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Essex CO15 1SE

Mrs Zoe Manning –
Z Manning Drawing Services Ltd
143 Connaught Avenue
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Please ask for Oliver Ashford
Tel: 01255 68 6122
Email: oashford@tendringdc.gov.uk

Our Ref: 24/01432/COUNOT
Decision Date: 13 November 2024

To Whom it may concern,

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

APPLICATION NO: 24/01432/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 change of use of a commercial unit (Use Class E) to a residential (one bedroom) C3 dwelling unit.

LOCATION: 161 Old Road Clacton On Sea Essex CO15 3AU

Thank you for your notification on the above matter which was received on 24 September 2024 and made valid on 26 September 2024 and was allocated the reference **24/01432/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 CONDITION: Development under Class MA is permitted subject to the condition that development must be completed within a period of 3 years starting with the prior approval date.

REASON: In order to comply with Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 2 CONDITION: 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 (as amended) and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

REASON: In the interest of protecting residential amenity

- 3 **CONDITION:** No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

REASON: Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

- 4 **CONDITION:** No materials produced as a result of the site development or clearance shall be burned on site.

REASON: Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

- 5 **CONDITION:** Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety

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.

Biodiversity Enhancements Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

Habitats and Species Regulations Informative

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.

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.

The Council's rationale for the decision is set out within the officer report available via our Public Access system.

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
Head of Planning and Building Control
Planning Services