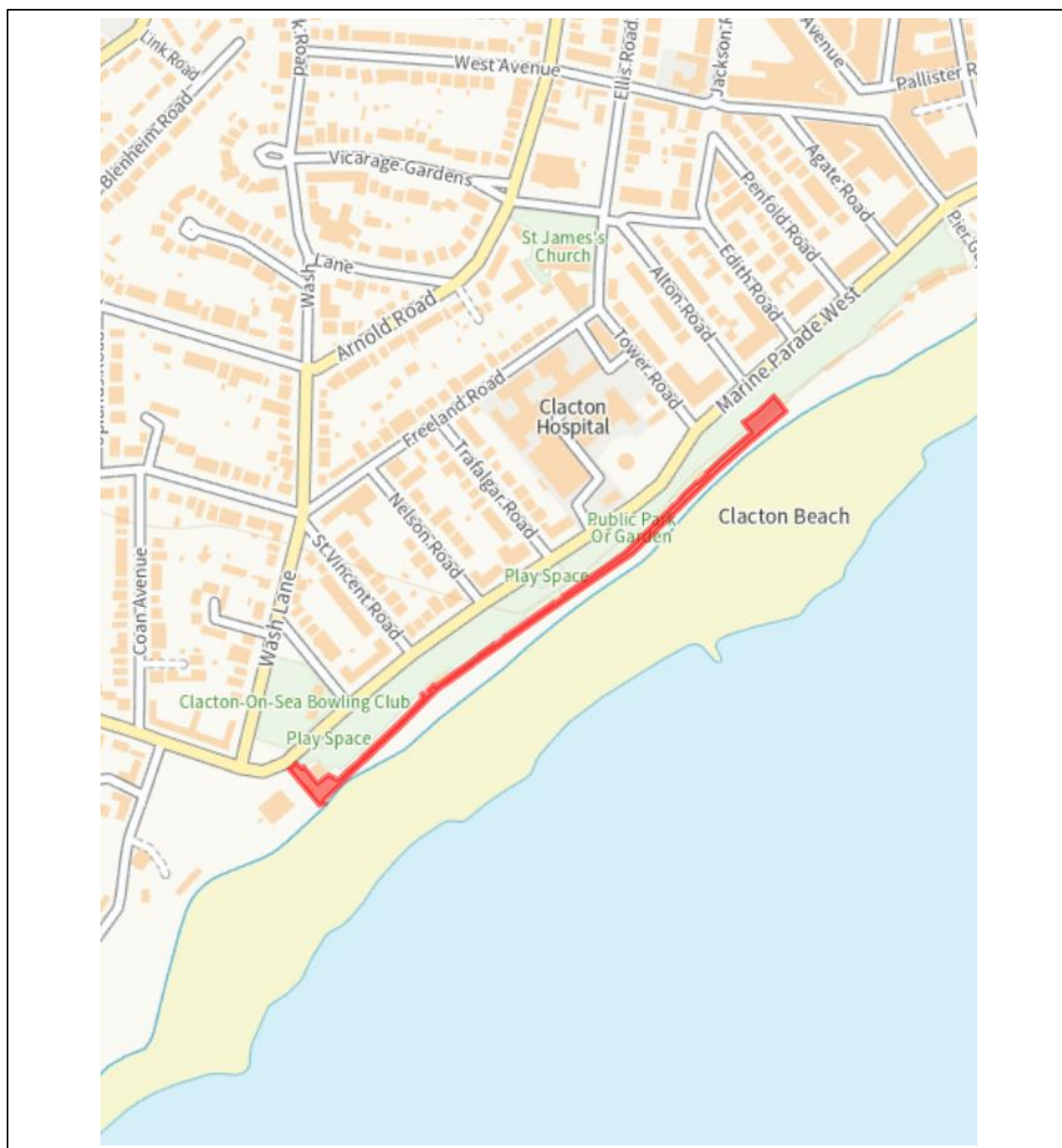


PLANNING COMMITTEE

14 OCTOBER 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.3 PLANNING APPLICATION – 26/00729/FUL – LOWER PROMENADE MARINE PARADE WEST CLACTON ON SEA CO15 1LS



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Application:	26/00729/FUL	Expiry Date:	2nd October 2026
Case Officer:	Michael Pingram		
Town/ Parish:	Clacton (Non Parished)		
Applicant:	Mr Michael Cross - Tendring District Council		
Address:	Lower Promenade Marine Parade West Clacton On Sea, Essex		
Development:	Planning Application - Proposed cliff stabilisation works. Including re-building of failed tumbled brick wall and installation of drainage.		
Referral Reason:	TDC are the applicant and landowner.		
Recommendation:	Approval		

1. Executive Summary

- 1.1 The proposed works are in support of wider works fundamentally designed to improve coastal defences and stabilise the coast, and are supported in principle. ECC Heritage have raised no objections, and Officers consider the works will not result in significant visual harm or any harm to neighbouring amenities. There will be no significant harm to existing trees or vegetation, and ECC Archaeology also raise no objections subject to the inclusion of 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 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

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

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL8 Conservation Areas

PPL10 Renewable Energy Generation and Energy efficiency Measures

4. Relevant Planning History

N/A

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/>.

