertaken to assess the impacts of the proposed development upon the nearest receptors. The Noise Impact Assessment identifies Arundel House (5m from the site) and The Hollies (36m away) as the nearest receptors. Baseline monitoring recorded average daytime noise levels of around 50dB LAeq.
- 7.39 With mitigation, including a 3m high acoustic fence, predicted noise levels from the padel court are approximately 49dB at Arundel House and 36dB at The Hollies. At Arundel House, this would fall within the Lowest Observed Adverse Effect Level, meaning noise may be perceptible but would not materially affect living conditions. At The Hollies, impacts would fall within the No Observed Effect Level. Environmental Protection has confirmed that the assessment is robust and raises no objection, subject to installation of the acoustic fencing and its retention thereafter.
- 7.40 Construction activities have the potential to cause temporary disturbance. However, Environmental Protection recommends standard controls relating to working hours, site operations and deliveries. Subject to a condition securing the submission of a Construction Method Statement, such impacts would be temporary and adequately mitigated and would not result in unacceptable harm to neighbouring amenity.

- 7.41 The proposal includes a kitchen extraction system to the rear of the building, although precise details are yet to be provided the Noise Impact Assessment indicates that the existing system generates a specific sound level of approximately 70dB at 1m, with background levels around 50dB. A modern replacement system is predicted to have a sound level of approximately 38dB(A) at the nearest residential receptor (circa 22m). This is below existing ambient and background noise levels and represents an improvement on the current situation. Environmental Protection raises no objection in this respect. As detailed specifications are not yet finalised, a condition is recommended requiring approval of the extraction equipment, including noise details and any necessary mitigation. Subject to this, no unacceptable impact on residential amenity is anticipated.
- 7.42 A condition will be included to ensure details of any external lighting to the padel court are provided to ensure the lighting is designed and directed to prevent undue light spill and impact upon nearby residents.
- 7.43 Subject to appropriate conditions controlling construction, securing noise mitigation, and managing lighting/extraction equipment, the proposal would not result in unacceptable harm to residential amenity and is considered acceptable in this regard.

Flood Risk/Drainage

- 7.44 The application site lies within Flood Zone 3a, as defined by the National Planning Policy Framework (NPPF), where there is a high probability of tidal flooding. The proposal comprises the replacement of an existing café and is classified as 'less vulnerable' development. The development has been supported by a Flood Risk Assessment, which has been reviewed by the Environment Agency, who raise no objection subject to mitigation measures being secured.
- 7.45 In applying the sequential approach set out in NPPF paragraphs 174 and 175, the proposal is considered acceptable as it relates to the redevelopment of an existing facility in the same location, with no reasonably available alternative site at lower flood risk. The sequential test is therefore considered to be satisfied.
- 7.46 As the development is located within Flood Zone 3a and is classified as 'less vulnerable', the exception test is required. In this instance, the proposal would provide wider sustainability benefits through the retention and enhancement of a seafront facility and would not increase flood risk vulnerability. Furthermore, the FRA demonstrates that the development can be made safe for its lifetime without increasing flood risk elsewhere, thereby satisfying the second limb of the exception test.
- 7.47 The FRA confirms that whilst the site benefits from existing tidal flood defences, there remains a residual risk of flooding during extreme events, including overtopping or breach scenarios. The proposed development would not increase risk when compared to the existing situation and would result in betterment through an increase in finished floor levels to 3.50m AOD (approximately 0.11m above existing) and the incorporation of flood resilience and resistance measures within the construction.
- 7.48 These measures include resilient building design and materials to reduce potential flood damage, alongside a Flood Evacuation Plan and measures to improve the site's overall preparedness. The development will therefore be safer and more resilient than the existing café.
- 7.49 The Environment Agency recommends that the mitigation measures set out in the FRA are secured, including the minimum finished floor level and implementation of flood resilient construction. Subject to these measures, and consultation with relevant emergency planning bodies regarding evacuation procedures, the development is considered acceptable in flood risk terms.
- 7.50 The proposal is therefore considered to comply with the relevant provisions of the NPPF (in particular

paragraphs 173–179) and Tendring District Local Plan Policy PPL1, which seek to direct development away from areas at highest risk wherever possible and ensure that development is safe, resilient and does not increase flood risk elsewhere.

