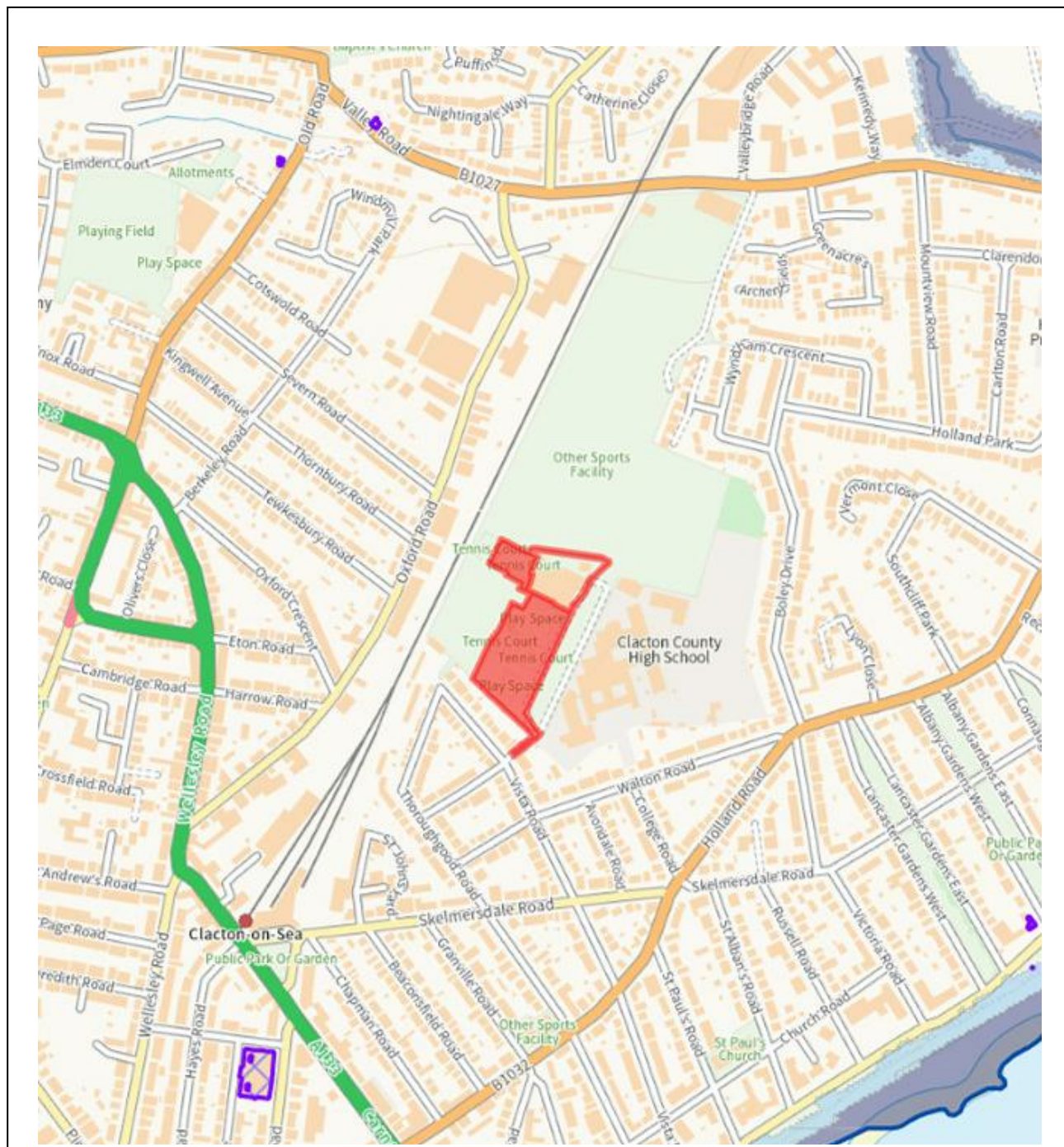


PLANNING COMMITTEE

29th September 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.3 PLANNING APPLICATION – 26/00883/FUL – CLACTON LEISURE CENTRE VISTA ROAD CLACTON ON SEA CO15 6DB



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Application:	26/00883/FUL
Case Officer:	Amy Lang
Town/ Parish:	Clacton Non Parished
Applicant:	Mr Michael Carran - Tendring District Council
Address:	Clacton Leisure Centre Vista Road Clacton On Sea CO15 6DB
Development:	Planning Application - Construction of a community ride and play facility comprising, pump track, learn to ride area, play area, facilities building, tennis courts, padel courts with canopies, fencing and floodlighting, and including associated hard and soft landscaping works, SuDS and infrastructure.
Referral Reason:	TDC is the Applicant / TDC owned land
Recommendation:	Approval subject to conditions

1. **Executive Summary**

- 1.1 The proposed redevelopment of part of Clacton Leisure Centre would deliver a significantly enhanced and more diverse range of leisure, sport and recreational facilities, including new play areas, cycling facilities, tennis and padel courts, a pavilion and associated landscaping. The scheme would provide substantial community, health and wellbeing benefits, achieve biodiversity net gain, and is supported by statutory consultees, subject to conditions.
- 1.2 The proposal is considered to accord with the NPPF and adopted Local Plan policies, with any potential impacts capable of being suitably mitigated through planning conditions.
- 1.3 Accordingly, it is recommended that planning permission be granted, subject to the conditions set out in this report.

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 3 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>

2.3 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 2026 ([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)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP6 Infrastructure & Connectivity

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

HP2 Community Facilities

HP3 Green Infrastructure

HP4 Safeguarded Open Space

HP5 Open Space, Sports and Recreation Facilities

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation and Energy efficiency Measures

CP1 Sustainable Transport and Accessibility

DI1 Infrastructure Delivery and Impact Mitigation

Local Planning Guidance

Essex Parking Guidance Part 1: Parking Standards Design and Good Practice 2024

4. **Relevant Planning History**

94/01452/FUL	Additional plant on flat roof over staff room and single storey extension adjacent to pool plant room.	Approved	10.01.1995
04/01910/FUL	Erection of 6 No. 10m high floodlights to provide average 233 lux over the whole area.	Approved	08.12.2004
06/01829/OUT	Extensions and internal alterations.	Approved	05.01.2007
07/00366/FUL	Extensions and internal alterations to provide	Approved	18.04.2007

new two storey health suite, relocation of gymnasium with first floor extension, ground floor extension forming cafeteria and entrance canopy, new mesh fence on swimming pool roof, internal alterations forming new aerobic dance studio, changing facilities and toilets.

