

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	08/05/2025
EIA Development - Notify Planning Casework Unit of Decision:	N/A	
Pre-commencement condition agreement:		
Team Leader authorisation / sign off:	ML	14/05/2025
Assistant Planner final checks and despatch:	ER	16/05/2025

Application: 25/00554/ADV **Town / Parish:** Clacton Non Parished

Applicant: Simon Warner - BT Group Plc

Address: Footpath outside Aldi Pier Avenue Clacton On Sea

Development: Application for Advertisement Consent - Installation of one BT Street Hub Unit and associated advertisement panels on either side of the unit.

1. Town / Parish Council

Clacton non parished

2. Consultation Responses

ECC Highways Dept
28.04.2025

This application is directly related to pending application 25/00566/FUL, therefore:

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

The Highway Authority will protect the principal use of the highway as a right of free and safe passage of all highway users.

As indicated on drawing no. 002 Rev. A, the proposed unit would be located on the inside of a bend adjacent to a busy pedestrian friendly location. Due to the size and height of the unit it is unclear what impact the proposal will have on the visibility of the existing vehicular access to the Aldi Store, the interference which this proposal would engender for both pedestrians and approaching vehicles and vehicles exiting the store, resulting in an unacceptable degree of hazard to all road users to the detriment of general highway safety.

The proposal is therefore contrary to policy DM1, DM3, and DM7 contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and the National Planning Policy Framework.

Informative:

i). As per planning application: 12/00856/FUL the vehicular access to the Aldi Store must retain a minimum visibility splay of 2.4 metres x 43 metres in both directions, as far as can be determined from the information provided it is unclear what impact the unit has on the existing visibility splay to the right of the vehicular access (traffic approach side).

a) A Highway Boundary Plan should be obtained from ECC Highway Records to establish the line of the highway boundary to the front of the development site splay distance in both directions as measured from and along the nearside edge of the carriageway to establish whether or not the appropriate visibility splays can be achieved. Email address Highway.Status@essexhighways.org

b) A Site Access as Proposed Layout Plan, shall be provided, which shows the appropriate clear to ground visibility splays to the right with a minor or "X" distance of 2.4 metres by "Y" distance of 43 metres as measured from the centre line of the existing access and along the nearside edge of the carriageway.

c) The formal extent of highway coloured on the above drawing.

ii). Consider as any other application for: obstruction, visibility obstruction, luminance, and distraction issues (display units: flashing/intermittent images).

The Highway Authority may consider a revised application that addresses this issue highlighted above. Clearly if the applicant does commission additional work there is no guarantee that the required standards can be met or that the proposal will be acceptable to the Highway Authority.

3. Planning History

00/01732/FUL	Mixed retail development with associated car parking and servicing facilities for Class A1 retail development. Demolition of 1 No. toilet block	Refused	15.03.2001
01/01013/FUL	Mixed used development incorporating Class A1 retail and Class B2 office development with associated car parking and servicing facilities. Demolition of toilet block	Refused	11.10.2001
02/00139/FUL	Mixed use development incorporating class A1 retail and class B1 office development with associated car parking and servicing facilities. Demolition of toilet block.	Refused	21.08.2002
91/00687/FUL	Use of whole site on Wednesdays 4pm to 9pm for car boot sales (variation of permission TEN/561/87)	Approved	26.11.1991
91/00794/FUL	Bring and sell car sales, Mondays 4pm- 9pm, Fridays 4pm- 9pm	Refused	26.11.1991
91/01284/FUL	Variation of condition 2 imposed upon planning permission TEN/1448/85 to allow use to operate from 7.30am to 2.30pm on Sundays instead of 8.30am to 4.30pm on Sundays.	Refused	17.12.1991