- 7.51 In terms of surface water drainage, the development proposes a sustainable surface water drainage strategy based on removing existing unsuitable connections and providing on-site attenuation. Existing surface water outfalls to the public foul sewer will be removed. Surface water runoff will instead be managed via on-site storage, with the building roof draining to a tank and the padel court draining to a granular sub-surface system sized to accommodate the required attenuation volumes.
- 7.52 Discharge from the site will be controlled at restricted rates into the existing public surface water system via new connections, ensuring runoff is limited to greenfield-equivalent rates. Due to the presence of existing public sewers crossing the site, separate agreements with Anglian Water will be required, including a potential diversion of the surface water sewer and protective measures where development is located above existing infrastructure.
- 7.53 As this proposal constitutes minor development, there is no requirement to consult the Lead Local Flood Authority (LLFA) on the surface water drainage details. However, an agreement with Anglian Water will be necessary to secure connections to the existing public sewer network.

Habitats, Protected Species and Biodiversity Enhancement

7.54 General duty on all authorities

The Natural Environment and Rural Communities Act 2006, as amended by the Environment Act 2021, places a general duty under Section 40 to conserve and enhance biodiversity. The Act defines the “general biodiversity objective” as the conservation and enhancement of biodiversity in England through the exercise of functions. Section 40 requires public authorities to consider the actions they can take to further this objective and to establish appropriate policies and specific measures to achieve it. Such actions may include conserving, restoring, or enhancing populations of particular species and habitats. Accordingly, in decision-making, the Local Planning Authority must be satisfied that proposed development would conserve and enhance biodiversity. This development is subject to the above duty. It proposes to incorporate a range of measures designed to deliver biodiversity benefits and offset the impacts of development, including insect-friendly planting, nesting boxes, habitat features, and new planting such as hedgerows and trees. The detailed specification of these biodiversity enhancements will be secured by condition. Overall, having regard to the existing baseline conditions and the impacts of the proposal, it is considered that the development would conserve and enhance biodiversity interests.

7.55 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. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals.

The statutory framework for BNG applies. This involves the imposition (automatically applied as a deemed condition) of a planning condition on approvals to ensure the objective of at least 10% net gain over 30 years. The determination of the Biodiversity Gain Plan (BGP) under this planning condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Development may not be begun until the BGP, via planning condition discharge, is approved.

The supporting documentation confirms that the site has a baseline value of 0.12 habitat units, requiring at least 0.14 units to achieve a 10% net gain. The proposed development would result in the loss of existing habitats and reduce the on-site value to -0.12 units. At this stage it is proposed that the required 0.14 biodiversity units would be secured off-site, details of which will be secured

via condition.

7.56 *Protected Species*

The Preliminary Ecological Appraisal and Roost Assessment (Arbtech, January 2026) identifies that the site is of low ecological value and that impacts on protected species are limited. The existing building has negligible potential for bats, and no evidence of roosting was recorded. There is some limited potential for nesting birds within vegetation and a low risk of reptiles within small areas of scrub; however, these impacts can be appropriately addressed through precautionary mitigation measures.

- 7.54 Place Services (Ecology) raise no objection subject to conditions. They advise that the mitigation measures set out within the Ecological Appraisal should be secured and implemented, alongside a Biodiversity Enhancement Strategy to be submitted prior to works above slab level. Subject to these conditions, the proposal is considered acceptable in respect of impacts on protected species.

7.55 *Ecology - Conclusion*

In accordance with the overarching duty outlined above, this development is committed to actively contributing to the conservation and enhancement of biodiversity as set out above and within the planning conditions. Furthermore, the development aligns with the statutory framework for biodiversity net gain, striving to achieve a 10% net gain in biodiversity value over 30 years. In conclusion, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Sustainable Construction & Energy Efficiency

- 7.56 TDLP Policy PPL10 states that all development proposals should demonstrate how renewable energy solutions, appropriate to the buildings, site, and location have been included in the scheme and for new buildings, be designed to facilitate the retro-fitting of renewable energy installations. This should also address water conservation measures such as rainwater harvesting.
- 7.57 The use of PV panels (as proposed within the supporting Design and Access Statement), water-butts, rainwater harvesting, recycling facilities (during construction and to serve the development) and air-source heat pumps to aid the sustainability of the development should be an integral part of the design. A condition has been recommended to secure full details of a sustainability and energy efficiency strategy for the development.