20/00537/FUL	Proposed refurbishment of an existing Artificial Grass Pitch (AGP) with associated features including: Replacement of existing field of play with new artificial grass surfacing sized 106 x 70m (7420m²) with associated line markings to accommodate an 11v11 football pitch and a variety of youth football pitches, mini soccer pitches and training areas. Replacement of high level fence enclosure with new 4.5m high ball stop fencing and gated entrances to the AGP perimeter. Installation of new 2.0m high and 1.2m high pitch perimeter barrier internally within the AGP enclosure, to segregate the pitch playing area from adjoining hard standing areas. Installation of replacement hard standing areas adjoining the AGP perimeter complete with associated porous asphalt surfacing and matching ball stop fencing for pedestrian access and circulation, goals storage and vehicular maintenance access. Installation of replacement floodlighting. Installation of new maintenance equipment store located within the AGP enclosure.	Approved	23.10.2020
24/01596/FUL	Planning Application - installation of CCTV columns, cameras and ancillary equipment as part of Clacton on Sea Safer Streets Scheme.	Approved	06.02.2025
26/00074/ADV	Application for Advertisement Consent - 13 signs for Football Foundation Playzone	Approved	12.03.2026
26/00075/FUL	Planning Application - Construction of a floodlit Football Foundation Playzone	Approved	15.04.2026

5. Consultations

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

All consultation responses are available to view, in full (including all recommended conditions and informatives), on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

Essex County Council Ecology 07.07.2026

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

No objection, subject to conditions; in accordance with ecological appraisal recommendations, approval of a biodiversity enhancement strategy, and a wildlife sensitive lighting strategy.

ECC Highways Dept 09.07.2026

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to conditions; approval of an amended construction management plan, no obstruction to public right of way, lighting to be positioned and shielded away from highway users.

Environmental Protection 02.07.2026 and 23.07.2026

No objection subject to a condition securing a Noise Management Plan setting out the proposed hours of operation, management arrangements, any measures to minimise noise, and a procedure for dealing with any noise complaints arising from the use of the padel courts.

Sport England 08.07.2026 and 16.09.2026

Sport England raises no objection subject to conditions; replacement tennis court delivery and racket sport and netball development plan.

ECC Lead Local Flood Authority – SuDS Team 13.08.2026 and 15.09.2026

No objections subject to conditions securing a detailed surface water drainage scheme for the site and a maintenance plan.

Tree & Landscape Officer 08.07.2026

No objection.

6. Representations

6.1 Town Council

Clacton – non parished.

6.2 Neighbour / Local Representations

1 letter of objection received (anonymous).

The concerns raised that are planning considerations can be summarised as follows:

- Potential light pollution and light spill affecting neighbouring residential properties.
- Concerns regarding additional floodlighting and its impact on residential amenity.

- Potential impact of lighting on bats and other wildlife.
- Concerns regarding loss of trees and habitat for bats, birds and hedgehogs.
- Increase in hard surfacing and reduction in green space.
- Request for protection of existing trees and biodiversity.

The impacts of the development in relation to neighbouring residential amenities have been addressed in the assessment below.

7. **Assessment**

Site Context

- 7.1 The application relates to Clacton Leisure Centre, off Vista Road, Clacton-on-Sea. The application site comprises part of the external grounds of the Leisure Centre complex and covers approximately 1.4 hectares. The land currently comprises existing trees, planting, grassed areas, hardstanding, sports courts, play spaces and informal pedestrian routes.
- 7.2 The wider context includes the leisure centre building and car park, residential areas to the south, Clacton County High School to the east, and railway lines to the west, beyond which are further residential dwellings.
- 7.3 The site is within the Clacton-on-Sea Settlement Development Boundary and is designated as Safeguarded Open Space under Policy HP4 of the adopted Local Plan.
- 7.4 The site is generally flat, with some landscaped mounding toward the southern end of the site.
- 7.5 The site lies within Flood Zone 1 at low risk of flooding.

Proposal

- 7.6 The application seeks full planning permission for the re-development of this part of the site and existing facilities.
- 7.7 The development comprises:
- **Children's Play Areas**
A combination of equipped play and natural play facilities including climbing and balance equipment, log and rock features, and fully accessible surfacing (in the same location as the existing play area).
 - **Central Pavilion**
A central pavilion building and landscaped arrival zone which would act as the operational hub for the site and include a cycle workshop and storage, café servery, fully accessible 'Changing Places' facility and 2 no. all-gender WCs (in place of the existing 4 no. tennis courts). The pavilion is proposed as a single-storey modular building using re-purposed shipping containers with timber cladding. The building (approx. 75 sqm, single storey) forms the focal point on arrival and supports year-round use and supervision of the site (in place of the existing tennis 4 no. courts).
 - **Pump Track**
A fully surfaced, durable, all-weather, wheeled sports facility designed for BMX, scooters, mountain bikes, skateboards, in-line skates and wheelchair-adapted bikes (in place of the existing tennis 4 no. courts).
 - **Learn-to-Ride Area**

A dedicated learn-to-ride track area providing a controlled environment for younger users and beginners, including junctions and route markings for road safety training.

- **Racquets Area**

2 no. tennis courts (one incorporating netball markings), 2 no. covered padel courts and two table tennis areas with associated seating. The facilities will be located on the site of the existing disused hardcourt area to the rear of the main leisure centre building. The padel courts will be covered by lightweight canopies to facilitate year-round use. The racquets area will be enclosed by 3-metre-high metal mesh fencing. The courts will be served by low-level, energy-efficient LED lighting incorporating directional cut-off fittings and timed controls to minimise light spill. Operating hours are proposed between 7am to 10pm.

- **Skate Park**

Existing skate park to be retained and better integrated with the wider activity areas being created, including re-location of existing pergola.

- **Landscape, Lighting, SuDS & Access Enhancements**

A comprehensive landscape strategy across the site, incorporating new tree planting, species-rich meadow grassland, native scrub, ornamental planting and wetland vegetation associated with integrated Sustainable Drainage Systems (SuDS). The proposals also include enhanced pedestrian connectivity, step-free access and a network of accessible routes linking the various facilities, together with associated fencing and floodlighting.

Recent Adjacent Planning History

- 7.8 Planning permission was recently granted by the Planning Committee for a floodlit Football Foundation PlayZone located on the north-western part of the wider site, adjacent to boundary with the railway line under planning application reference 26/00075/FUL.
- 7.9 The approved development comprised an upgraded outdoor sports facility with enclosed playing areas, spectator facilities and floodlighting, with approved operating hours of 08:30-22:00 Monday to Friday and 08:30-18:00 at weekends and floodlighting restricted during late night hours.
- 7.10 It was concluded that the proposal would not result in unacceptable impacts on nearby residential properties, including those on the opposite side of Oxford Road, due to the separation distance provided by the railway corridor and intervening commercial development. The application was approved as an enhancement to the existing leisure and recreation facilities.
- 7.11 The approved PlayZone development is positioned closer to neighbouring residential properties than the development proposed under this current application.