92/00257/FUL	Use of land as a full market on Fridays each week, operated at same times as markets held on Tuesdays and Saturdays (6.45am to 5.30pm)	Approved	09.06.1992
92/00441/ADV	(Warwick Castle Market Site, Old Road, Clacton on Sea) Additional advertisement panels	Approved	12.01.1993
93/00481/FUL	(Pier Avenue and other boundaries of Market Site 7, Clacton on Sea) 8 ft. high metal railing fence	Approved	08.10.1993
12/00856/FUL	Regeneration of site through erection of foodstore together with associated car park and landscaping.	Approved	22.03.2013
13/00364/DISCON	Discharge of conditions on planning permission 12/00856/FUL - Condition 3 (Materials), 4 (Construction Method Statement), 5 (Wheel Cleaning Facility), 6 (Access and Highways), 7 (footway), 8 (Use of property for convenience goods) 9 (Recruitment Strategy), 10 (Scheme of Public Art), 11 (Landscaping), 12 (CCTV camera and Lighting scheme), 13 (External Lighting), 14 (Opening hours), 15 (Deliveries), 16 (Surface water strategy), 17 (Acoustic Screen) and 18 (Parking Scheme).	Approved	05.08.2013
13/00383/ADV	Proposed signage: 1 No. double faced double pole mounted illuminated sign, 1 No. wall mounted illuminated sign, 1 No. vinyl sign non illuminated sign adhered to glazing.	Approved	04.06.2013
13/00761/DISCON	Discharge of condition 10 (entrance feature details - public art) attached to planning permission 12/00856/FUL	Refused	06.08.2013
13/00809/ADV	Coloured vinyl on aluminium backing.	Approved	11.09.2013
16/02013/FUL	Variation of condition 15 of planning application 12/00856/FUL to allow for extended hours of delivery of store.	Approved	08.03.2017
18/00405/FUL	18 sqm extension to install an additional mechanical plant as a part of increased refrigeration units within the store.	Approved	08.05.2018
23/00098/FUL	Proposed installation of BT Street Hub and associated display of advertisement to both sides of unit.	Refused	16.03.2023
23/00100/ADV	Proposed installation of 2no. digital 75 inch LCD display screen, one on each side of the Street Hub unit.	Refused	16.03.2023

24/01914/FUL	Application for full planning - Replacement refrigeration plant equipment and associated louvres, as well as the installation of air source heat pumps within a louvred enclosure.	Approved	17.02.2025
25/00566/FUL	Application for Planning - Installation of one BT Street Hub Unit and associated advertisement panels on either side of the unit.	Current	

4. **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.

5. **Neighbourhood Plans**

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. Relevant policies are considered in the assessment. 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.

6. **Relevant Policies / Government Guidance**

National:

National Planning Policy Framework 2025 (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

7. **Officer Appraisal (including Site Description and Proposal)**

Application Site

The application site comprises of a section of pavement outside of a commercial food store premises. The site is located on the outskirts of the Town Centre with buildings typically being older in age serving commercial premises to the ground floor and residential above. The nearest building is large

and benefits from a relatively open frontage with associated car parking and minimal amounts of existing street furniture.

The site is located on a section of road which is wider in comparison to others and is located opposite a car park further exuding its presence within the locale.

Proposal

This application seeks advertisement consent for the proposed installation of BT Street Hub and associated display of advertisement to both sides of unit.

The new street hub structure which will contain advertisements on both sides of the unit. This unit will be an electronic advertisement and will have other benefits such as WIFI and emergency services calling.

An application for full planning permission has also been submitted alongside this application under reference 25/00566/FUL.

Relevant History

Previous applications for full planning permission and advertisement consent were received and refused under references 23/00098/FUL and 23/00100/ADV for the installation of a BT Street Hub. These applications were refused as they would have resulted in a significant harm to the visual amenity of the streetscene and would result in an adverse impact to public and highway safety.

This new application seeks permission for the same type of street hub previously applied for and it is noted that the plans have not been amended.

