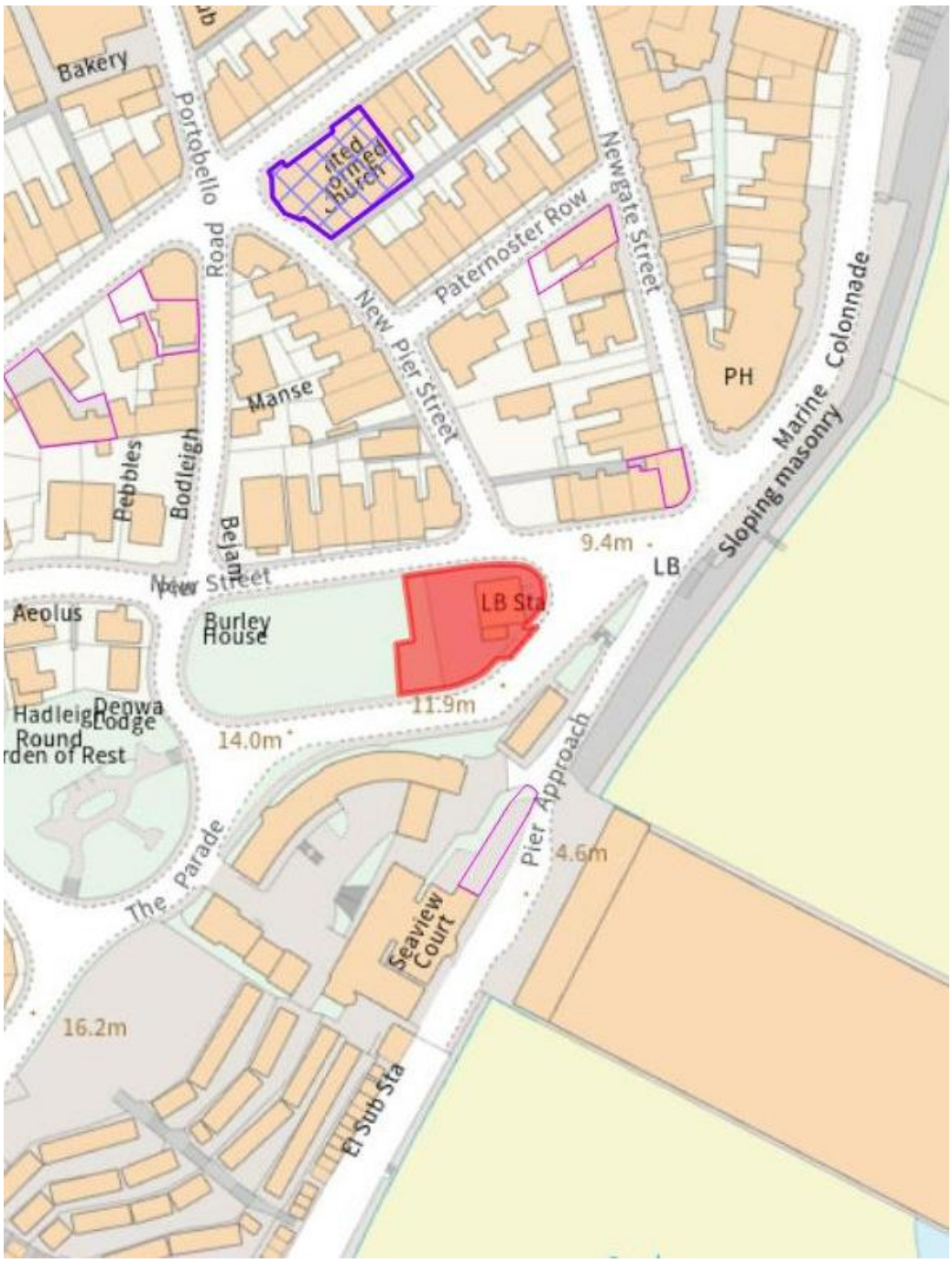
PLANNING COMMITTEE

26th NOVEMBER 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.1 PLANNING APPLICATION – 26/01057/FUL – THE LIFEBOAT HOUSE THE PARADE WALTON ON THE NAZE CO14 8EA