Principle of Development

- 7.12 The National Planning Policy Framework 2026 (NPPF) strongly supports the provision, retention and enhancement of recreation, sport and community facilities that promote healthy and inclusive communities. Policy HC4 (Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits) of the NPPF requires substantial weight to be given to the benefits of new or improved community facilities and to development that makes a demonstrable contribution towards promoting good health, reducing health inequalities and supporting social interaction. Policy HC7 (Development affecting existing recreational land and facilities) also seeks to safeguard existing recreational land and facilities unless replacement provision of equivalent or better quality is secured.
- 7.13 The site is designated as Safeguarded Open Space under Policy HP4 of the adopted Tendring District Local Plan. The policy allows development where the recreational function of the land is retained or enhanced.

- 7.14 In this case, the proposal would replace several ageing and under used facilities with a broader range of modern recreation and leisure facilities. In doing so, it would enhance the overall quality and attractiveness of the site whilst also delivering landscape improvements, biodiversity enhancements and improved accessibility for a wide range of users.
- 7.15 The principle of upgrading and expanding leisure, play and sports facilities within the established Clacton Leisure Centre complex is strongly supported by national and local planning policy. The development would significantly increase both the variety and quality of facilities available to the community and would contribute positively towards health, wellbeing, social inclusion and participation in physical activity. The proposal would create a modern and accessible recreational destination through the provision of new cycling facilities, play spaces, improved tennis and padel court provision, and associated infrastructure, thereby broadening opportunities for people of all ages and abilities to participate in sport, recreation and outdoor activity.
- 7.16 The submitted Planning Statement identifies a need for accessible opportunities for exercise and informal recreation within Tendring, particularly in light of the District's recognised health and physical inactivity challenges. The scheme has been designed to appeal to a diverse range of users, including children, young people, families, wheelchair users, adapted cycle users and those who may be less inclined to participate in traditional organised sport. By providing a wider range of informal, inclusive and accessible recreational opportunities, the proposal is considered to deliver substantial social, health and community benefits to existing and future residents.
- 7.17 Sport England, as a statutory consultee, raises no objection to the proposal subject to conditions securing the replacement tennis courts and a racket sport and netball development plan. Whilst part of the existing court provision would be reconfigured resulting in the loss of 2 tennis courts (4 tennis courts replaced with 2 tennis courts and 2 padel courts) Sport England considers that the overall sporting and recreational benefits of the scheme outweigh any resulting loss. Particular weight is given to the introduction of new cycling facilities, covered padel courts, improved tennis and netball provision and the wider opportunities for participation in sport and physical activity. It advises that the development satisfies the Exception 5 of Sport England's Playing Fields Policy and Policy HC7 (Development affecting existing recreational land and facilities) of the NPPF, as the loss of playing field land would be replaced by equivalent or better provision.
- 7.18 The proposed pump track, learn-to-ride area, play spaces, pavilion, tennis courts and covered padel courts are all compatible with the established leisure function of the site and would strengthen the role of Clacton Leisure Centre as an important community hub. The applicant has engaged with key stakeholders, including Sport England, and feedback has been positive. No concerns are therefore raised regarding the reconfiguration of the existing tennis court provision, particularly given the improved quality and wider range of facilities that would be delivered.
- 7.19 The proposal would provide an enhanced and more diverse recreational offer than currently exists. Subject to conditions securing the delivery of the replacement tennis courts and a racket sports and netball development plan, the principle of development is considered acceptable.

Scale, Layout & Appearance

- 7.20 Policy DP3 (Key principles for well-designed places) of the NPPF 2026 requires development proposals to create well-designed places that respond positively to their context, function effectively, provide safe and inclusive public spaces and create visually attractive and distinctive environments. Particular emphasis is placed on development that promotes healthy lifestyles, social interaction and opportunities for recreation through the provision of high-quality public spaces and facilities.
- 7.21 Local Plan Policies SP7, SPL3 and LP4 require development to achieve a high standard of design, respond positively to local character and context, and create attractive, functional and accessible

places. Development should integrate successfully with its surroundings, reinforce a strong sense of place and provide a high-quality environment for users and visitors.

- 7.22 The layout has been designed around a series of individual recreational areas serving different age groups and activities, whilst maintaining and improving connectivity. Higher activity uses, including the pump track and skate-related facilities, are located close to the leisure centre and existing skate park where recreational activity is already concentrated, and levels of natural surveillance are greater. Children's play facilities are positioned further south in a similar position to the existing.
- 7.23 The proposed pavilion and arrival plaza would act as a central point within the development, providing a connection between the car park, activity areas and pedestrian routes. The submitted Design and Access Statement places emphasis on accessibility and ease of movement throughout the site. Features include step-free routes, accessible play equipment, seating areas, picnic facilities, cycle parking and a Changing Places facility. These measures would improve accessibility and enable the site to be used by a broad range of visitors.
- 7.24 The proposal would introduce a number of new structures and features, including play equipment, cycling facilities, fencing, lighting columns and covered padel courts. Whilst these elements would increase the level of built development within the site, they would be viewed in the context of the existing leisure centre complex, which already accommodates sports pitches, courts, a skate park, car parking and associated infrastructure. The proposed padel court canopies would be more visually prominent than traditional open courts. However, they are lightweight structures associated with the recreational use of the site and positioned behind the main leisure centre building. The pavilion building would be modest in scale and ancillary to the wider leisure facilities.
- 7.25 The development would retain substantial areas of open space alongside the new recreational facilities. Proposed landscaping, including tree planting, habitat creation and SuDS features, would assist in integrating the development into its surroundings and help soften the appearance of the more engineered elements of the scheme.
- 7.26 Taking all matters into account, the scale, layout and appearance of the proposal are considered appropriate within the established leisure setting and would provide a coherent and accessible recreational environment.