Environmental Protection

12.06.2026

I have reviewed the application and have the following comments:

Noise

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

- Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling (if any) method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 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).

Essex County Council Heritage

17.06.2026

Built heritage advice pertaining to a 'Planning Application - Proposed cliff stabilisation works. Including re-building of failed tumbled brick wall and installation of drainage'.

The application site is located within Clacton Seafront Conservation Area and within the setting of several designated heritage assets, including:

- Clacton Seafront Garden Registered Park and Garden - Grade II Listed (List Entry Number: 1001626)
- Row of 16 Streetlights - Grade II Listed (List Entry Number: 1111519)
- Martello Tower F - Scheduled Monument (List Entry Number: 1016555)

The proposed scheme is for the re-building of the existing tumble brick wall adjacent to the promenade, and the installation of drainage.

I have no objections to the scheme on the basis that the brick tumble wall will be reinstated on a like-for-like basis (which can also be secured by condition).

Historic England

05.06.2026

The above application entails stabilisation works to the cliff slope at Marine Parade opposite Alton Road. The proposals fall within the setting of a number of designated heritage assets within Historic England's remit, namely, Clacton Seafront Conservation Area (in Historic England's Heritage at Risk Register) the grade II registered Seafront Gardens and the scheduled (and grade II listed) Martello Tower F.

The proposals involve the dismantling of the existing tumbled brick walls, installation of sheet piling and drainage extending back into the cliff slope. The proposals are necessary to address cliff instability and avoid further degradation; sheet piling and drainage would be covered over and the rustic tumbled brick reinstated.

Subject to its careful execution, we are comfortable that the proposals would not harm the character of the conservation area or setting of surrounding designated assets, and any potential impacts should be temporary.

The potential for archaeological remains to be present should however be better understood, given the history associated with this site and the impact the installation of sheet piling and drilling into the cliff face to install the drains would have on buried deposits.

Consequently, we recommend the Council discusses their proposals, if they haven't done so yet, with their archaeological consultants at Essex Place Services, particularly Teresa O'Connor, who is a Palaeolithic specialist.

The Heritage Statement should also be updated to include non-designated heritage potential, including palaeoenvironmental potential. This will then help understand the risks of the proposed works and the mitigation that will be required, in line with the requirements of paragraph 207 of

the National Planning Policy Framework.

Subject to the issues and safeguards outlined in our above advice are addressed, we have no objection to the proposed works.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals or you would like further advice, please contact us. Please advise us of the decision in due course.

Tree & Landscape Officer

01.06.2026

The cliff slopes contained within the application site are densely vegetated primarily with Tamarix species. The shrubs have a pleasant softening impact on the appearance of the seafront, but they do not fall within the scope of legislation under which they can be formerly protected.

There are no trees or other significant vegetation on the application site.

Environment Agency

23.06.2026

Thank you for your consultation dated 09 June 2026. We have reviewed the documents as submitted and have no objection to the proposed development. We have provided further details below.

Flood Risk

We are satisfied that this would fall within our local flood risk standing advice under point 12 and advice note 9 in which you should apply yourself. The applicant has now submitted a Flood Risk Assessment in which you should review in line with the advice note as mentioned to ensure you are satisfied with the development in terms of Flood Risk.

Essex County Council Archaeology

11.08.2026

A geoarchaeological desk based assessment (GDBA) has been submitted in support of the application following a request for further information to assess the impact of the proposed works on deposits of international significance for archaeology and geoarchaeology.

The GDBA places the site in the context of the internationally significant Clacton Channel deposits and identified the proposed works as likely being located on the edge of the known mapped channel deposits where lithic artefacts have been found. The extent of the channel deposits is estimated from investigation of a handful of coastal sites, the direction of the channel is uncertain.

The information provided by the geotechnical borehole logs states that deposits may be in situ or reworked at height with in situ deposits above the London Clay. The GDBA states that this indicates slope/reworked deposits and determines that the potential for encountering the Clacton Channel deposits or in situ Palaeolithic deposits is low. The nature of the sediments recorded through borehole logs has not been established, with confidence, in terms of Palaeolithic potential. In addition the channel deposits have been shown to be overlain by gravels belonging to the former Thames river which may still hold potential for Palaeolithic remains.