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Application:	26/01057/FUL	**Expiry Date:**	3rd September 2026
Case Officer:	Alison Pope		
Town/ Parish:	Frinton & Walton Town Council		
Applicant:	Mr Gavin Bartley - Royal National Lifeboat Institution		
Address:	The Lifeboat House The Parade Walton On The Naze CO14 8EA		
Development:	Planning Application - Erection of a single-storey boathouse for a D-Class lifeboat and tractor.		
Delegation Schedule:	B) Schedule 1 with own interest		
Referral Reason:	The application relates to Council-owned land and, following triage by the Chair of the Planning Committee and Head of Planning, has been referred to the Planning Committee for determination.		
Recommendation:	Full approval subject to conditions		

1. Executive Summary

1.1 The proposal would provide a permanent, purpose-designed boathouse for the D-Class lifeboat and tractor, with a safer and more direct launch and recovery route. The development is considered acceptable in design, heritage, highway, amenity and ecological terms, subject to appropriate 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.

Emerging Local Plan

2.2 The Regulation 19 Submission Version of the Tendring Local Plan Review (2026-2043) was published for consultation between September and October 2026. The emerging Local Plan is therefore at an advanced stage of preparation and represents the Council's most up-to-date expression of the spatial strategy and planning policies intended to guide development in the District.

2.3 Policy DM4 of the National Planning Policy Framework (2026) confirms that weight may be given to relevant policies in emerging plans. The weight to be afforded depends on the stage of preparation

reached, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency between those policies and national policy.

2.4 The emerging Local Plan is therefore a material consideration in the determination of this application. Given the advanced stage of plan preparation, increasing weight may be given to relevant emerging policies. However, the weight to be afforded to any individual policy will vary according to the nature and extent of any unresolved objections and its consistency with national policy. As the Local Plan has not yet been examined, the emerging policies do not carry the full weight afforded to adopted development plan policies.

Neighbourhood Plans

2.5 A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Further information on our Neighbourhood Plans and their progress can be found via our website https://www.tendringdc.uk/content/neighbourhood-plans

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

3. Planning Policy

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

National:
National Planning Policy Framework 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
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
PP14	Priority Areas for Regeneration
PPL4	Biodiversity and Geodiversity
PPL8	Conservation Areas
CP1	Sustainable Transport and Accessibility

Supplementary Planning Documents
Frinton and Walton Conservation Area Character Appraisal and Management Plan November 2023

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

4. Relevant Planning History

97/00131/FUL	(RNLI Lifeboat Station, New Pier Street, Walton on Naze) Alteration and extension	Approved	11.03.1997

	to provide improved facilities for lifeboat crew members and small souvenirs outlet		
97/00999/FUL	(RNLI Lifeboat Station, New Pier Street,) Temporary permission for 6 months for one accommodation cabin and one container unit - all in association with use as lifeboat station during construction works	Approved	10.09.1997
18/01435/FUL	Siting of temporary storage container to house T45 tractor and modified D-Class 6-man launch vessel.	Approved	19.10.2018
19/01127/FUL	Erection of temporary fencing and change of use of part of the land for temporary car park.	Approved	04.12.2019
21/00762/FUL	Proposed siting of temporary storage container to house T45 tractor and modified D-Class 6-man launch vessel	Approved	02.07.2021
23/00692/FUL	Proposed temporary fencing to car parking area (renewal of temporary planning permission 19/01127/FUL).	Approved	27.06.2023
25/00807/FUL	Planning Application - Temporary siting (five years) of timber clad storage container for lifeboat.	Approved	03.11.2025

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 Heritage **05.11.2026 – 2nd response**

The level of harm is low to the CA. I believe the main concern was the loss of the crazy brick boundary treatment. If it's possible to retain/reinstate this feature that would be positive.

Notwithstanding this, a more direct launch and recovery route is considered to be sufficient justification for the proposed location.

ECC Highways Dept **10.09.2026**

Essex County Council Highways raises no objection to the proposal, subject to appropriate mitigation and conditions.

