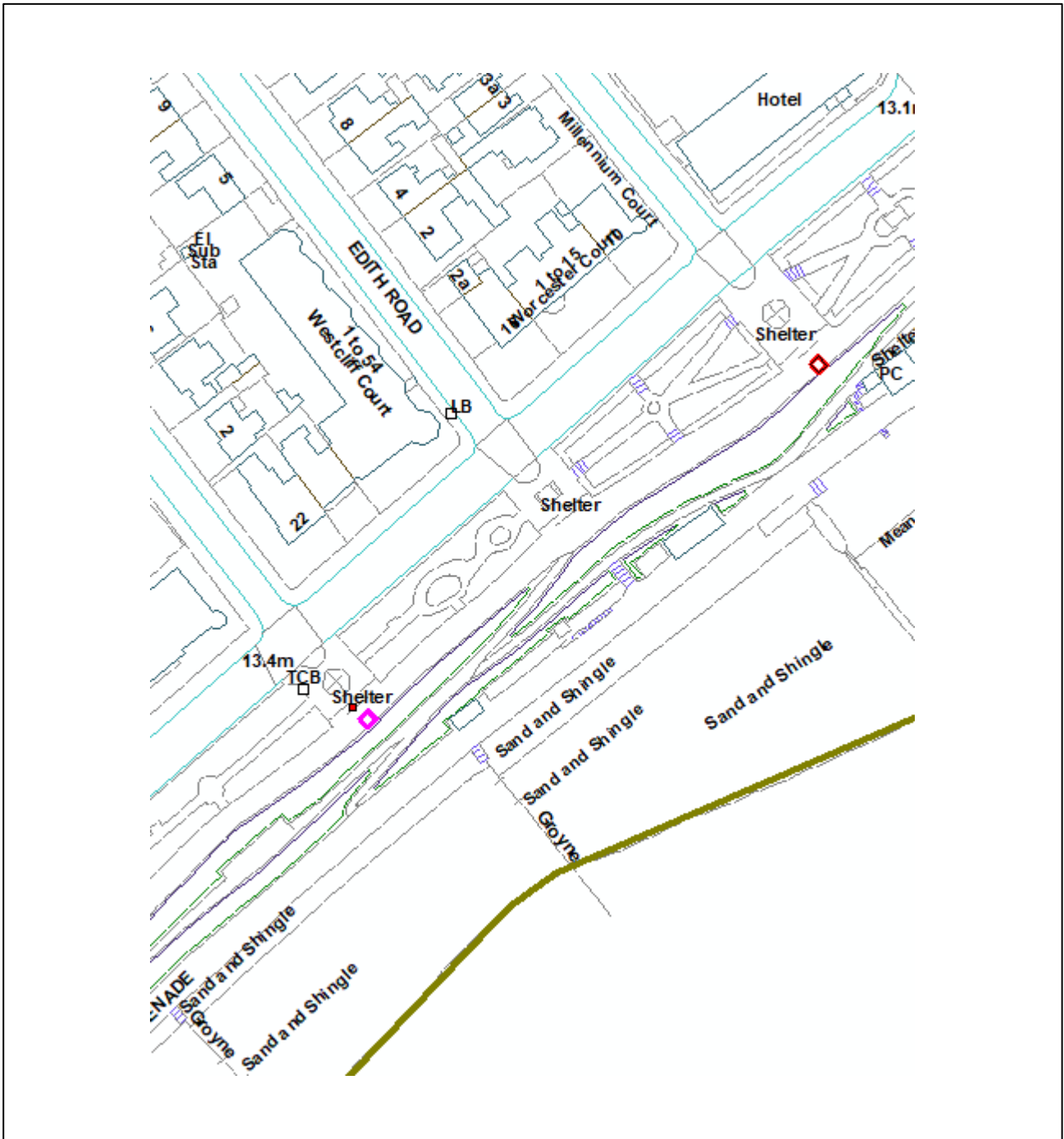


PLANNING COMMITTEE

4th March 2025

REPORT OF THE DIRECTOR OF PLANNING

A.4. PLANNING APPLICATION – 24/01592/FUL– UPPER PROMENADE OFF MARINE PARADE WEST CLACTON ON SEA



DO NOT SCALE

© Crown Copyright and database right 2025. Ordnance Survey Licence No.100018684.

Application:	24/01592/FUL	Expiry Date:	30 th December 2024
Case Officer:	Oliver Ashford	EOT Date:	7 th March 2025
Town/ Parish:	Clacton Non Parished		
Applicant:	Mr Andrew White - Tendring District Council		
Address:	Upper Promenade Off Marine Parade West Clacton-on-Sea		
Development:	Planning Application - Installation of 2 no. CCTV columns, cameras and ancillary equipment as part of Clacton on Sea Safer Streets Scheme.		

