



AGENT: Mr Martin Brown - Harlequin
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5 Allen Road
BT Centre
London
EH54 6TQ

APPLICANT: Mr Martin Brown - Harlequin
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**TOWN AND COUNTRY PLANNING ACT 1990, TOWN AND COUNTRY PLANNING
(CONTROL OF ADVERTISEMENTS) REGULATIONS 2007**

APPLICATION NO: 23/00095/ADV

DATE REGISTERED: 19th January 2023

Proposed Development and Location of Land:

**Proposed installation of 2no. digital 75 inch LCD display screens, one on each side of the Street Hub unit.
Footpath outside The Moon and Starfish Marine Parade East Clacton On Sea**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE ADVERTISEMENT CONSENT** 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.

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 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. This highlights the sensitivity of the location and exacerbates the harm outlined above.

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 and contrary to the above policies.

The proposal therefore conflicts with the above policies resulting in a harmful impact to public and highway safety contrary to the above-mentioned policies of the Tendring District Local Plan 2013-33 and the relevant sections of the NPPF.

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

CP2 Improving the Transport Network

PPL8 Conservation Areas

INFORMATIVES:

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

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

ABOUT ADVERTISEMENT APPEALS

- If an applicant is aggrieved by the decisions to refuse consent for the display of Advertisements, or to grant consent subject to conditions, an appeal can be made to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal then you must do so within eight weeks of receipt of the formal decision notice using an **Advertisement Appeal Form** which can be obtained from the Planning Inspector, 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.**

- 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.](#)