8. Conclusion

- 8.1 The proposed redevelopment represents an acceptable and sustainable form of development within the Dovercourt Settlement Development Boundary. It would enhance an established seafront use, supporting the local tourism economy, improving leisure provision through the introduction of a padel court, and contributing positively to health and wellbeing.
- 8.2 The design, scale and layout of the development would result in a clear visual improvement to the site, responding positively to the coastal character without affecting the setting of nearby heritage assets. Highway and flood risk matters have been fully assessed, with no objections raised by relevant consultees subject to appropriate conditions.
- 8.3 Impacts on residential amenity have been carefully considered. Subject to mitigation measures, including acoustic fencing, and conditions controlling construction, lighting and extraction equipment, the proposal would not result in unacceptable harm to neighbouring living conditions.
- 8.4 Ecological impacts are also acceptable, with mitigation and enhancement secured by condition and no objection from Place Services (Ecology).

- 8.5 Overall, the proposal accords with the policies of the Tendring District Local Plan and the provisions of the NPPF and is recommended for approval subject to conditions listed below.

9. **Recommendation**

Approval (no S106 requirements)

Recommendation: Approval

That the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 9.1, 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,

The informative notes as may be deemed necessary.

9.1 Conditions and Reasons

1). COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2). APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

- 0101 P06 (Amended Proposed Block Plan)
- 1000 P04 (Amended Proposed Ground Floor Plan)
- 2002 P03 (Amended Proposed South Elevations)
- 2003 P03 (Amended Proposed South-East Elevations)
- 2004 P03 (Amended Proposed North Elevations)
- 2005 P04 (Amended Proposed North-West Elevations)
- Noise Impact Assessment (Dated 1st June 2026)
- Flood Risk Assessment (as prepared by Amazi – 18th February 2026)
- 6545-0101 P06 (Proposed Site Layout Plan)

- Design and Access Statement (Received 11th March 2026)
- Site Plan (Received 5th March 2026)
- Concept Landscape Plan (Received 5th March 2026)
- Biodiversity Net Gain Assessment (Received 5th March 2026)
- BNG Metric (Received 5th March 2026)
- Preliminary Ecological Appraisal and Roost Assessment (Received 5th March 2026)
- Preliminary Rise Assessment Desk Study (Received 5th March 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. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3). FURTHER APPROVAL: HARD AND SOFT LANDSCAPING SCHEME

CONDITION: Prior to the commencement of any above ground works, a scheme of hard and soft landscaping for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels, accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with the measures for their protection in compliance with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction". Any new planting adjacent to the highway shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay and retained free of obstruction above 600mm at all times.

REASON: In order to enhance the appearance of the development, in the interests of visual amenity and the quality of the development, and to ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

4). COMPLIANCE: IMPLEMENTATION OF LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the local planning authority up to the first use/first

occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the approved landscaping scheme is implemented in accordance with the approved scheme and has sufficient time to establish, in the interests of visual amenity and the quality of the development.

5). FURTHER APPROVAL - CONSTRUCTION MANAGEMENT TO BE AGREED (PRE COMMENCEMENT)

CONDITION: Prior to the commencement of development details of a construction methodology and timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This shall incorporate the following information:-

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed. This shall include the intended routing of HGV traffic on the surrounding road network, programme of restoration works to soft highway verges, and any directional signs to be installed and where.
- d) Details of any protection measures for footpaths and trees surrounding the site.
- e) Details of all access points to be used to access the site during construction only and any staging of provision.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portalooos.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Site waste management plan (that shall include reuse and recycling of materials)
- k) Scheme for sustainable construction management to ensure effective water and energy use.
- l) Scheme of review of complaints from neighbours.
- m) Registration and details of a Considerate Constructors Scheme to be joined prior to the commencement of development, and confirmation of registration to be provided in writing to the LPA before the start of works, or similar scheme for which full details shall be provided and complied with.
- n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).
- o) Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developers expense when caused by the developer.

The said methodology as may be approved shall be implemented in its entirety and shall operate as may be approved at all times during construction.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development, and to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety. This condition is required to be agreed prior to the commencement of any development as any construction process, including

site preparation, by reason of the location and scale of development may result in adverse harm on amenity.

NOTE/S FOR CONDITION:

You are strongly advised to discuss this condition with the Local Planning Authority and if possible/available local residents likely to be affected by this development prior to submission of details. Please note the provisions of the Highways Act 1980 Para 131 are likely to apply and may need to be discussed with the Highways Authority, this legislation includes details and penalties for any damage and/or alterations to the highway including verge, highway signage and surface materials of pavement/footpath and carriageway.

6). HIGHWAYS - PROVISION OF CYCLE STORAGE

CONDITION: The hereby approved development shall not be first used until such time as the powered two-wheeler and cycle parking facilities, as shown on the approved plans, has been provided and made functionally available. These facilities shall then be retained and remain free of obstruction thereafter.

REASON: To ensure adequate and secure provision for cycle and powered two-wheeler parking in the interests of promoting sustainable transport, reducing reliance on private motor vehicles, and to accord with national and local planning policies relating to sustainable development and highway safety.

7). COMPLIANCE CONDITION – ACOUSTIC FENCING

CONDITION: Prior to the first use of the hereby approved padel court, the acoustic fencing as shown on drawing no. 0101 P06, 1000 P04, 2002 P03, 2003 P03, 2004 P03 and as outlined in the Amended Noise Impact Assessment (Received 2nd June 2026) shall be fully erected and retained in this form in perpetuity.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within proximity of the site.

8). COMPLIANCE CONDITION – HOURS OF OPERATION

CONDITION: The hereby permitted development/use, including the use of any external floodlights to the padel court, shall only operate between the following hours:

Café - 08:00am to 17:00pm daily

Padel Court - 08:00am to 20:00pm daily

REASON: To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

NOTE/S FOR CONDITION:

1) This condition shall engage and restricts the operation of the development from the first commencement of the use. This condition is imposed to ensure the development avoid unreasonable impact on the residential amenity of neighbouring dwellings, especially given the location of the development with considerations to the prevailing character and amenity currently enjoyed in this location. Without the imposing of this condition, the development would be refused due to the risk of harm and this condition is considered necessary, enforceable and reasonable in all other respects. This condition as detailed will apply to the development at all times unless varied or removed legally.

2) If the development operates outside of the hours stated this may result in unlawful development/use at risk of Enforcement Action. You are encouraged to discuss any concerns with

this condition with the Local Planning Authority.

9). FURTHER APPROVAL: DETAILS OF ILLUMINATION

CONDITION: Prior to the erection/installation of any floodlighting or other means of external lighting at the site, details to include position, height, aiming points, lighting levels and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved. There shall be no other means of external lighting installed and/or operated on/at the site except that approved.

REASON: In the interests of amenity to reduce the impact of nighttime illumination on the character of the area and in the interests of biodiversity.

10). FURTHER APPROVAL – EXTRACTION/PLANT EQUIPMENT

CONDITION: Prior to the first installation of any refrigeration/extraction equipment, full details shall have first been submitted to, and agreed in writing by, the Local Planning Authority. Any approved details shall be retained in this form unless otherwise agreed.

REASON: In the interests of protecting neighbouring amenities.

11). COMPLIANCE - FLOOD RISK MITIGATION

CONDITION: The hereby permitted development shall be carried out in accordance with all proposals and recommendations (flood mitigation measures) contained within the approved Flood Risk Assessment and shall accord to the following measures:

- Finished floor levels will be set no lower than 3.50 m AOD (as outlined at Section 3.4.2 of the submitted Flood Risk Assessment)
- Flood resilient / resistant measures will be incorporated into the development (as outlined at Section 3.4.3 of the submitted Flood Risk Assessment)
- Evacuation Plan (as outlined in Sections 3.4.4, 3.4.5, 3.4.6, 3.4.7 and 3.4.8 of the submitted Flood Risk Assessment).

The measures shall be carried out in their entirety in accordance with any timetable approved as part of the approved Flood Risk Assessment, or if not available shall be carried out in their entirety prior to first occupation unless otherwise agreed in writing by the Local Planning Authority. All measures shall be maintained thereafter as approved.

REASON: To safeguard users of the development and to minimise the risk of flooding impacts.

12). ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

CONDITION: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Roost Assessment (Arbtech, January 2026) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

13). PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

CONDITION: Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal and Roost Assessment (Arbtech, January 2026), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

14). FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN

CONDITION: The development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority (see note), and (b) the planning authority has approved the plan (see note).

REASON: In order to accord with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024.

NOTE - CONTEXT AND APPLICATION:

Planning conditions are typically established upon the granting of planning permission under sections 70(1) and 72 of the Town and Country Planning Act 1990. However, it's essential to note that the biodiversity gain condition operates under a distinct statutory framework, specifically outlined in paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

This condition is deemed to apply to all planning permissions granted for land development in England, unless specific exemptions or transitional provisions are applicable (for further details, please refer to the provided web link <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments> or contact us directly).

The government advises against including this condition in decision notices to avoid confusion. However, for clarity and accountability, we have opted to highlight this condition within the decision notice. This ensures that all involved parties are aware of its requirements, facilitating effective tracking and monitoring throughout the development process, including the discharge of conditions. In certain instances, this condition may be imposed even if the applicant believes that biodiversity net gain (BNG) does not apply. Based on the available information, it is determined that this permission necessitates the approval of a biodiversity gain plan before commencing development, as none of the statutory exemptions or transitional arrangements apply.

For further details, please consult the officer report as needed. If you believe this condition does not apply, we strongly recommend contacting the Local Planning Authority (LPA) for clarification.

BIODIVERSITY GAIN PLAN REQUIREMENTS:

For the Biodiversity Gain Plan requirements, please refer to both paragraphs 14 and 15 of the

Environment Act Sch 14 Part 2 as amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024.
<https://www.legislation.gov.uk/ukpga/2021/30/schedule/14/enacted>

In summary, the Biodiversity Net Gain (BNG) plan must achieve a minimum biodiversity net gain of 10% and should typically include the following:

Steps taken or to be taken to minimize adverse effects of the development on the biodiversity of the onsite habitat and any other habitat. Pre-development and post-development biodiversity assessments of the onsite habitat. Allocation of any registered offsite biodiversity gain to the development and its biodiversity value in relation to the development. Details of any biodiversity credits purchased for the development. Plans for maintaining and securing the net gain on and/or off site for at least 30 years after completion of the development.

The Local Authority will ensure the submitted details meet the requirements of the Town and Country Planning Act 1990 as amended, Environment Act as amended, associated legislation and guidance.

Ways to achieve 10% BNG may include:

- i. Enhancement and restoring biodiversity on-site (within the red line boundary of a development site).
- ii. If proposals can only achieve part of their BNG on-site, they can deliver through a mixture of on-site and off-site. Developers can either make off-site biodiversity gains on their own land outside the development site or buy off-site biodiversity units on the market as close as possible to the site.
- iii. If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This must be a last resort. The government will use the revenue to invest in habitat creation in England.

Developers may combine all 3 options but must follow the steps in order. This order of steps is called the biodiversity gain hierarchy.

CONDITIONS AND LEGAL AGREEMENT:

The Local Authority is responsible for ensuring that the biodiversity gain objective is achieved, whether it be onsite, offsite, or through the purchase of credits, and that it is secured by legal agreement as necessary. It is essential to highlight that planning conditions operate within a strict timeframe. Therefore, any legal agreements required to secure the biodiversity gain must be completed prior to the consideration of the planning condition. Failure to comply with this requirement may result in the refusal of the condition.

15). FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN MANAGEMENT & MONITORING PLAN

CONDITION: No development shall commence until a 30-year Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan under Condition 14 has been submitted to and approved in writing by the local planning authority and shall contain the following:

- a) description and evaluation of the planned habitat works for the creation and/or enhancement of the onsite habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- b) the management measures to maintain the onsite habitat creation and/or enhancement works for a period of at least 30 years from the completion (defined for this purpose as first use and/or occupation unless agreed in writing by the LPA) of the development including:
 - i) ecological trends and constraints on site that may influence management;
 - ii) aims, objectives and targets for management e.g. links with local and national species and habitat action plans;

- iii) a description of the management operations necessary to achieving aims and objectives;
- iv) prescriptions for management actions;
- v) preparation of a works schedule, including annual works schedule;
- vi) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets;
- c) details of the monitoring methodology, to measure the effectiveness of the management of the onsite habitat creation and/or enhancement works together with the timetable for each element of the monitoring programme including when first implemented with provision for monitoring reports to be provided to the local planning authority in writing on year 1, 2, 3, 5, 7, 10, 15, 20, 25 and 30, with biodiversity reconciliation calculations at each stage; and
- d) details of the roles and responsibilities of the people or organisation(s) delivering the HMMP including implementation and monitoring.

The approved HMMP shall be strictly adhered to at all times and implemented in full for its duration no later than the first use/occupation of the development.

REASON: To enhance biodiversity in accordance with the National Planning Policy Framework and to achieve the Biodiversity Net Gain objectives set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended).

16). FURTHER APPROVAL: SUSTAINABILITY & ENERGY EFFICIENCY

CONDITION: No development shall commence above slab level until full details of the sustainability and energy efficiency measures to be used in the development has been submitted to and approved in writing by The Local Planning Authority. The detailed scheme shall include as a minimum:-

- Agreement of a scheme for water conservation including greywater recycling and rainwater capture
- Agreement of heating of the café building
- Agreement of scheme for waste reduction

The measures shall be fully implemented prior to the first use of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through reduced need, better use or savings in the use of water, energy and resources; reduced harm to the environment; and result in wider public benefit in accordance with the NPPF.

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/>.