1. Executive Summary

- 1.1 The application is before Members as Tendring District Council is the landowner and applicant.
- 1.2 The application seeks full planning permission for the erection of 2 no. CCTV and supporting columns on the back edge of the public footway, along Upper Promenade Off Marine Parade West, Clacton.
- 1.3 The application proposes two 9-metre-high column poles, which includes the 1-metre-high swan neck adaptor and dome camera fitted to the top providing a 360-degree view along Marine Parade West and into Alton Road and the second positioning to look down Penfold Road. Both are supplemented by a proposed fixed camera giving a 180 degree view up Alton Road from its Junction with Marine Parade West and Penfold Road and its junction with Marine Parade West.
- 1.4 The proposed columns are of a similar height and appearance as existing street light columns and will be viewed in the context of the existing tall lighting columns. The development will not appear prominent, out of character or visually harmful within the street scene.
- 1.5 Furthermore, the CCTV columns, as identified by the Council's heritage consultants, will have some harm in terms of 'less than substantial' harm upon the significance and setting of the historic lampposts, however, the public benefit for the installation of the CCTV cameras to provide security in public areas is considered to outweigh this level of harm and the proposals are considered to preserve the character and appearance of the Clacton Seafront Conservation Area.
- 1.6 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.
- 1.7 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.

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

PPL8 Conservation Areas

PPL9 Listed Buildings

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/>.

Built Heritage Advice pertaining to a Full Planning Application for the installation of three CCTV columns at locations T, W and Y, with cameras and ancillary equipment as part of Clacton on Sea Safer Streets Scheme.

These comments follow on from and should be read with those dated to the 20th of November 2024.

The previous response identified that the proposed Locations W and Y for the installation of the new CCTV columns have the potential to effect:

- The Clacton Seafront Conservation Area through impacts to features that contribute positively to its character and appearance, namely the Promenade Shelters and esplanade Street Lights.
- The significance of the Grade II listed row of 16 Street Lights that are situated on the south side of the esplanade between Beach Road and West Road (List Entry No. 1111519), through changes to their setting.

Previously it was identified that the proposal fails to preserve the setting and significance of the Grade II listed row of 16 Street Lights and fails to preserve or enhance the character and appearance of the Conservation Area. The proposed locations W and Y for the new CCTV columns were considered to give rise to harmful impacts to the significance of the designated heritage assets.

This opinion has not changed upon review of the submitted Heritage Statement prepared by the agent Hestur Limited. The Heritage Statement presents that the new CCTV columns will not have any visual impact upon the row of 16 Street Lights, because there are existing CCTV columns of same design already located along the promenade, and the new columns that are proposed would be situated out of alignment with the row of 16 Street Lights.

Although the new CCTV columns may be adjacent to the cliff top railings of the Upper Promenade, and out of direct alignment with the historic lampposts, they would be positioned just 6m away and will be much taller than the historic lampposts standing 8m high. Therefore, the new CCTV columns will have an impact upon the way the Victorian lampposts are experienced and appreciated as a group. Furthermore, the new CCTV columns would impact the positive contribution they make as a group to the character and appearance of the Conservation Area.

Specifically, the new column at Location W impacts Key View No. 5 (from the Registered Park and Garden towards the Pier) identified by the Conservation Area Character Appraisal and Management Plan, and the new CCTV columns located adjacent to the clifftop railings would have a visual impact upon the views within the Conservation Area of the historic lampposts from the beach, pier, and Lower Promenade below. When viewed from these locations, the positioning of the new CCTV columns will appear to be more prominent than the historic lampposts, and so compete visually with them disrupting and detracting from their rhythm in the wide views of the seafront. This will have a detrimental impact upon the experience and appreciation of the Victorian street furniture as a group and diminishing their positive contribution to the character and appearance of the Conservation Area.

The Heritage Statement also suggests that the harm to the heritage assets arising from the installation of the new CCTV columns is justified as they would provide surveillance of the public realm that will be of direct benefit to the heritage assets by discouraging vandalism of the historic pavilions and gardens. No evidence has been provided of the threat of vandalism (Police reports or crime reference numbers for example) to the heritage assets. The Local Planning Authority

should consider whether the additional surveillance is a public benefit but is unlikely to be considered a heritage benefit.

Previous comments regarding the specific impact of the CCTV columns on the significance of the Conservation Area remain relevant.

