

PLANNING COMMITTEE

4<sup>th</sup> February 2025

REPORT OF THE DIRECTOR OF PLANNING

**A.6. PLANNING APPLICATION – 24/01761/FUL – OUTSIDE 137/139 OLD ROAD CLACTON ON SEA CO15 3AX**



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<b>Application:</b>	24/01761/FUL	<b>Expiry Date:</b>	30 <sup>th</sup> December 2024
<b>Case Officer:</b>	Oliver Ashford	<b>EOT Date:</b>	7 <sup>th</sup> February 2025
<b>Town/ Parish:</b>	Clacton Non Parished		
<b>Applicant:</b>	Mr Andrew White - Tendring District Council		
<b>Address:</b>	Outside 137/139 Old Road Clacton on Sea Essex CO15 3AX		
<b>Development:</b>	Planning Application - erection/installation of CCTV columns, cameras and ancillary equipment.		

## 1. Executive Summary

- 1.1 The application is before Members as Tendring District Council is the applicant.
- 1.2 The application seeks full planning permission for the erection of a CCTV camera and supporting column on the highway edge of the public footway Outside Number 137 & 139 Old Road, Clacton on Sea.
- 1.3 The application proposes a 12-metre-high column, positioned at a location of an existing parking sign (parking sign plate to be relocated onto new column) with a swan neck adaptor and dome camera fitted to the top (giving a 360 degree view along Old Road), supplemented by a proposed fixed camera. The columns will be painted black (same appearance as the existing columns elsewhere within Clacton).
- 1.4 The proposal is of a similar height and appearance as existing street light columns and other existing CCTV columns in the Town and will not appear prominent or harmful within the street scene.
- 1.5 The proposal forms part of the Safer Streets Programme aiming to combat place-based crime through situational crime prevention. The proposals are supported by The Office of the Police, Fire and Crime Commissioner by provision of funding to deliver the intended works. This development will contribute to the Council's Corporate Plan 'Our Vision' 2024/25 and 2024–2028 Theme, Championing our local environment.
- 1.6 The application is recommended for approval.

### **Recommendation:** Approval

- 1) That the Head of Planning and Building Control be authorised to grant full 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,
- 2) The informative notes as may be deemed necessary.

## 2. Status of the Local Plan

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 2 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.

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### **3. Planning Policy**

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

#### **National:**

National Planning Policy Framework December 2024 ([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  
HP1 Improving Health and Wellbeing  
PP3 Village and Neighbourhood Centres  
PP14 Priority Areas for Regeneration  
CP3 Improving the Telecommunications Network  
DI1 Infrastructure Delivery and Impact Mitigation

### **4. Relevant Planning History**

No site-specific planning history.

### **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/>.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. The proposed works are directly within the footway. This is public highway, and the construction work must be carried out subject to arrangements made with the Development Management Team contact details in the informative at the foot of the page.

Reason: In the interests of highway safety in accordance with policy DM1.

2 . The proposed column shall be set back a minimum distance of 0.5 metres from the edge of carriageway.

Reason: To avoid being struck by high-sided vehicles, in the interests of highway safety and in accordance with Policy DM1.

3. The existing parking sign plate will need to be removed prior to the removal of the existing post and relocated to the new CCTV column, the existing sign (or other over-sail - state description) shall afford a minimum headroom of 2.1 metres above the footway.

Reason: To ensure unimpeded passage of pedestrians, and the enforcement of the existing parking restriction, in the interests of highway safety and in accordance with Policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and National Planning Policy Framework.

Informatives:

i. The proposed private apparatus will be located within the public highway and therefore requires a licence under Section 177 or 178 of the Highways Act, 1980. The link to this: [www.essexhighways.org/applications/section-50-street-works-licences](http://www.essexhighways.org/applications/section-50-street-works-licences) will advise on the process. Alternatively, the applicant should contact Development Management team to secure the appropriate licence, contact details below.

ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details must be agreed before the commencement of works.

iii. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

iv. 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.

v. 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.

## **6. Representations**

### **6.1 Parish / Town Council**

Not applicable (Clacton – non parished).

## 6.2 Neighbour / Local Representations

No letters of representation received.

## 7. **Assessment**

### Site Context

- 7.1 The application relates to the kerbside edge of the public footway directly outside number 137 & 139 Old Road, Clacton-on-Sea.
- 7.2 The site lies within the Settlement Development boundary for Clacton and a designated Priority Area for Regeneration as defined within the adopted Tendring District Local Plan 2013-2033.
- 7.3 The site contains an existing pole and affixed parking sign (to be replaced as part of the development proposals).

### Proposal

- 7.4 The application seeks full planning permission for the erection of a CCTV camera and supporting column on the highway edge of the public footway, outside no. 137 & 139 Old Road, Clacton-on-Sea.
- 7.5 The application proposes a 12-metre-high column, positioned at a location of an existing parking sign (parking sign plate to be relocated onto new column) with a swan neck adaptor and dome camera fitted to the top (giving a 360 degree view along Old Road in both directions, and into Old Road), supplemented by a proposed fixed camera giving a 180 degree view up Old Road. The columns will be painted black (same appearance as the existing columns elsewhere within Clacton).