Due to the significance of the potential deposits that may be impacted by the proposed works through truncation and regrading from the piling, drainage directional drilling, removal of topsoil and regrading of slope a geoarchaeological investigation will be required to provide sufficient information on the origin of the sediments recorded in the borehole logs and determine the potential for Palaeolithic archaeological remains.

In view of the above, I recommend that the following conditions are placed on any permission:

Geoarchaeological investigation

- (1) No development or preliminary groundworks of any kind shall take place until a programme of geoarchaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.
- (2) No development or preliminary groundworks of any kind shall take place until the completion of the programme of geoarchaeological investigation identified in the WSI defined in 1 above, and any subsequent mitigation has been agreed.
- (3) The applicant will submit a final geoarchaeological report or updated project design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork.

Natural England

13.07.2026

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

6. Representations

6.1 Clacton-on-Sea is non-parished, so no comments are provided on this occasion.

6.2 There have been no letters of representation received.

7. Assessment

Site Description

- 7.1 The application site is a parcel of land located to the south-east of Marine Parade West, within Clacton-on-Sea, and forms part of the existing promenade area. The land consists of a mixture of paving that form part of wider walking routes along the promenade, and vegetated cliff areas.
- 7.2 The site is heavily constrained, initially falling within the Settlement Development Boundary for Clacton-on-Sea within the adopted Local Plan and also adjacent to Flood Zones 2 and 3. In addition, it falls within the Clacton Seafront Conservation Area, within a Priority Area for Regeneration, is a Safeguarded Open Space, and is also within a Site of Special Scientific Interest (SSSI). Approximately 20 metres to the north-east are streetlights afforded Grade II Listed status.

Description of Proposal

- 7.3 This application seeks planning permission for cliff stabilisation works, due to the unstable nature of the cliff face at this location, and to prevent localised cliff failure. The works include the introduction of drainage to the lower section to control water levels within the slope and remove reliance on the tumbled brick wall.
- 7.4 Specifically, works will include the introduction of a sheet piled wall, installation of drainage, and the re-building of the existing tumbled brick wall (to the same height and level). The drainage and sheet piled wall would be buried upon completion.

Principle of Development

- 7.5 Policy N5 states that development proposals should maintain the character of undeveloped areas of coast, including land designated for its landscape, habitat or heritage value, while improving public access to it where appropriate. Policy F3 adds that inappropriate development in vulnerable coastal areas should be avoided when identifying suitable locations for development, so that risks arising

from coastal change are not exacerbated.

- 7.6 As the proposed works are in support of wider works fundamentally designed to improve coastal defences and stabilise the coast, the works fall within the remit of what is permitted to take place in such places.
- 7.7 The area is located within a sensitive landscape for ecological, geological and recreational reasons. However, the works are proposed by Tendring District Council in relation to their responsibility for coastal protection. The existing wall has become damaged as a result of the lateral pressure acting on the back of the wall, and without the proposed works there is the likelihood of rotational failure, slippage of the cliff face, and progressive failure that could lead to a more deep-seated failure and damage occurring to a wider area. Officers accept this justification and therefore conclude that the principle of development is acceptable.

Visual Impacts

- 7.8 Policy DP3 of the NPPF (2026) states that development proposals should respond to their context so that they integrate with and enhance their surroundings. To create well-designed places, proposals should support healthy, mixed, vibrant and integrated communities, incorporate and/or connect to a network of high quality, accessible, multi-functional green infrastructure to provide opportunities for recreation and healthy living, and create visually attractive, distinctive and characterful development to establish or maintain a strong sense of place and pride, including through the use of a coherent palette of materials, design features and planting.
- 7.9 Local Plan Policy SP7 also seeks good quality urban and architectural design, while Policies SPL3 and LP4 require layouts that relate well to their surroundings and help create a sense of place.
- 7.10 The site is within a prominent location along the promenade, and any works and alterations will be visible from those using the thoroughfare to the south. However, due to the change in levels in this location, there will be no views from the nearest street scene along Marine Parade West. That said, the works are relatively minor and, as noted above, are with the intention of stabilising the area to ensure no damage to the wider area as a result. In addition, the drainage and sheet piled wall would be buried upon completion, resulting in a neutral impact to the character of the area.

