



**AGENT:** Mr Martin Brown - Telent  
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Livingston  
EH54 6TQ

**APPLICANT:** Simon Warner - BT Group Plc  
1 Braham Street  
London  
E1 8EE

## TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 25/00566/FUL

**DATE REGISTERED:** 31st March 2025

Proposed Development and Location of Land:

**Application for Planning - Installation of one BT Street Hub Unit and associated advertisement panels on either side of the unit.  
Aldi Pier Avenue Clacton On Sea Essex**

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 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. 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.

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.

**DATED:** 16<sup>th</sup> May 2025

**SIGNED:**




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John Pateman-Gee  
Head of Planning and Building Control

#### 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 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

CP3 Improving the Telecommunications Network

#### 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.

### 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

**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.**
- Please ensure that you have read the latest procedural guidance for appeals prior to submitting an appeal. The latest guidance can be found at [Procedural Guide: Planning appeals – England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/procedural-guide-planning-appeals)
- 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](mailto: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.