### Principle of Development

- 7.6 The site lies within the Clacton-on-Sea Settlement Development Boundary where adopted Local Plan Policy SPL2 provides a general presumption in favour of new development. Adopted Local Plan Policy SPL3 states that all new development should make a positive contribution to the quality of the local environment by incorporating, amongst other things, measures to minimise opportunities for crime and anti-social behaviour.
- 7.7 Furthermore, the application site is located within a 'Priority Area for Regeneration' where Local Plan Policy PP14 supports initiatives to improve community safety. The Council will support proposals for new development which are consistent with achieving its regeneration aims.
- 7.8 The proposal forms part of the Safer Streets Programme aiming to combat place-based crime through situational crime prevention. The proposals are supported by The Office of the Police, Fire and Crime Commissioner by provision of funding to deliver the intended works.
- 7.9 The development is considered acceptable in principle.

### Appearance and Visual Impact

- 7.10 Adopted Local Plan Policy SPL3 Part A states that all new development should protect or enhance local character and relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.
- 7.11 The proposal is of a similar siting, height and appearance as existing street light columns and other existing CCTV columns in the Town and are not likely to be harmful within the street scene.

- 7.12 The application proposes a black painted finished, but officers consider a grey finish to match existing columns in the locality would be better, to ensure the development blends well in its context. A condition is included within this recommendation to ensure the appropriate colour finish.

#### Highway Safety/Parking

- 7.13 Notice has been served on the Essex County Council as the Highway Authority (ECC Highways). Consultation has also been undertaken as part of this application.
- 7.14 ECC Highways raise no objection to the development, subject to conditions. The suggested conditions can be covered by the approved plans condition or added as informatives (covered by Highway legislation).

#### Impact on Residential Amenity

- 7.15 Adopted Local Plan Policy SPL3 Part C states that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 7.16 Officers recognise that the proposed camera is to be located directly adjacent to existing residential dwellings. The development includes 2 cameras: one with 360-degree views and one with 180-degree views, both having views towards the front windows of existing dwellings.
- 7.17 However, the cameras are positioned almost at the top of the 12-metre-high column, and will not point directly at the front windows, thus reducing the perception of being overlooked.
- 7.18 Moreover, the nature of the development is to provide additional security and safety measures for our residents and visitors, to be operated and used by law enforcement professionals working within GDPR and Data Protection laws. The intended use and function of the camera is such that any views toward private dwellings would be restricted to views already available to the public and on this basis while there may be limited perceived harm, it is not considered to be of such weight to warrant refusal against the public benefit in the planning balance. Any harm is outweighed by the enhanced crime prevention and peace of mind the development will bring to residents as a proportionate safeguard.
- 7.19 No letters of objection have been received.

#### Mandatory Biodiversity Net Gain

- 7.20 Officers have considered the requirements of Mandatory Biodiversity Net Gain in this context of this development and site against the relevant legislative requirements and statutory duties contained therein.
- 7.21 Due to the size and hard surfaced nature of the site, the application is exempt from the requirements of biodiversity net gain.

### **8. Conclusion**

- 8.1 The proposal is of a similar height and appearance as existing street light columns and other existing CCTV columns in the Town and will not appear prominent, out of character of visually harmful within the street scene.

### **9. Recommendation**

- 9.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

## 9.2 Conditions and Reasons

### 1. COMPLIANCE: COMMENCEMENT TIME LIMIT

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

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

NOTE/S FOR CONDITION:

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

### 2. COMPLIANCE: 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.

- SITE LOCATION PLAN FOR PROPOSED CCTV COLUMN - LOCATION C (1:1250)
- BLOCK PLAN FOR PROPOSED CCTV COLUMN - LOCATION C (1:500)
- TDC01/07/24/02/C CCTV DETAILS – LOCATION C

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. COMPLIANCE: COLOUR FINISH

CONDITION: Notwithstanding the materials colour finish contained within the supporting plans and documents, the development shall be finished in grey to match the existing street light columns in the locality.

REASON: To ensure the development appears in keeping with the character of the area, in the interest of visual amenities.

### 9.3 Informatives

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received 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 Informatives

- i) The proposed private apparatus will be located within the public highway and therefore requires a licence under Section 177 or 178 of the Highways Act, 1980. The link to this: [www.essexhighways.org/applications/section-50-street-works-licences](http://www.essexhighways.org/applications/section-50-street-works-licences) will advise on the process. Alternatively, the applicant should contact Development Management team to secure the appropriate licence, contact details below.
- ii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details must be agreed before the commencement of works.
- iii) The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- iv) 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.
- v) 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.
- vi) The existing parking sign plate will need to be removed prior to the removal of the existing post and relocated to the new CCTV column, the existing sign (or other over-sail - state description) shall afford a minimum headroom of 2.1 metres above the footway. Reason: To ensure unimpeded passage of pedestrians, and the enforcement of the existing parking restriction, in the interests of highway safety and in accordance with Policy DM1.

## 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.
- 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 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/>.