The Highway Authority considers that the revised launch route from the proposed boathall directly onto The Parade would improve the turning manoeuvre and provide an appropriate trajectory for the launch vehicle and lifeboat. Launch operations would be managed by banksmen positioned on The Parade.
Conditions are recommended to secure appropriate pedestrian and vehicular visibility splays, the access and parking arrangements, access dimensions, safeguarding of visibility from planting, cycle/powered two-wheeler parking and a Traffic Management Plan governing launch operations and vehicle movements along The Parade. The Highway Authority also seeks parking restrictions in the vicinity of the access to protect visibility and prevent inappropriate parking, noting that these would be subject to a separate statutory Traffic Regulation Order process.

Subject to these measures, the Highway Authority considers the development acceptable in highway and transportation terms.

Essex County Council Heritage **16.09.2026 – 1st response**

Essex County Council Heritage raises concerns regarding the impact of the proposal on the character and appearance of the Frinton and Walton Conservation Area. The site forms part of an open area within the seafront character area, where openness and views towards the historic built form contribute positively to the Conservation Area.

The design, scale and materials of the proposed boathouse are considered generally acceptable and reflect the existing lifeboat station. However, concern is raised regarding its siting, which would result in permanent development of a historically open plot, appear as an extension to the existing lifeboat station and result in the loss of traditional crazy brick boundary walling. Heritage considers that these impacts would cause harm to the significance of the Conservation Area and that the proposal would fail to preserve or enhance its character and appearance.

Heritage recommends repositioning the boathouse to reflect the location and orientation of the existing and previous temporary structures as a means of mitigating the identified harm. If the scheme remains as proposed, the identified heritage harm should be weighed against the public benefits of the development, giving substantial weight to the conservation of the designated heritage asset.

6. Representations

6.1 Parish / Town Council

Frinton and Walton Town Council support the application and recommend approval.

6.2 Neighbour / Local Representations

One representation has been received raising the following matters:

- Concerns regarding existing parking and congestion along The Parade, particularly during the summer season, and the potential impact on the safe and timely movement of the lifeboat and launch vehicle. The representation suggests that red-line waiting restrictions should be considered.
- A request for landscaping/shrub planting alongside the proposed building to help soften and screen its appearance.

7. Assessment

Site Description and Context

7.1 The application site is located at the existing Walton and Frinton Lifeboat Station at the eastern end of New Pier Street, adjacent to The Parade and close to the landward end of Walton Pier. The site occupies a prominent seafront position and comprises the existing RNLI lifeboat station together with areas of hardstanding and adjoining open grassed land.

7.2 The existing lifeboat station is a two-storey building of traditional appearance, predominantly constructed in red brick with a tiled hipped roof. The ground floor contains operational and ancillary facilities including crew changing facilities, workshop, souvenir outlet and storage, with a crew room at first-floor level. There is presently no permanent boathouse associated with the station.

7.3 The land immediately to the west and south-west of the station has a relatively open character comprising hardstanding, grassed land and limited shrub planting. Part of the hardstanding was previously occupied by a temporary storage container used to accommodate a D-Class lifeboat and tractor. The temporary structure has since been removed.

7.4 The surrounding area has a mixed character reflective of its seafront and town-centre-edge location. Residential and other buildings of varying ages and architectural styles are situated principally to the north and west, while The Parade, Pier Approach, Walton Pier and the seafront lie immediately to the south and east. The site occupies lower ground than some of the residential development to the west and forms part of the open seafront setting around the existing lifeboat station.

7.5 The site lies within the defined Settlement Development Boundary and within a Priority Area for Regeneration. The site is also located within the Frinton and Walton Conservation Area.

Description of Proposal

7.6 The application seeks planning permission for the erection of a single-storey permanent boathouse to accommodate a D-Class lifeboat and tractor, adjacent to the existing Walton and Frinton Lifeboat Station. The building would provide approximately 64.5sqm of additional floorspace and would be finished in red brickwork, clay roof tiles and timber-framed detailing to complement the existing lifeboat station.

7.7 The proposal also includes revised launch and recovery arrangements providing direct access onto The Parade, formalisation of five parking spaces, cycle parking and associated site works and landscaping.

