

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	14/08/2020
Planning Development Manager authorisation:	SCE	14/08/2020
Admin checks / despatch completed	CC	14/08/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	14/08/2020

**Application:** 20/00595/COUNOT                      **Town / Parish:** Harwich Town Council

**Applicant:** Dr Girish Vora

**Address:** Barclays 48 Kingsway Dovercourt

**Development:** Proposed change of use from commercial to residential.

### 1. Town / Parish Council

No response.

### 2. Consultation Responses

Environment Agency                      No response.

Environmental Protection                      No Comments  
23.07.2020

Essex County Council                      No response.  
Heritage

ECC Highways Dept                      No response.

### 3. Planning History

00/01037/ADV	Fascia signage and projection sign	Refused	23.08.2000
00/01100/FUL	Replacement of cash machine in existing aperture with a minor adjustment to cill level to comply with DDA requirements	Approved	08.09.2000
00/01101/ADV	ATM fascia sign	Approved	08.09.2000
00/02077/FUL	Removal of front steps, demolish existing internal lobby and doors, form new internal ramp, form new glazed door, provide new auto doors, lower existing main entrance door, provide overpanel and refinish doors, splice existing frame	Withdrawn	05.12.2000
02/02364/ADV	ATM box panel sign	Refused	04.02.2003
07/01802/ADV	Erection of 2 no. illuminated fascia	Approved	17.01.2008

	signs and 1 no. illuminated projecting sign.		
07/01936/FUL	Change of use of first floor to two flats.	Approved	13.02.2008
20/00595/COUNO T	Proposed change of use from commercial to residential.	Current	

#### **4. Officer Appraisal**

##### Site Description

The site is that of a two-storey bank building on the corner of Kingsway with Hordle Street.

##### Proposal

The proposal is a change of use from commercial to residential.

The most recent application form is that for a Certificate of Lawful Development. On this basis it would appear that the applicant wishes a change from Class A1 (shop) to Class C3 (Dwelling Houses) under the permitted development allowances as set out in Schedule 2, Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

However, the building is clearly a vacant bank building and this is confirmed in the response to question 8 of the latest application form.

The planning portal defines a bank as an A2 use (see [https://www.planningportal.co.uk/info/200130/common\\_projects/9/change\\_of\\_use](https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use) - A2 Financial and professional services - Financial services such as banks and building societies, professional services (other than health and medical services) and including estate and employment agencies.)

It would appear that this application has been made as a "prior notification" under Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015. The applicant is seeking the Council's determination as to whether its "prior approval" is required for the change of use from the last use as a bank to C3 (Residential). However, the application is fundamentally flawed in that the last use was not an A1 use.

The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3 defines various changes of use which are Permitted Development but the proposal does not meet any such definition. It is possible that a misunderstanding has arisen based on Class O enabling offices to become dwellinghouses. However, the offices have to be those of Class B1(a); not A2.

For administrative purposes the application has been recorded as "Prior approval required – deemed application refused." A Certificate of Lawfulness cannot be issued.

#### **5. Recommendation**

Prior approval required – deemed application refused.

#### **6. Reason for Refusal**

1. The proposal does not meet the conditions set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3.

## 7. **Informatives**

The local planning authority's pre-application service can be accessed at:

<https://www.tendringdc.gov.uk/sites/default/files/documents/planning/planning%20applications/advice%20before%20making%20an%20application/Advice%20Leaflet%20Final%20A4.pdf>

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO