



AGENT: Mr Martin Brown - Harlequin Group
Rutland House
5 Allen Road
Livingston
EH54 6TQ

APPLICANT: Mr James Browne - British Telecom Plc
PO Box 67501
BT Centre
London
EC1P 1PG

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 23/00099/FUL

DATE REGISTERED: 19th January 2023

Proposed Development and Location of Land:

**Proposed installation of BT Street Hub and associated display of advertisement to both sides of unit.
Footpath outside The Moon and Starfish Marine Parade East Clacton On Sea**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted for the following reason(s)

- 1 Paragraph 130 of the National Planning Policy Framework 2021 (NPPF) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment, function well and add to the overall quality of the area, and establish or maintain a strong sense of place.

Paragraph 106 of the NPPF States that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Adopted Tendring District Local Plan Section 1 (TDLPS1) Policy SP7 seeks high standards of design that responds positively to local character and context. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state all new development must make a positive contribution to the quality of the local environment, and must relate well to its site and surroundings particularly in relation to its siting, scale and form. Adopted Policy CP3 states that proposals for new masts, buildings or other structures associated with the communications network will only be approved where the applicant can demonstrate that: c) the development cannot, for practical or economic reasons, be incorporated into or onto existing masts, buildings and other structures; and d) the development will be sympathetically designed, having regard to its appearance and impact upon local visual amenity and camouflaged if necessary.

The proposal will be located in front of the existing public house, very close to the busy pedestrian and vehicle junction of this main seafront road through the town with the road which serves the Pier and the main shopping area. The introduction of this illuminated digital advertisement unit by virtue of its siting, size and unsympathetic design would appear as a prominent and harmful feature detrimental to visual amenity and the

character and appearance of the local area.

Adopted Tendring District Local Plan Section 1 (TDLPS1) Policy PPL8 confirms new development within a Conservation Area will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of: a. scale and design. Paragraph 197c of the NPPF states in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

The site also occupies a prominent position in the Clacton Seafront Conservation Area and in close proximity to the Grade II listed Clacton-on-Sea War Memorial and Grade II listed Clacton Seafront Gardens. The building it stands in front of was one of the first buildings constructed in 1872 as part of Bruff's planned resort. The introduction of this illuminated digital advertisement unit by virtue of its siting, size and unsympathetic design would fail to make a positive contribution to local character and distinctiveness; does not preserve the setting of the heritage assets; and does not preserve the character and appearance of the Clacton Seafront Conservation Area contrary to the above policies.

Under paragraph 202 of the NPPF this less than substantial harm to the significance of a designated heritage asset, should be weighed against the public benefits of the proposal. The benefits of the proposal such as public WIFI and emergency services calling are not considered to outweigh this harm.

- 2 Paragraph 106 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Policy CP2 of Part 2 of the Adopted Local Plan 2013-2033 and Beyond, also states that planning permission will not be granted if there would be an unacceptable impact on highway safety.

The unit is located only half a metre back from the edge of the carriageway and is in the vicinity of a formalised pedestrian crossing. It will therefore impact on the visibility of any pedestrian crossing in the vicinity of the unit and Marine Parade East. The proposal would create an obstruction where members of the public are entitled to pass and repass over highway land unobstructed. The interference which this proposal would engender for both pedestrians and approaching vehicles who would be distracted by the advertisements, would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety.

DATED: 16th March 2023

SIGNED:



John Pateman-Gee
Planning Manager

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP7 Place Shaping Principles

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

SPL3 Sustainable Design

PPL8 Conservation Areas

CP2 Improving the Transport Network

CP3 Improving the Telecommunications Network

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

Existing and Proposed Site Photo
Street Hub Brochure
Product Statement
Planning Supporting Statement
Noise Management Plan
Frequently Asked Questions
Anti Social Behaviour Management Plan
Site and Location and Block Plan
Proposed Elevations

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.