Highway Safety, Accessibility and Parking

- 7.27 Policies TR3 (Locating development in sustainable locations) and TR4 (Street design, access and parking) of the NPPF 2026 seek to promote sustainable transport, ensure safe and suitable access for all users and avoid unacceptable impacts on highway safety and the operation of the road network. Policy DP3 (Key principles for well-designed places) further requires transport and parking considerations to form part of good design. Development should only be refused on transport grounds where the residual cumulative impacts would be severe.
- 7.28 Policy SPL3 Part B of the adopted Local Plan and the Essex Parking Standards seek to ensure that development can be safely accommodated with appropriate access and parking provision.
- 7.29 The proposal would utilise the existing vehicular, pedestrian and cycle access arrangements serving Clacton Leisure Centre from Vista Road. No new or altered vehicular access is proposed. The development would, however, improve movement within the site through enhanced pedestrian links, widened footways and accessible routes connecting the various recreational facilities.
- 7.30 The submitted Transport Statement identifies that the site is located within an established urban area and is accessible by a range of transport modes. Existing pedestrian routes, nearby bus services and Clacton-on-Sea railway station all provide alternatives to private car travel. The proposal also includes measures to encourage active travel, including cycle parking, secure cycle storage and improved accessibility throughout the site.

- 7.31 Parking demand has been assessed as part of the application. The leisure centre currently benefits from 223 parking spaces and survey data demonstrates that spare capacity is typically available. The submitted evidence concludes that the proposed facilities are unlikely to generate parking demand beyond that which can be accommodated within the existing car park.
- 7.32 It is acknowledged that the leisure centre car park can become busy at peak times and that some visitors may choose to park within the surrounding residential streets, where on-street parking is generally unrestricted. Nevertheless, the submitted evidence demonstrates that sufficient parking capacity exists within the wider area and, when considered alongside the accessible location of the site and sustainable transport links, the proposal is not expected to result in any severe parking or highway impacts.
- 7.33 Essex County Council Highways raises no objection to the development subject to conditions securing an updated Construction Management Plan (to include additional detail missing from the submitted version), no obstruction to the Public Right of Way (to be added as an informative as this is covered by Highways Legislation and not planning) and lighting to be positioned or shielded to avoid glare to drivers (not considered necessary as the lighting is adjacent to the associated car park with slow moving traffic in a one-way system). The Highway Authority is satisfied that the existing access arrangements are suitable, that the development would not result in an unacceptable impact on highway safety and that the anticipated traffic generation can be accommodated without detriment to the operation of the surrounding highway network.
- 7.34 Subject to conditions, the proposal is considered acceptable in terms of highway safety, accessibility and parking provision.

Trees and Landscaping

- 7.35 Policy N1 (Conserving and Enhancing the Natural Environment) of the NPPF recognises the important contribution that trees make to the character, quality and environmental value of places. The NPPF encourages the retention of existing trees wherever possible and seeks to ensure that opportunities are taken to incorporate trees and landscaping within new development as part of creating attractive, sustainable and nature-rich environments.
- 7.36 Local Plan Policies SPL3, HP3, and PPL4 seek to ensure that development protects and enhances existing landscape features, incorporates high-quality landscaping and contributes positively to the area's green infrastructure network. These policies recognise the important visual, ecological and amenity benefits that trees and planting provide and encourage opportunities for new tree planting and habitat creation as part of well-designed development.
- 7.37 The site contains several established trees that contribute positively to the appearance and character of the leisure centre environment. The submitted Arboricultural Impact Assessment and Tree Protection Plan have been prepared in accordance with BS5837:2012 and identify the trees to be retained and protected during construction.
- 7.38 The Council's Tree and Landscape Officer raises no objection. The response confirms that the indicative site layout makes provision for the retention of the largest and most visually prominent trees. The Arboricultural Impact Assessment confirms that only two poor-quality trees and three groups of trees/shrubs would need to be removed to facilitate the development, and that new planting would adequately compensate for this loss.
- 7.39 The submitted Planting and Contours Plans are considered comprehensive and would result in a significant increase in the number of trees on the site. The landscaping would soften, screen and enhance the appearance of the development, while also contributing to biodiversity, climate resilience and the wider green infrastructure network. The scheme would therefore provide a meaningful landscape enhancement rather than merely mitigating the impacts of development.

- 7.40 Conditions are recommended requiring implementation of the submitted tree protection measures, landscaping scheme and long-term maintenance/management arrangements. Subject to those conditions, the proposal is acceptable in arboricultural, landscape and green infrastructure terms.

Impact on Residential Amenity

- 7.41 Policy P3 (Living conditions and pollution) of the NPPF 2026 requires development proposals to provide a high standard of amenity for existing and future users and to ensure that the effects of noise, artificial lighting and other forms of pollution are appropriately considered.
- 7.42 Policy SP7 of the adopted Tendring District Local Plan seeks to ensure that development protects the amenity of existing and future residents. Policy SPL3 requires development to safeguard the amenities of neighbouring occupiers and ensure that proposals do not result in materially harmful impacts through loss of privacy, outlook or daylight, or through noise, disturbance, overlooking, lighting or other adverse environmental effects. Furthermore, Policy PPL3 seeks to ensure that development avoids unacceptable impacts arising from pollution and protects the quality of the local environment.

Noise

- 7.43 The application relates to the established leisure centre where outdoor sport, recreation, traffic and activity related noise already form part of the character of the area. The proposal includes a range of new recreational facilities, including two covered padel courts and two repositioned tennis courts closer to the western boundary of the site, adjacent to the railway line and the residential dwellings on the opposite side of Oxford Road. The introduction of the padel court facilities and repositioning of the tennis courts has the potential to generate noise from player activity, voices, ball impacts and general comings and goings closer to residential dwellings. The key consideration is whether such activity would result in unacceptable harm to the amenities of nearby residential occupiers.
- 7.44 During the initial consultation, the Council's Environmental Protection Team reviewed the application and raised no objection in principle to the Site Investigation Report, Construction Method Statement or Lighting Assessment. However, concern was expressed regarding the potential for noise generated by the proposed padel courts. Environmental Protection advised that padel can generate distinctive impulsive noise associated with ball, racket and court surface interactions and considered that separation distance alone was insufficient to demonstrate that residential amenity would not be adversely affected. A detailed Noise Impact Assessment was therefore requested.
- 7.45 In response, the applicant submitted a Noise Impact Assessment. The assessment considered the proposed use of two padel courts, existing background noise levels and the relationship with the nearest residential properties. The assessment included on-site monitoring and noise modelling based on measured padel court activity. It identified the nearest dwellings as being approximately 170 metres from the proposed courts and concluded that the highest predicted noise level at nearby residential properties would be significantly below recognised guideline thresholds. The assessment found that the proposal would result in a negligible increase to the existing noise conditions, and that noise from the courts would be noticeable but not intrusive, resulting in a "No Observed Adverse Effect" on residential amenities. The report therefore concludes that the proposed development would not give rise to unacceptable impacts on nearby residential occupiers.
- 7.46 Following receipt of the Noise Impact Assessment, the Environmental Protection Team reviewed the submitted findings and confirmed that they had no adverse comments regarding the conclusions of the assessment, subject to conditions securing a Noise Management Plan to establish operational controls, including hours of operation, management arrangements, measures to minimise noise and procedures for responding to any complaints arising from the use of the

padel courts.

- 7.47 Having regard to the findings of the Noise Impact Assessment, the significant separation distances to nearby residential properties, the presence of intervening development and infrastructure, including the railway line and several commercial premises, and the no objection comments of the Environmental Protection Team, it is considered that the proposal would not result in unacceptable noise impacts. The recommended condition requiring the submission and approval of a Noise Management Plan prior to the first use of the padel courts is not considered necessary given the findings and conditions set out within the Noise Impact Assessment (including the hours of operation). Any noise of a statutory nuisance would be covered by Environmental Health legislation. Therefore, a condition to ensure that the facility operates in accordance with the assessment is considered sufficient.

Lighting

- 7.48 The development includes replacement and new lighting columns. Some of the taller light columns around the tennis and padel court areas are already in situ. The submitted Lighting Impact Assessment records that the existing baseline environment is already influenced by streetlighting, car park lighting, building lighting and sports floodlighting. The assessment states that the proposed lighting has been designed with embedded mitigation including 0% upward light output ratio luminaires, controlled optics, minimum practical mounting heights, 0-degree luminaire tilt as standard and operational controls linked to leisure centre opening/closing hours.
- 7.49 The Lighting Impact Assessment concludes that the proposed lighting installation complies with applicable obtrusive light limits for the character and context of the site, including limits relating to light intrusion, glare and upward light. It further concludes that, with the embedded design measures, the development would not result in significant adverse lighting effects on nearby residential or safety receptors.
- 7.50 Subject to the approved plans and documents condition ensuring compliance with the approved lighting scheme, the lighting impacts are considered acceptable.

Surface Water Flooding and Drainage

- 7.51 Policies F7 and F8 of the NPPF 2026 seek to ensure that development remains safe from flooding throughout its lifetime and incorporates appropriate sustainable drainage measures to manage surface water runoff without increasing flood risk elsewhere. The policies promote the use of sustainable drainage systems which, where practicable, should also provide wider environmental, biodiversity and amenity benefits.
- 7.52 Adopted 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.
- 7.53 The application site lies within Flood Zone 1, which is defined as land at the lowest probability of fluvial or tidal flooding. The proposal includes new leisure facilities, play areas and areas of hardstanding, together with sustainable drainage features, landscaping and SuDS planting intended to manage surface water runoff and contribute towards the overall drainage strategy.
- 7.54 A Flood Risk Assessment and Site Investigation Report have been submitted in support of the application. The submitted information indicates that the site has potential to accommodate infiltration-based drainage solutions, including soakaways, subject to further infiltration testing at the detailed design stage. The proposed drainage strategy seeks to manage surface water runoff on-site wherever practicable, thereby reducing pressure on the existing drainage network.

- 7.55 The submitted investigations identified groundwater in certain locations and conclude that further testing will be required before a final drainage design can be confirmed. Existing drainage infrastructure serving the leisure centre is already present within the site and any necessary upgrades, repairs or modifications can be incorporated as part of the detailed design and implementation of the development.
- 7.56 The Lead Local Flood Authority (LLFA) initially raised a holding objection due to insufficient information being submitted to demonstrate the suitability of the proposed drainage strategy. Following a meeting with the LLFA and the submission of additional information, they have removed their objection.
- 7.57 Subject to the imposition of appropriate planning conditions as necessary, the proposal is not considered likely to increase flood risk on the site or elsewhere and is therefore considered acceptable in flood risk and drainage terms.

Energy Efficiency and Sustainable Building Measures

- 7.58 Policy DP3(2)(b) (Climate) of the NPPF 2026 requires development to contribute towards climate change mitigation and adaptation, and the transition to net zero, through the use of building layouts, orientation, massing, landscaping and materials which conserve energy and other resources whilst minimising climate-related risks, including overheating. This approach is supported by Policies CC2(1)(c) and (d) (Mitigation of Climate Change) and CC3(1)(d) (Adaptation to Climate Change), which support development proposals that reuse existing structures and materials and promote resource-efficient development and climate resilience.
- 7.59 Policy SPL3 of the adopted Tendring District Local Plan requires new development to incorporate climate change adaptation measures and technologies from the outset, including measures to reduce emissions, deliver renewable and low-carbon energy generation, encourage passive design and utilise green infrastructure techniques where appropriate. Furthermore, Policy PPL10 requires development proposals to demonstrate how renewable energy solutions, appropriate to the site, location and proposed buildings, have been incorporated into the scheme
- 7.60 The proposed pavilion would be constructed using repurposed shipping containers, reducing the need for new construction materials. The development also promotes sustainable travel through the provision of cycling facilities, including a learn-to-ride area and cycle parking.
- 7.61 The application also includes energy-efficient LED lighting with controls to minimise energy use. Solar panels are proposed on the pavilion roof where this is practical and feasible.
- 7.62 Taking these measures into account, the proposal is considered acceptable in sustainability terms and complies with the aims of Policy PPL10.

Ecology and Biodiversity

- 7.63 This section considers the ecological impacts of the proposed development, having regard to the submitted Preliminary Ecological Appraisal (PEA), Biodiversity Net Gain (BNG) information and consultation responses from ECC Ecology.

General Duty on all Authorities

- 7.64 Section 40 of the Natural Environment and Rural Communities Act 2006, as amended by the Environment Act 2021, places a duty on public authorities to conserve and enhance biodiversity when exercising their functions. In determining this application, the Local Planning Authority must therefore be satisfied that the development would appropriately protect existing ecological interests and secure biodiversity enhancements where possible.

7.65 This duty applies to the current application.

Biodiversity Net Gain

- 7.66 Biodiversity Net Gain (BNG) is intended to ensure that development leaves biodiversity in a measurably better state than before development took place. Most applications are required to demonstrate a minimum 10% net gain in biodiversity value.
- 7.67 The statutory BNG framework applies to this development. Any planning permission granted will be subject to the standard biodiversity gain condition, requiring the submission and approval of a Biodiversity Gain Plan before development commences. Habitat improvements must then be secured and managed for a minimum period of 30 years.
- 7.68 The submitted Statutory Biodiversity Metric demonstrates that the proposal is capable of achieving the required biodiversity gain. The submitted BNG information indicates a habitat net gain of approximately 12.98%, exceeding the mandatory 10% requirement.

Protected Species

- 7.69 The application is supported by a Preliminary Ecological Appraisal and associated ecological information. The site predominantly comprises existing leisure facilities, managed grassland, hard surfaced areas, scrub, ornamental planting and scattered trees. The assessment identifies potential habitat for nesting birds, foraging and commuting bats, hedgehogs and other common wildlife species.
- 7.70 The PEA confirms that the site is not considered suitable habitat for otter, water vole or hazel dormouse. Whilst records of protected and notable species exist in the wider area, the site's established recreational use, surrounding residential development and railway corridor limit its suitability for several protected species.
- 7.71 Essex County Council Ecology has reviewed the submitted information and raises no objection to the development subject to conditions. ECC Ecology is satisfied that sufficient ecological information has been provided to determine the application and advises that impacts can be appropriately managed through mitigation and enhancement measures.
- 7.72 The ecological reports identify a number of measures to protect biodiversity during construction and operation of the site. These include timing vegetation clearance to avoid the bird nesting season where possible, protection of retained trees and habitats, precautionary measures for reptiles and great crested newts, and the retention of suitable habitat for foraging bats and other wildlife. Essex County Council Ecology has also recommended a wildlife-sensitive lighting condition. However, this is not considered necessary in this instance. As set out in paragraphs 7.48 to 7.50 above, the proposed lighting has been subject to a detailed Lighting Impact Assessment and incorporates embedded mitigation measures including controlled optics, zero upward light output, appropriate column heights and operational controls. The site is also located within an established urban leisure setting where streetlighting, car park lighting, building lighting and existing sports floodlighting already form part of the baseline environment.
- 7.73 The Lighting Impact Assessment concludes that the proposed lighting scheme would not give rise to significant adverse effects and would comply with relevant lighting standards. Given the design of the proposed lighting, the existing character of the site and the presence of several lighting columns already serving the leisure facilities, it is considered that the approved lighting scheme provides sufficient safeguards for biodiversity and that an additional wildlife-sensitive lighting condition would not meet the tests set out in the NPPF. The development also provides ecological enhancements through new landscaping and habitat creation across the site. This includes additional tree planting, species-rich grassland, native scrub planting and wetland planting associated with the proposed SuDS features. These measures will improve habitat diversity and

contribute to the biodiversity gains identified within the submitted metric.

Ecology Conclusions

- 7.74 Taking account of the submitted ecological surveys, the proposed mitigation measures and the biodiversity enhancements incorporated into the scheme, it is considered that the development would comply with the Council's statutory duty to conserve and enhance biodiversity. ECC Ecology raises no objection, the proposal exceeds the minimum 10% Biodiversity Net Gain requirement, and ecological interests can be adequately protected through appropriately worded planning conditions. The proposal is therefore considered acceptable in ecological and biodiversity terms.

Contaminated Land and Ground Conditions

- 7.75 Policy P2 (Ground Conditions) of the NPPF 2026 requires development to be suitable for its proposed use, taking account of ground conditions and any risks arising from contamination or land instability.
- 7.76 Policies SPL3 and PPL5 of the adopted Tendring District Local Plan, which seek to ensure that development is appropriate to its location and does not give rise to unacceptable risks associated with contamination or ground conditions
- 7.77 A Site Investigation Report has been submitted in support of the application. The site comprises the existing leisure centre grounds, including the skate park, tennis courts, play areas and open grassed areas. The investigation included ground sampling, contamination testing and assessment of potential risks.
- 7.78 The investigation found no significant contamination within the topsoil or natural soils present on the site. Whilst a small area of made ground beneath the existing courts recorded elevated hydrocarbon levels, this material would remain beneath hard surfaced areas and is not considered to pose a risk to future users of the site.
- 7.79 Asbestos testing was also undertaken, and all samples were found to be free from asbestos. The report concludes that the site does not present an unacceptable risk to human health or the environment and that soils are suitable for reuse within landscaped areas and public open space.
- 7.80 The report also identifies a medium unexploded ordnance (UXO) risk, which is not uncommon on previously developed sites. Appropriate precautionary measures are recommended during construction works and these are included as recommended informative.
- 7.81 The Council's Environmental Protection Team has reviewed the Site Investigation Report and raises no objection. Subject to standard conditions relating to unexpected contamination and compliance with the recommendations of the Site Investigation, the proposal is considered acceptable in relation to land contamination and ground conditions.

8. Conclusion

- 8.1 The proposed development would deliver a substantial enhancement to the existing leisure and recreation offer at Clacton Leisure Centre through the provision of new play facilities, cycling infrastructure, tennis and padel courts, a pavilion building and associated landscaping. The scheme would generate significant public benefits by promoting health and wellbeing, increasing opportunities for participation in sport and physical activity, improving accessibility and inclusivity, enhancing the quality of the leisure environment and delivering measurable biodiversity net gain.
- 8.2 Subject to conditions, the proposal is not considered to give rise to any unacceptable impacts in respect of design, visual amenity, residential amenity, highway safety, ecology, trees, flooding, contamination or other material planning considerations.

- 8.3 Significant weight is afforded to the substantial social, recreational, health and wellbeing benefits arising from the proposal, together with the wider economic and environmental benefits associated with investment in community infrastructure.
- 8.4 The proposal is therefore considered to represent sustainable development and accords with the relevant provisions of the National Planning Policy Framework 2026 and the adopted Tendring District Local Plan 2013-2033 and Beyond. Accordingly, planning permission is recommended for approval subject to the conditions set out within this report.

9. Recommendation

9.1 Approval (no S106 requirements)

Recommendation: Approval

That the Head of Planning and Building Control be authorised to grant planning permission subject to:

- 1) the conditions as stated at paragraph 9.2, or varied as is necessary to ensure the wording is enforceable, precise and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 2) the informative notes as may be deemed necessary.

9.2 Conditions and Reasons

1. COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

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

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

NOTE/S FOR CONDITION:

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

2. COMPLIANCE REQUIRED: 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. 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.

