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Our Ref: 18/01949/COUNOT

4 January 2019

Dear Sir/Madam

### TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2016

APPLICATION NO: 18/01949/COUNOT  
PROPOSAL: Conversion of shop (A1) into 1no. residential flat (C3)  
LOCATION: Ground Floor Shop 166 Old Road, Clacton-on-Sea CO15 3AY

Thank you for your notification on the above matter which was received on 21 November 2018 and made valid on 21 November 2018 and was allocated the reference **18/01949/COUNOT**.

The Tendring District Council hereby **refuse** prior approval for the development proposed in the above-mentioned application for the following reason.

1 Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 states, under M.2 (d), that works are not permitted by Class M if;(d) whether it is undesirable for the building to change to a use falling within Class C (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—

(i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or

(ii) where the building is located in a key shopping area, on the sustainability of that shopping area.

The site is located within the 'Old Road, Clacton' District Centre in the 2007 Adopted Local Plan and the 'Old Road, Clacton' District Centre in the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Paragraph 85 of the National Planning Policy Framework states that local planning authorities should:

- Recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- Retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
- Promote competitive town centres that provide customer choice and diverse retail offer

and which reflect the individuality of town centres.

- Recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites.

Policy ER31 of the Tendring District Local Plan 2007 states that development proposals which adversely affect the vitality, viability and the urban or rural regenerations objectives associated with each centre will not be permitted. Furthermore, Policy PP2 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft highlights this location as a key location that can be resilient to future economic changes.

This proposal is considered to be contrary to the above policies as it results in the permanent loss of ground floor commercial premises within a designated District Centre. The loss of this commercial shop will not accord with the existing commercial character to this section of Old Road, creating an unnecessary break to the frontage of shops and other commercial uses in this District Centre, and resulting in an adverse impact on the vitality, viability and sustainability of the area. It is therefore undesirable for the building to change to a use falling with Class C3 because of the impact of the use on the sustainability of this shopping area.

If you require any clarification on this matter or further information, please contact the case officer Michael Pingram on 01255 686121.

Yours faithfully



Catherine Bicknell  
Head of Planning