Assessment

Visual Impact

Paragraph 135 of the NPPF (2025) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

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 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 foodstore and near to its access to the car park making it a noticeable and prominent addition within the streetscene. This section of the public pavement is open in character with a prominent piece of public artwork and very little street furniture within its vicinity. The introduction of this unit would therefore interrupt this open character and by virtue of its size and design would appear as a prominent and harmful feature to the detriment of visual amenity and the character and appearance of the local area.

The proposal is therefore considered not to respond accordingly to the character and appearance of the streetscene and locale and would result in a significantly harmful impact in terms of visual amenity.

The proposed street hub is for a new standalone structure; however, it is accepted that this is not a standard telecoms proposal and site sharing is very unlikely to be a viable possibility for this type of unit. However, the chosen siting and unsympathetic design in terms of its size and illumination would appear as an incongruous feature in the streetscene to the detriment of visual amenity and the character of the surrounding area.

Highway and Public Safety

Paragraph 141 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. A separate application for advertisement consent has been submitted and is detailed above. The unit is located on the inside of a bend adjacent to a busy pedestrian friendly location and it will impact on the width of the footway directly outside the store in the vicinity of a formal crossing point.

Due to the size and height of the unit it is unclear from the submitted information what impact the proposal will have on the visibility of the existing vehicular access to the Aldi Store, and the interference which this proposal would engender for both pedestrians and approaching vehicles, and vehicles exiting the store. Obstruction of these visibility splays would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety.

ECC Highways Authority have been consulted on the application and object to the proposal. It is noted that the applicants are advised to seek consent from ECC who own the land before submitting applications on their land.

Ecology and Biodiversity

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.

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for advertisement consent. This proposal is not therefore applicable for Biodiversity Net Gain.

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.

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.

Other Considerations

Clacton is non parished and therefore comments of this nature are expected.

There have been no letters of representation received.

Conclusion

The proposal is therefore considered contrary to local and national policy resulting in a significantly harmful impact to the visual amenity of the area and public safety. The benefits of the proposal such as public WIFI and emergency services calling are not considered to outweigh this harm.

8. Recommendation

Refuse – Advert Consent

9. Reasons for Refusal

1. Paragraph 135 of the National Planning Policy Framework 2025 (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.

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 states 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.

This section of the public pavement is open in character with a prominent piece of public artwork and very little street furniture within its vicinity. The introduction of this illuminated digital advertisement unit would therefore interrupt this open character which would further be exacerbated by virtue of its size and unsympathetic design in terms of its size and illumination appearing as a prominent and harmful feature detrimental to visual amenity and the character and appearance of the local area.

The proposal is therefore considered not to respond accordingly to the character and appearance of the streetscene and locale and would result in a significantly harmful impact in terms of visual amenity contrary to the above-mentioned policies of the Tendring District Local Plan 2013-33 and the relevant sections of the NPPF.

2. Paragraph 141 of the NPPF States that the quality and character of places can suffer when advertisements are poorly sited and designed. Local Policy CP2 of Part 2 of the Adopted Local Plan 2013-2033 and Beyond states that planning permission will not be granted if there would be an unacceptable impact on highway safety.

The unit is located on the inside of a bend adjacent to a busy pedestrian friendly location and it will impact on the width of the footway directly outside the store in the vicinity of a formal crossing point.

Due to the size and height of the unit it is unclear from the submitted information what impact the proposal will have on the visibility of the existing vehicular access to the Aldi Store, and the interference which this proposal would engender for both pedestrians and approaching vehicles, and vehicles exiting the store. It has not been demonstrated that obstruction of these visibility splays would not result in an unacceptable degree of hazard to all road users to the detriment of general highway safety.

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.

10. 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 Site Plan And Block Plan
Proposed Site Plan And Block Plan
Existing Elevation
Proposed Elevation
Street Hub Elevations
Anti-Social Behaviour Management Plan
Developers Notice
Lighting Guidance
Noise Management Plan
Planning Statement
Street Hub Product Statement
Existing And Proposed Elevations

11. Equality Impact Assessment

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.

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.

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
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12. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO
Has there been a declaration of interest made on this application?		NO