- Application Form – received 08/06/2026

- Drawing no. 0001 Revision no. 01 Site Plan – received 08/06/2026
- Drawing no. 0011 Revision no. 03 Racquet Area Site Plan – received 08/06/2026
- Drawing no. 0012 Revision no. 02 Racquet Area Layout Plan – received 08/06/2026
- Drawing no. 0013 Revision no. 01 Racquet Area Elevations – received 08/06/2026
- Drawing no. 0021 Revision no. 02 Pavilion Layout – received 08/06/2026
- Tree Survey Schedule Ref. 12770 TS 01 & Tree Constraint Plans (Aspect Arboriculture, – received 08/06/2026
- Drawing no. 01 Topographical Survey Sheet 1 – received 08/06/2026
- Drawing no. 02 Topographical Survey Sheet 2 – received 08/06/2026
- Drawing no. CLC-COL-00-XX-D-L-1001-P04 Proposed Block Plan/Landscape General Arrangement – received 08/06/2026
- Drawing no. CLC-COL-00-XX-D-L-2001-P03 Hardworks and Levels Plan – received 08/06/2026
- Drawing no. CLC-COL-00-XX-D-L-2002-P03 Hardworks and Levels Plan – received 08/06/2026
- Drawing no. CLC-COL-00-XX-D-L-5001-P02 Planting and Contours Plan (Sheet 1 Of 2) – received 08/06/2026
- Drawing no. CLC-COL-00-XX-D-L-5002-P02 Planting and Contours Plan (Sheet 2 Of 2) – received 08/06/2026
- Drawing no. CLC-COL-00-XX-DR-L-3000-P02 Site Wide Sections - Key Plan – received 08/06/2026
- Drawing no. CLC-COL-00-XX-DR-L-3001-P02 Site Wide Sections – received 08/06/2026
- Drawing no. HLS12226 Proposed Lighting - Rec'd 08/06/2026
- Drawing no. 4322-DFL-ELG-XX-LD-EO-13001-S3-P02 Amended Lighting Calculations – received 10/09/2026
- 4322-DFL-ELG-XX-RP-EO-13001-S3-P03 Amended Lighting Impact Assessment – received 10/09/2026
- 4322-DFL-ELG-XX-LD-EO-13002-S3-P02 Amended Proposed / Existing Lighting Locations – received 10/06/2026
- Statutory Biodiversity Metric – received 08/06/2026
- Biodiversity Net Gain Plan Ref. 3171883 Rev B (SES, June 2026) – received 08/06/2026
- Arboricultural Impact Assessment Ref. 12770_AIA.001 (Aspect Arboricultural, May 2026) – received 08/06/2026
- Arboricultural Method Assessment Ref. 12770_AMS.001 (Aspect Arboricultural, May 2026) – received 08/06/2026
- Construction Management Plan Ref. P25-0803 (S&C Slatter, May 2026) – received 08/06/2026
- Flood Risk Assessment Ref. R-00335-001-FRA-0 (SEA Consulting Engineers, May 2026) – received 08/06/2026
- Site Investigation Report Ref. R-SI-31001-01-00 Rev. 00 (JPP, January 2026) – received 08/06/2026
- Preliminary Ecological Appraisal & Appendices Ref. 9991,EC,PEA,MI,EB,KL,V1 (Geosphere Environmental 10/012/2025) – received 08/06/2026
- Renewable Energy Generation Plan Statement Ref. P25-0803 Rev. 00 (Slatter Design & Planning, 05/05/2026) – received 08/06/2026
- Transport Statement Ref. 25-385-20 Rev. 00 (Calibro, 06/05/2026) – received 08/06/2026
- Noise Impact Assessment Ref. 12055/CP Version 1.0 (Acoustic Consultants Ltd, 25/06/2026) – received 16/07/2026
- Drawing no. RSP2200 1 to 3 Utilities and CCTV Drainage Survey – received 10.09.2026
- Pump Track – Area 1 – North Surface Water Calculations – received 10.09.2026
- Pump Track – Area 2 – Middle Surface Water Calculations – received 10.09.2026
- Pump Track – Area 3 – South Surface Water Calculations – received 10.09.2026
- Drawing no. 00335/E02 A Proposed Drainage Layout – received 10.09.2026
- Padel and Tennis Courts Surface Water Calculations REVA – received 10.09.2026

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. SPECIFIC RESTRICTION ON DEVELOPMENT: REPLACEMENT TENNIS COURTS

CONDITION: Within six months of development commencing on the existing tennis courts, the replacement tennis courts hereby approved shall be fully constructed, equipped and made available for public use in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. The replacement tennis courts shall thereafter be retained and maintained (together with the netball markings / use in accordance with the approved details).

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision, in the interests of safeguarding sports and recreational facilities.

4. FURTHER APPROVAL: RACKET SPORTS AND NETBALL DEVELOPMENT PLAN

CONDITION: Prior to the first use of the padel courts or replacement tennis courts hereby approved, a Racket Sports and Netball Development Plan shall be submitted to and approved in writing by the Local Planning Authority. The Development Plan shall include details of the initiatives, programmes, partnerships and promotional measures to be implemented to maximise participation in and use of the padel, tennis and netball facilities, including a timetable for implementation and ongoing monitoring arrangements. The approved Development Plan shall be implemented in full in accordance with the approved timetable and shall thereafter be maintained and operated as approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the replacement sporting facilities deliver the intended sporting and community benefits.

5. FURTHER APPROVAL: CONSTRUCTION MANAGEMENT PLAN

CONDITION: Notwithstanding the details contained within the accompanying Construction Management Plan Ref. P25-0803 (S&C Slatter, May 2026), no development, including any site

clearance, demolition or groundworks, shall commence until an amended Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The amended Construction Management Plan shall include:

- a) Details of construction vehicle routing to and from the site, including the proposed route from the strategic highway network and any restrictions on vehicle movements;
- b) Details of temporary directional and warning signage for construction traffic, including the location of such signage;
- c) Details of the parking, turning and manoeuvring arrangements for site operatives', contractors' and visitors' vehicles within the site;
- d) Details of loading, unloading and storage areas for plant, equipment and construction materials;
- e) Details of wheel and underbody washing facilities, including their location, operation and ongoing maintenance;
- f) Details of measures to prevent mud, debris, dust and other materials being deposited on the public highway, including highway inspection and cleaning procedures where necessary; and
- g) Details of delivery management arrangements, including measures to avoid vehicle queuing on the public highway and to ensure the safe movement of construction traffic within the site.

The development shall thereafter be carried out in full accordance with the approved Construction Management Plan throughout the construction period.

REASON: To ensure the safe and efficient operation of the highway network, prevent obstruction of the public highway, safeguard the amenities of neighbouring occupiers and ensure that construction activities are appropriately managed throughout the development process, as insufficient information has been provided in the accompanying Construction Management Plan.

6. FURTHER APPROVAL: EQUIPPED PLAY DETAILS

CONDITION: Prior to the commencement of any above-ground works, full details of the equipped play area, including the location, layout, design of the equipment and boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The equipped play area shall be provided in accordance with the approved details prior to first occupation of the development and shall be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the provision of appropriate recreational facilities for future occupiers of the development in the interests of residential amenity, safety and the quality of the development.

7. COMPLIANCE: 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 (Geosphere Environmental, December 2025) 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).