Principle of Development

Development within Settlement Development Boundaries

7.8 The Development Plan for Tendring comprises Section 1 of the Tendring District Local Plan 2013–2033 (adopted 26 January 2021) and Section 2 of the Tendring District Local Plan 2013–2033 and Beyond (adopted 25 January 2022).

7.9 The application site is located within the defined Settlement Development Boundary (SDB) for Walton on the Naze as identified on the Policies Map and in accordance with Policies SPL1 (Managing Growth) and SPL2 (Settlement Development Boundaries) of the adopted Tendring District Local Plan.

7.10 In these circumstances, the proposal falls to be assessed against the relevant policies of the Development Plan and the decision-making policies of the National Planning Policy Framework 2026 (NPPF). Policy S3 (Presumption in favour of sustainable development) of the NPPF requires that

decisions on development proposals apply a presumption in favour of sustainable development. For development proposals within settlements, Policy S4 (Principle of Development within Settlements) is applicable. Policy S3 further states that proposals which accord with an up-to-date development plan and the decision-making policies of the NPPF should be approved without delay.

7.11 Policy S4 of the NPPF states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies of the Framework.

7.12 Policies SP3, SPL1 and SPL2 of the adopted Tendring District Local Plan establish a spatial strategy which directs growth towards sustainable settlements and generally supports development within defined Settlement Development Boundaries, subject to compliance with other relevant policies of the Development Plan. Sites within Settlement Development Boundaries are generally regarded as sustainable locations due to their access to services, facilities, employment opportunities and transport networks.

7.13 Accordingly, the principle of development on the site is considered acceptable. The assessment therefore turns to whether the proposal complies with the remaining relevant policies of the Development Plan and the NPPF, including those relating to design, character and appearance, residential amenity, highway safety, heritage assets and other material planning considerations.

Scale, Layout & Appearance

7.14 Policy DP3 (Key Principles for Well-designed Places) 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.

7.15 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.

7.16 The proposal comprises a single-storey boathouse positioned immediately to the south-west of the existing lifeboat station. The building has a simple rectangular footprint measuring approximately 5 metres by 12 metres and is positioned to allow the lifeboat and tractor to exit directly onto The Parade. Existing parking is retained to the north-west of the building.

7.17 In scale, the proposed boathouse is subordinate to the existing lifeboat station. Its single-storey form and hipped roof limit its overall mass and provide a simple appearance appropriate to its functional use. The siting alongside the existing station also provides a clear visual and functional relationship between the two buildings.

7.18 The external materials comprise brickwork and clay roof tiles to match the existing lifeboat station, together with timber-framed openings, an aluminium sectional boathall door and anthracite rainwater goods. These materials provide consistency with the existing building and help integrate the proposal with its immediate setting.

7.19 There is scope for additional planting to the rear of the proposed boathouse to help soften its appearance and integrate the building with its surroundings. A landscaping condition is therefore recommended to secure appropriate planting as part of the development.

7.20 Overall, the scale and design of the building are considered appropriate to its operational purpose and its relationship with the existing lifeboat station. The proposal is therefore considered acceptable in respect of scale, layout and appearance, subject to the separate assessment of its impact upon

the character and appearance of the Conservation Area below.

Heritage Assets

7.21 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.

7.22 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.

7.23 Adopted Local Plan Policy PPL8 seeks to conserve and enhance the significance, character and appearance of Conservation Areas. Development proposals are required to demonstrate an understanding of the significance of the heritage asset and its setting and should be designed to preserve or enhance its special qualities, including important buildings, spaces, trees, landscaping, materials and views. Where development would result in harm to the significance of a designated heritage asset, this must be carefully assessed and weighed in accordance with national policy.

7.24 The application site lies within the Frinton and Walton Conservation Area. Place Services considers the scale, design and materials of the proposed boathouse to be generally acceptable. However, concerns were initially raised regarding its siting on a historically open part of the site and the loss of the existing crazy brick boundary treatment, which is characteristic of the Conservation Area.

7.25 In response, the applicant advised that the proposed orientation provides a more direct and manageable launch and recovery route, with improved visibility for banksmen. It also enables existing crew parking to be retained, thereby avoiding additional pressure on surrounding streets. The chosen orientation would also minimise the height and visual impact of the building, whereas an alternative orientation would require greater excavation and retaining structures and would affect the visual connection between the open space and the sea.