Heritage Assets

- 7.11 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 7.12 In addition, the National Planning Policy Framework (August 2026) confirms that great weight should be given to the conservation of designated heritage assets, irrespective of the level of harm identified, with the more important the asset, the greater the weight that should be afforded to its conservation. Heritage assets are therefore a matter of considerable importance in the planning balance. Policies HE1-HE10 of the NPPF provide the national policy framework for conserving and enhancing the historic environment.
- 7.13 Adopted Policy PPL8 states that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.
- 7.14 Historic England and ECC Place Services (Heritage) have been consulted on the application and have confirmed they have no objections to the proposal on the basis that the wall would be reinstated on a like-for-like basis, and any impacts would be of a temporary nature. Officers note the comments, however on the basis that the existing and proposed wall measures less than 1 metre in height and would not require planning permission to either be demolished or replaced, it would not be

reasonable to include a condition on this occasion.

- 7.15 Accordingly, in determining this application, the Council has had special regard to the statutory duties imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and has attached considerable importance and weight to the conservation of the heritage asset and its setting in accordance with Policy PPL8 of the Tendring District Local Plan and Policies HE1-HE10 of the National Planning Policy Framework (2026).

Archaeology

- 7.16 The NPPF explains that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, an appropriate desk-based assessment should be undertaken and, where necessary, a field evaluation (Policy HE5). These should be used to help understand the asset's significance and the potential effect of the proposal on this, which should inform the design, mitigation and implementation of the development.
- 7.17 Adopted Policy PPL7 states that, proposals for new development affecting a heritage asset of archaeological importance or its setting will only be permitted where it will protect or where appropriate enhance the significance of the asset. Where a proposal will cause harm to the asset, the relevant paragraphs of the NPPF should be applied dependent on the level of the harm caused.
- 7.18 ECC Archaeology have been consulted on the application and have identified the proposed works as likely being located on the edge of the known mapped channel deposits where lithic artefacts have been found. The extent of the channel deposits is estimated from investigation of a handful of coastal sites, the direction of the channel is uncertain. The information provided by the geotechnical borehole logs states that deposits may be in situ or reworked at height within situ deposits above the London Clay.
- 7.19 Due to the significance of the potential deposits that may be impacted by the proposed works through truncation and regrading from the piling, drainage directional drilling, removal of topsoil and regrading of slope, a geoarchaeological investigation will be required to provide sufficient information on the origin of the sediments recorded in the borehole logs and determine the potential for Palaeolithic archaeological remains. Accordingly, conditions are recommended to be included to secure a programme of geoarchaeological investigation.

Landscaping and Trees

- 7.20 Policy N2 of the NPPF (2026) sets out that to contribute positively to the natural environment, and support nature's recovery, development proposals should conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible; and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings.
- 7.21 Adopted Policy LP4 seeks high-quality design and states that new residential development should make a positive contribution to the District's sense of place by incorporating and maximising green infrastructure, including verges, trees and other planting.
- 7.22 The Council's Tree and Landscape Officer has been consulted on the application, and has provided the following comments:

"The cliff slopes contained within the application site are densely vegetated primarily with Tamarix species. The shrubs have a pleasant softening impact on the appearance of the seafront, but they do not fall within the scope of legislation under which they can be formerly protected.

There are no trees or other significant vegetation on the application site."

7.23 Taking the above comments into consideration, Officers raise no objections in this regard.

Impact on Residential Amenity

- 7.24 Policy L2 of the NPPF (2026) requires substantial weight be given to the benefits where a development proposal would maintain safe access and egress for occupiers and users, and acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space.
- 7.25 Local Plan Section 1 Policy SP7 seeks to ensure that the amenity of existing and future residents is protected. Local Plan Section 2 Policy SPL3 Part C requires that development does not result in material harm to the privacy, daylight or general amenity of neighbouring occupiers, while Part B requires new development to be designed and orientated to provide adequate daylight, outlook and privacy. Policy LP4 further requires that new dwellings provide appropriately sized and configured private amenity space in keeping with local character.
- 7.26 The application site is located far away from neighbouring properties, sited approximately 75 metres to the south-east of those nearest along Marine Parade West. Given this significant separation distance, as well as the minor nature of the works involved, there will be a neutral impact to existing neighbouring amenities from the proposed works. That said, the Council's Environmental Protection team have requested that in the event of any piling works which may be necessary, a full method statement shall first be agreed in order to provide a rationale for the method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents. Officers are content that this is a reasonable request and recommend a planning condition to be included to that effect.