8. 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 (Geosphere Environmental, December 2025), 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).
- f) The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under the NPPF 2026 and s40 of the NERC Act 2006 (as amended).

9. COMPLIANCE: RENEWABLE ENERGY GENERATION PLAN

CONDITION: The development hereby permitted shall be carried out in full accordance with the Renewable Energy Generation Plan Statement Ref. P25-0803 Rev. 00. The approved renewable energy measures shall be installed, maintained and retained in working order thereafter.

REASON: To ensure that the development incorporates the approved renewable energy measures in the interests of sustainable development.

10. COMPLIANCE: TREE SURVEY AND PROTECTION

CONDITION: The development hereby permitted shall be carried out in full accordance with the Arboricultural Impact Assessment Ref. 12770_AIA.001 and the Arboricultural Method Statement Ref. 12770_AMS.001. All tree protection measures identified within the approved documents shall be installed prior to the commencement of development and shall be retained and adhered to throughout the construction period.

REASON: To ensure the protection and retention of existing trees during the construction process in the interests of visual amenity, biodiversity and the quality of the development.

11. 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.

12. COMPLIANCE: FLOOD RISK ASSESSMENT

CONDITION: The development hereby permitted shall be carried out in full accordance with the recommendations and mitigation measures set out within the Flood Risk Assessment Ref. R-00335-001-FRA-0. The approved mitigation measures shall be implemented in full prior to first occupation of the development and retained thereafter.

REASON: To ensure the development is not at unacceptable risk from flooding and does not increase flood risk elsewhere.

13. COMPLIANCE: NOISE IMPACT ASSESSMENT

CONDITION: The development hereby approved shall be carried out in accordance with the Noise Impact Assessment Ref. 12055/CP Version 1.0 (Acoustic Consultants Ltd, 25/06/2026). The approved hours of operation of 07:00 to 22:00 shall be adhered to at all times.

REASON: To safeguard the amenities of nearby residential occupiers and to ensure that the operation of the development remains consistent with the submitted Noise Impact Assessment.

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 and The Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026.

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. Tendring District Council serves as the planning authority responsible for determining the approval of a Biodiversity Gain Plan in relation to this permission.

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 legalisation and guidance.

Ways to achieve 10% BNG may include:

- 1) Enhancement and restoring biodiversity on-site (within the red line boundary of a development site).
- 2) 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.
- 3) 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.

<https://www.tendringdc.gov.uk/content/discharging-the-biodiversity-net-gain-plan-condition-bng>

15. COMPLIANCE: HABITAT MANAGEMENT AND MONITORING PLAN FOR BNG

CONDITION: Unless all biodiversity net gain for the development is achieved via the purchase of off site biodiversity units or statutory biodiversity credits, no development shall commence on the

site until a 30 year Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan/s under condition 16, has been submitted to and approved in writing by the local planning authority for the site, and shall contain the following unless otherwise agreed in writing by the Local Planning Authority:

a description and evaluation of the planned habitat works for the creation and/or enhancement of the on site habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

the management measures to maintain the on site habitat creation and/or enhancement works for a period of a least 30 years from the completion (defined for this purpose as first use and/or occupation unless otherwise agreed in writing by the LPA) of the development including:

- i. ecological trends and constraints on the 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 the 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;

details of the monitoring methodology, to measure the effectiveness of the management of the on site habitat creation and/or enhancement works together with the timetable for each element of the monitoring programme including when scheme shall be 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

details of the roles and responsibilities of the people or organisation(s) delivering the HMMP including implementation and monitoring;

Furthermore, there shall be a completion report submitted to the local planning authority in writing for its approval, evidencing the completed habitat enhancements and/or creation works as set out in the HMMP prior to first use and/or occupation of the development. unless agreed in writing by the LPA. The approved HMMP shall be strictly adhered to at all times and implemented in full for its duration with the completion of the habitat works for the creation and/or enhancement of the on site habitat no later than the first use/occupation of the development, and the management and monitoring of those habitat works as required and in accordance with the approved HMMP thereafter for the period of 30 years or more.

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).

NOTE: If the approved BNG Plan is for off site units or statutory credits only, this condition does not require discharge. For all development that include a BNG plan for a combination of on site and off site/statutory credit, this condition is imposed and needs to be discharged as set out to secure the on site element. Additionally, should the on site BNG requirement be considered to be "significant" an associated legal agreement will be required to secure monitoring fees.

16. SURFACE WATER DRAINAGE SCHEME

CONDITION: No works except demolition shall take 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:

- Verification of the suitability of infiltration of surface water for the development. Suitable infiltration testing and groundwater monitoring should be undertaken subject to agreement with the LLFA.
- If infiltration is found to be unviable, limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event OR demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change.
- Any SuDS features located within made ground to be lined with an impermeable membrane.
- Final modelling and calculations for all areas of the drainage system. The calculations should demonstrate that sufficient storage is provided to manage all storms up to and including the 1 in 100-year storm event plus climate change.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- 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.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment.
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

17. SUDS MAINTENANCE PLAN

CONDITION: Prior to occupation, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be 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.

The applicant or any successor in title must maintain yearly logs of maintenance which should be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface

water drainage system to function as intended for the lifetime of the development to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

9.3 Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. Also, in determining this application the LPA have identified matters of concern within the application (as originally submitted) and negotiated, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the LPA has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Public Right of Way Informative

The applicant's attention is drawn to the presence of the public's right to pass and repass along the Public Footpath No. 23 (Great Clacton_167) must be maintained free and unobstructed at all times. Any proposed works affecting the Public Right of Way, including temporary closures, diversions or obstructions, require the separate consent of the Highway Authority under the relevant provisions of the Highways Act 1980. Applicants are advised to contact Essex County Council's Public Rights of Way Team before commencing any works that may affect the route.

Unexploded Ordnance (UXO)

The applicant's attention is drawn to the recommendations contained within the submitted Site Investigation Report (R-SI-31001-01-00, January 2026). The report identifies the site as being within an area of medium unexploded ordnance (UXO) risk and advises that all site personnel should receive appropriate UXO Safety Awareness training prior to the commencement of intrusive groundworks. The report further recommends that intrusive works should be undertaken with appropriate specialist advice and precautionary measures where necessary. The developer is advised to ensure that all works are carried out in accordance with the recommendations of the Site Investigation Report and relevant health and safety legislation.

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 expected to have a positive impact on some protected characteristics due the provision of age specific facilities, accessible facilities and inclusive convenience facilities. The PSED has been duly considered and given the necessary regard, as explained below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Positive
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Positive
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Positive
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 Council's 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/>.