7.26 Following consideration of this justification, Place Services confirmed that the more direct launch and recovery route provides sufficient justification for the proposed location. The resulting harm to the Conservation Area is considered to be low, with the principal concern being the loss of the crazy brick boundary treatment. Place Services has advised that retention or reinstatement of this feature would be positive.

7.27 Officers recognise that the proposal would introduce permanent built development onto an open part of the site. However, having regard to the modest scale and appropriate design of the building, its relationship with the existing lifeboat station and the operational justification for its siting, the identified harm is considered limited.

7.28 Giving great weight to the conservation of the designated heritage asset, the low level of harm identified is considered to be outweighed by the public and operational benefits of providing a permanent, purpose-designed lifeboat facility with a safer and more direct launch and recovery route, the proposal is therefore considered acceptable in heritage terms.

Access, Parking and Highway Safety

7.29 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.

7.30 Local Plan Policy SPL3 Part B seeks to ensure that new development is served by a safe and practicable access, that the highway network can accommodate the traffic generated, and that adequate vehicle and cycle parking is provided. The Essex Parking Standards set out the relevant minimum requirements for parking and turning.

7.31 The proposal would create a new vehicular access onto The Parade, providing a direct launch and recovery route from the proposed boathouse to the public highway. Essex County Council Highway Authority has assessed the proposed access arrangements and raises no objection, subject to conditions. The revised arrangement is considered to improve the turning manoeuvre and trajectory of the launch vehicle and lifeboat, with launch and recovery operations managed through the use of banksmen.

7.32 To ensure the new access operates safely, the Highway Authority recommends pedestrian and vehicular visibility splays, appropriate access dimensions and construction, together with the provision of the approved parking layout and cycle parking. These matters can be appropriately secured by condition.

7.33 A Traffic Management Plan is also recommended to manage launch and recovery operations, including vehicle routing, the deployment of banksmen and the safe movement of the launch vehicle along The Parade. A suitably worded condition is therefore included to ensure these operational movements are appropriately managed in the interests of highway and pedestrian safety.

7.34 The Highway Authority also requested the introduction of double red-line waiting restrictions around the access and along part of The Parade. However, the Highway Authority acknowledges that the necessary Traffic Regulation Order is subject to a separate statutory process, including the potential for objections, and that its outcome cannot be pre-judged. Officers therefore consider that it would not be reasonable to make the acceptability of the development dependent upon a separate process outside the applicant's control. This requirement has not therefore been imposed as a planning condition.

7.35 A Construction Management Plan condition is included to ensure construction activities, deliveries and associated vehicle movements are appropriately managed during the construction period.

7.36 Subject to the recommended conditions, the proposal is considered to provide safe and suitable access and adequate parking arrangements and would not result in an unacceptable impact on highway safety. The proposal therefore accords with the relevant national and local planning policies.

Impact on Residential Amenity

7.37 Policy P3 (Amenity) of the NPPF 2026 seeks to ensure that development provides a high standard of amenity for existing and future users.

7.38 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.

7.39 The proposed boathouse is single storey and modest in scale. Having regard to its siting, scale and relationship with the nearest residential properties, it would not result in any material loss of privacy, daylight or outlook, nor would it have an overbearing impact.

7.40 The proposal relates to the established operational use of the site as a lifeboat station. While launch and recovery activities would continue to generate some activity and vehicle movements, these

would be associated with the existing use and are not considered likely to result in an unacceptable impact upon the amenity of neighbouring occupiers.

7.41 Overall, the proposal is considered to safeguard the residential amenities of neighbouring occupiers and accords with the above policies.

Habitats, Protected Species and Biodiversity Enhancement

7.42 General duty on all authorities

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

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

7.43 Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals (excluding Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Certificates, householders, self builds certain sites below 0.2 hectares, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25sqm of habitat, or 5m of linear habitats such as hedgerow).

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

Given this position, the government strictly provides it would generally be inappropriate for decision makers to refuse an application on the grounds that the biodiversity gain objective will not be met. It is considered logical to confirm this closer to commencement of development, given the potential number of options available. This further supports the position that the biodiversity gain objective can always be met in some form.

