



Planning Services  
Town Hall  
Station Road  
Clacton on Sea  
Essex CO15 1SE

Mr F Bird - OB Architectural Design  
8A Stratford Road  
Holland On Sea  
Clacton On Sea  
Essex  
CO15 5EA

Please ask for Julie Ramsey  
Tel: 68 6158  
Email: [jramsey@tendringdc.gov.uk](mailto:jramsey@tendringdc.gov.uk)

Our Ref: 23/00103/COUNOT

17 March 2023

To Whom it may concern,

## **TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 AS AMENDED**

APPLICATION NO: 23/00103/COUNOT

PROPOSAL: Prior Approval Application under Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for proposed change of use of the vacant ground floor office (Use Class E) to 2 residential units (Use Class C3). (Variation to scheme approved under 21/01320/COUNOT).

LOCATION: 78 Kings Avenue Holland On Sea Clacton On Sea Essex

Thank you for your notification on the above matter which was received on 20 January 2023 and made valid on 20 January 2023 and was allocated the reference **23/00103/COUNOT**.

I can now advise you that this proposal will **not** require prior approval of the Local Planning Authority.

The proposal constitutes permitted development as defined in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and may therefore be carried out providing that it is wholly in accordance with the legislation.

### Conditions

- 1 Development must be completed within a period of 3 years starting with the prior approval date.
- 2 Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse

### **INFORMATIVES:**

Essex Coast Recreational disturbance Avoidance & Mitigation Strategy

Under article 3(1) of the Town and Country Planning (General Permitted Development) (England)

Order 2015 (the GPDO) permitted development rights are subject to regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (the 2017 Regulations). In particular, regulation 75 provides that it is a condition of any planning permission granted by a general development order on or after 30th November 2017, that development which is likely to have a significant effect on a European site or a European offshore marine site and is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the Local Planning Authority (LPA) under regulation 77.

It has already been determined that where there is a net increase in residential dwellings within the Zone of Influence of protected European sites this will have a significant effect on those European sites through recreational disturbance within Tendring, and this has been identified as an issue for all of the Essex coastal Habitat sites through published Habitats Regulations Assessments. Therefore, where permitted development rights under the GPDO permit development which will result in a net increase in residential dwellings, article 3(1) of the GPDO and regulations 75 to 78 of the 2017 Regulations will apply.

Prior to the commencement of the development which is the subject of this prior approval determination an application must be made to the LPA under regulation 77 of the 2017 Regulations for the approval of the LPA before the development can be commenced. Mitigation has been agreed through The Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (Essex Coast RAMS) to protect the integrity of these sites from this type of development, and a standard unilateral undertaking (UU) could secure payment to mitigate the harm arising from the development to the designated site before commencement. Please contact Tendring District Council to make an application under Regulation 77 of the 2017 Regulations and to arrange the required UU prior to commencement of the development.

#### Note

If the development relates to the creation of new dwelling(s), under Use Classes G, H, M, MA, N, O, P, PA, Q then:

Under article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) permitted development rights are subject to regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (the 2017 Regulations). In particular, regulation 75 provides that it is a condition of any planning permission granted by a general development order on or after 30th November 2017, that development which is likely to have a significant effect on a European site or a European offshore marine site and is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the Local Planning Authority (LPA) under regulation 77.

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agreed through The Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (Essex Coast RAMS) to protect the integrity of these sites from this type of development, and a standard unilateral undertaking (UU) could secure payment to mitigate the harm arising from the development to the designated site before commencement. Please contact Tendring District Council to make an application under Regulation 77 of the 2017 Regulations and to arrange the required UU prior to commencement of the development.

If you require any clarification on this matter or further information, please contact Tendring District Council direct.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J Pateman-Gee', with a long horizontal flourish extending to the right.

John Pateman-Gee  
Planning Manager  
Planning Service