Flood Risk, Surface Water Drainage and Foul Sewage Disposal

- 7.27 Policy F7 of the NPPF (2026) require that development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere. Policy F8 adds that proposals which could affect drainage on or around the development site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, in ways which are proportionate to the nature and scale of the proposal.
- 7.28 Local Plan Policy PPL5 requires all new development to make adequate provision for drainage and sewerage, including the integration of SuDS, while Policy SPL3(B)(g) requires development to reduce flood risk and embed sustainable drainage within site design. Local Plan Policy PPL5 confirms that connection to the mains sewer is the preferred option, in line with the drainage hierarchy and building regulations.
- 7.29 The site is located adjacent to Flood Zones 2 and 3, and as such the Environment Agency (EA) were consulted on the application. Initially, they raised a holding objection on the basis that the submission lacked a Flood Risk Assessment (FRA), and it had therefore not been demonstrated what the flooding risks of the proposed works were. However, following this a Flood Risk Statement was provided that clarified the site is adjacent to, but outside of, Flood Zones 2 and 3. In addition, it is clarified that the works will not impact upon any aspect of the existing route along the promenade and will not impact on flood risk at all. The EA were re-consulted following this submission, and they have confirmed they no longer raise any objections.

8. Conclusion

- 8.1 The proposed works are in support of wider works fundamentally designed to improve coastal defences and stabilise the coast, and are supported in principle. ECC Heritage have raised no objections, and Officers consider the works will not result in significant visual harm or any harm to neighbouring amenities. There will be no significant harm to existing trees or vegetation, and ECC Archaeology also raise no objections subject to the inclusion of conditions.

- 8.2 The application is considered to comply with local and national planning policies and is therefore recommended for approval.

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 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,

The informative notes as may be deemed necessary.

9.2 Conditions and Reasons

- 1 **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.

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

Drawing Numbers 210-011-D102 Revision P01, 210-011-D103 Revision P02, 210-011-D104 Revision P02, 210-011-D105 Revision P01, 210-011-D106 Revision P01, 210-011-D102 Revision P01, TDC01/03/26 - 1000, TDC01/03/26 - 1001, TDC01/03/26 - 1002, TDC01/03/26 - 1003, and documents titled 'Heritage Statement', 'Flood Risk Statement' and 'Geoarchaeological Desk-Based Assessment'.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

- 3 **CONDITION:** No development shall take place until a scheme of archaeological evaluation of the site, including timetable, has been submitted to and approved in writing by the Local Planning Authority (including any demolition needing to be carried out as necessary in order to carry out the evaluation). The evaluation shall be carried out in its entirety as may be agreed.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If

agreement was sought at any later stage as there is an unacceptable risk of loss and damage to archaeological and historic assets.

- 4 CONDITION: No development shall take place until a written report on the results of the archaeology evaluation of the site has been submitted to the Local Planning Authority and that confirmation by the Local Planning Authority has been provided that no further investigation work is required in writing.

Should the Local Planning Authority require further investigation and works, no development shall take place on site until the implementation of a full programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Details of the provision to be made for analysis of the site investigation and recording.
- d. Details of the provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Details of the provision to be made for archive deposition of the analysis and records of the site investigation; and
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The written scheme of investigation shall be carried out in its entirety prior to any other development taking place, or in such other phased arrangement including a phasing plan as may be previously approved in writing by the Local Planning Authority.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure features of archaeological importance are identified, preserved and secured to avoid damage or loss resulting from the development and/or its construction. If agreement was sought at any later stage, there is an unacceptable risk of loss and damage to archaeological and historic assets.

- 5 CONDITION: No development shall take place until the archaeology evaluation, and if required the Written Scheme of Investigation, have been completed, submitted to and approved, in writing, by the Local Planning Authority. Furthermore, no building shall be occupied until analysis, publication and dissemination of results and archive deposition from the archaeology investigations as agreed under the Written Scheme of Investigation has taken place, unless an alternative agreed timetable or phasing for the provision of results is agreed in writing by the Local Planning Authority.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

- 6 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 how construction and worker traffic and parking shall be managed.
- b) Details of the loading/unloading/storage of construction materials on site, including details of

- their siting and maximum storage height.
- c) Storage of plant and materials used in the construction of the development.
- d) 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.
- e) 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.

The said methodology as may be approved shall be implemented in its entirety on commencement of development 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. 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.

- 7 CONDITION: Prior to commencement of any piling works, a full method statement containing the rationale for the piling method chosen as well as details of techniques to be used to minimise noise and vibration disturbances shall first have been submitted to, and agreed in writing by, the Local Planning Authority. The agreed details shall then be adhered to at all times.

REASON: In the interests of safeguarding the amenities of neighbouring residential properties.

Informatives:

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Biodiversity Enhancement:

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:
<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>.

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/>.