7.44 Protected Species

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

7.45 Ecology Conclusions

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

8. Conclusion

8.1 The proposal would provide an appropriately designed permanent boathouse supporting the established RNLI lifeboat station. The limited harm identified to the Conservation Area is outweighed by the operational and public benefits of providing a safer and more direct launch and recovery route. Subject to the recommended conditions, no unacceptable impacts have been identified and the proposal accords with the Development Plan and relevant national planning policy. Planning permission 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 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

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

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

NOTE/S FOR CONDITION:

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

2 APPROVED PLANS & DOCUMENTS

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

development pursuant to this condition.

The approved red line plan drawing is Drg No 01 Rev A received 9 July 2026
Drg No 05 Rev A
Drg No 06 Rev A
Drg No 07 Rev A
Drg No 08 Rev A
Drg No 09 Rev A
Design and Access Statement
Highways Statement

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 ACTION REQUIRED: PROVISION OF ACCESS

CONDITION: Prior to first occupation of the development, a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the hereby permitted vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

4 ACTION REQUIRED: HIGHWAYS PROVISION OF VISIBILITY SPLAYS

CONDITION: Before the access is first used clear visibility shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 21 metres to the south and 60 metres to the north. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or

without modification) no obstruction shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

REASON: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

NOTE/S FOR CONDITION:
Carriageway is the part of a road intended for vehicles rather than pedestrians normally define by kerb if available or edge of a bound surface. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

5 HIGHWAY ACCESS

CONDITION: Prior to the first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5 metres wide, shall be retained at that width for 6 metres within the site measured from the nearby edge of the carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge. The access shall then thereafter be retained.

REASON: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

NOTE/S FOR CONDITION:
Carriageway is the part of a road intended for vehicles rather than pedestrians normally define by kerb if available or edge of a bound surface. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

6 COMPLIANCE: BOUNDARY PLANTING

CONDITION: Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

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

7 ACTION REQUIRED: PROVISION OF ACCESS, LAYOUT & PARKING

CONDITION: Prior to the first use of the development, the access, internal layout, cycle parking and car parking arrangements shall be provided in accordance with Drawing No. 06 Rev. A - Proposed Ground Floor Plan.

REASON: In the interests of highway safety and the safe and convenient use of the site.

8 FURTHER APPROVAL: TRAFFIC MANAGEMENT PLAN

CONDITION: Prior to the first use of the development, a Traffic Management Plan for the launching and recovery of the lifeboat shall be submitted to and approved in writing by the Local Planning Authority. The Traffic Management Plan shall include details of:

i. the proposed launch and recovery arrangements and vehicle routing;
ii. the use and positioning of banks persons to facilitate the safe movement of the launch vehicle and lifeboat; and
iii. measures to manage vehicle movements along The Parade, including appropriate vehicle speeds and the safe passage of pedestrians, particularly in the vicinity of public seating and street furniture.

The launching and recovery of the lifeboat shall thereafter be undertaken in accordance with the approved Traffic Management Plan.

REASON: In the interests of highway and pedestrian safety and to ensure that movements associated with the launching and recovery of the lifeboat are appropriately managed.

9 FURTHER APPROVAL: CONSTRUCTION MANAGEMENT TO BE AGREED (PRE COMMENCEMENT)

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

a) Details of 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.

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

10 APPROVAL REQUIRED: LANDSCAPING SCHEME

CONDITION: No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary

treatment landscaping works for the site, which shall include any proposed changes in ground levels.

REASON: In the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware - this can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

11 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - 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: In the interests of visual amenity, the character and appearance of the area and to underpin the Council's duty to enhance the biodiversity credentials of the development under the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

12 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

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.

Highways Informative

Prior to any works taking place in the highway, the applicant should enter into a Minor Works Authorisation with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.

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

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

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

Biodiversity Enhancements Informative

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

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 explained below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Human Rights

10.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.

10.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).

10.6 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from

discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

10.7 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

10.8 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

11. Declaration of Interest

11.1 Please refer to the minutes of this meeting, which are typically available on the 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/.