With regards to the National Planning Policy Framework (NPPF), Paragraph 215 remains relevant and the level of harm to the significance of the Conservation Area and the listed group of 16 Street Lights is considered to be 'less than substantial'. Paragraphs 212, 213 and 219 also remain relevant considerations. As per previous comments, the proposal fails to preserve the setting and significance of the Grade II listed row of 16 Street Lights, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and fails to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the same Act.

ECC Highways Dept

19.02.2025

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. It is noted that the proposed two new columns will be well set back from the public highway and to the north of Public Footpath 29 and located within private land, as such the Highway Authority would not normally comment. The proposal forms part of a programme to install additional CCTV cameras as part of the Clacton on Sea, Safer Streets Programme

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 an area of Council owned land, on the back edge of the public footway, opposite Alton Road and also opposite Penfold Road with railings behind.

7.2 The site lies within the Settlement Development boundary for Clacton, within the Clacton Seafront Conservation Area and within a designated Priority Area for Regeneration as set out in the adopted Tendring District Local Plan 2013-2033. The location is also close to the listed Seafront Gardens and historic lampposts which require heritage consideration.

Proposal

7.3 The application seeks full planning permission for the erection of 2 no. CCTV cameras and supporting column on the back edge of the public footway with existing railings behind.

7.4 The application proposes two 9-metre-high column poles, which includes the 1-metre-high swan neck adaptor and dome camera fitted to the top providing a 360-degree view along Marine Parade West and into Alton Road, and the second positioning to look down Penfold Road. Both are supplemented by a proposed fixed camera giving a 180 degree view up Alton Road from its Junction

with Marine Parade West and Penfold Road and its junction with Marine Parade West. The application proposes a black painted finish for the columns.

Principle of Development

- 7.5 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.
- 7.6 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.
- 7.7 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.
- 7.8 The development is considered acceptable in principle.

Appearance, Visual Impact & Impact Upon Heritage Assets

- 7.9 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.
- 7.10 TDLP2 Policy PPL 8 states that, development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area. In addition, TDLP2 Policy PPL9 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.
- 7.11 Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.12 Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.13 The proposal is of a similar siting, height and appearance as existing street light columns and other existing CCTV columns in the Town and along the Seafront. The columns will be viewed in combination with the existing street furniture and lighting columns.
- 7.14 The new CCTV columns will be viewed against the backdrop of the Seafront Gardens that characterise the open spaces forming the public realm along Marine Parade West. ECC Heritage have raised objections to the proposals, however officers consider that ensuring the columns are painted black will reduce the heritage impact and ensure they are in line with the historic black lampposts. Further, it is considered that the CCTV provides significant public benefits by way of public safety and this overrides and the perceived 'less than substantial' harm identified, in line with the provisions of NPPF paragraph 215 outlined above. Installed in this context, the new CCTV

columns will have no adverse impacts upon the significance and setting of the historic lampposts and are considered to preserve the character and appearance of the Clacton Seafront Conservation Area.

- 7.15 Overall, the proposal is considered to preserve the character and appearance of the Conservation Area, in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and does not conflict with the provisions of Chapter 16 from the National Planning Policy Framework.

Highway Safety/Parking

- 7.16 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.
- 7.17 ECC highways offer no objection. It is noted that the proposed two new columns will be well set back from the public highway and to the north of Public Footpath 29 and located within private land, as such the Highway Authority would not normally comment. On this basis the proposals are considered acceptable from a highway safety viewpoint.

Impact on Residential Amenity

- 7.18 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.
- 7.19 The cameras will be positioned almost at the top of the 8-metre-high columns at approximately 9-metres above ground level, and will not point directly at residential properties, thus reducing the perception of being overlooked.
- 7.20 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 cameras 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.
- 7.21 No letters of objection have been received.

Mandatory Biodiversity Net Gain

- 7.22 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.
- 7.23 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 proposals are of a similar height and appearance as existing street light columns and will be viewed in the context of the existing promenade. The development will not appear prominent, out of character or visually harmful within the street scene. Furthermore, the CCTV columns will have no adverse impacts upon the significance and setting of the historic lampposts and are considered to preserve the character and appearance of the Clacton Seafront Conservation Area.
- 8.2 The application is recommended for approval.

9. Recommendation

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

9.2 Conditions

1. COMPLIANCE REQUIRED: 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 PLAN
- BLOCK PLAN FOR PROPOSED CCTV COLUMN LOCATION Y (1:500)
- TDC01/07/24/01/WY A CCTV DETAILS – LOCATION Y

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 black 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 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
- 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. It is highlighted that the proposal is one by the Council with associated costs but not considered material to consideration by the Council as Local Planning Authority.

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/>