

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	11 th Nov 2020
Planning Development Manager authorisation:	TF	12/11/2020
Admin checks / despatch completed	DB	12/11/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	12/11/2020

Application: 20/01448/DEMCON **Town / Parish:** Clacton Non Parished

Applicant: Network Rail Infrastructure Limited

Address: Clacton Signal Box and Relay Room Clacton Railway Station Skelmersdale Road

Development: Demolition of Clacton signal box and relay room and make good with any voids below ground level filled up to existing ballast level.

1. Town / Parish Council

Not applicable

2. Consultation Responses

Environmental Protection No comments received

3. Planning History

97/00799/FUL	Installation of automatic telling machines to station frontage	Approved	04.08.1997
97/00800/ADV	Bank branding signs	Approved	04.08.1997
20/01448/DEMCO N	Demolition of Clacton signal box and relay room and make good with any voids below ground level filled up to existing ballast level.	Current	

4. Relevant Policies / Government Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5. Officer Appraisal

Permitted development; any building operation consisting of the demolition of a building.
B.1 Development is not permitted by Class B if –

- (a) the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;

The building has not been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support. **The proposal complies.**

- (b) the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)(a); or

The demolition is not “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)(a). **The proposal complies.**

- (c) the building is a specified building and the development is undertaken during the specified period, regardless of whether, in relation to the development, a prior approval event has occurred.

The building is not a specified building and the development is undertaken during the specified period, regardless of whether, in relation to the development, a prior approval event has occurred. **The proposal complies.**

Conditions

B.2 Development is permitted by Class B subject to the following conditions -

- (a) where demolition is urgently necessary in the interests of safety or health and the measures immediately necessary in such interests are the demolition of the building the developer must, as soon as reasonably practicable, give the local planning authority a written justification of the demolition;

Demolition is not urgently necessary in the interests of safety or health and the measures immediately necessary in such interests are the demolition of the building the developer must, as soon as reasonably practicable, give the local planning authority a written justification of the demolition. **This condition is discharged.**

- (b) where the demolition does not fall within paragraph (a) and is not excluded demolition -

- (i) the developer must, before beginning the development –

- (aa) in all cases, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site; and
 - (bb) in cases where the building is not a community asset and is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, send a written request to the local planning authority as to whether the building has been nominated;

The development does not fall within paragraph (a) and is not excluded demolition. Before beginning the development the developer has applied to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site. In this case the building is not a community asset and is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, send a written request to the local planning authority as to whether the building has been nominated. **The developer has discharged this condition.**

- (ii) an application described in paragraph (b)(i)(aa) must be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with paragraph (b)(iv) and any fee required to be paid

An application described in paragraph (b)(i)(aa) is accompanied by a written description of the proposed development (the Demolition Report), a statement that a notice has been posted in accordance with paragraph (b)(iv) (the Demolition Site Notice Photos) and any fee required to be paid (the fee was paid on 15th October 2020). **The developer has discharged this condition.**

- (iii) a request described in paragraph (b)(i)(bb) must include the address of the building, the developer's contact address and, if the developer is content to receive communications electronically, the developer's email address;

The address of the building is contained in response to Question 1 of the accompanying application form, the developer's contact address and the developer's email address are both included in the covering letter. **The developer has discharged this condition.**

- (iv) subject to paragraph (b)(v), the applicant must display a site notice by site display on or near the land on which the building to be demolished is sited and must leave the notice in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority;

The site notice was displayed on 9th October; the notice has been left in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority. **The developer has discharged this condition.**

- (v) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in paragraph (b)(iv) has elapsed, the applicant is treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

Not applicable.

- (vi) where the building is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order and the building is nominated, whether at the date of request under paragraph (b)(i)(bb) or on a later date, the local planning authority must notify the developer as soon as is reasonably practicable after it is aware of the nomination, and on notification development is not permitted for the specified period;

The building is not used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order and the building is nominated. **The proposal complies.**

- (vii) subject to paragraph (b)(x), the development must not begin before the occurrence of one of the following –
 - (aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
 - (bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval; or
 - (cc) the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

The development must not begin before the occurrence of the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required. **It is the developer's responsibility to abide with this condition.**

- (viii) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out -
 - (aa) where prior approval is required, in accordance with the details approved;
 - (bb) where prior approval is not required, in accordance with the details submitted with the application;

The development must be carried out in accordance with the details submitted with the application. **It is the developer's responsibility to abide with this condition.**

(ix) subject to paragraph (b)(x), the development must be carried out –

(aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

(bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b)(ii); and

The development must be carried out where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given. **It is the developer's responsibility to abide with this condition.**

(x) where the building is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, in addition to the requirements of paragraph (b)(vii) and (ix), the development must not begin before the expiry of a period of 56 days following the date of request under paragraph (b)(i)(bb) and must be completed within a period of 1 year of the date of that request.

Not applicable.

6. Recommendation

Determination prior approval not required

7. Conditions/Reasons

- 1 The demolition of the buildings complies with the requirements of Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the prior approval of the Local Planning Authority is not required.
- 2 Given the close proximity of neighbouring dwellings to the south it is considered reasonable to restrict the hours of demolition and to minimise dust pollution. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, the following should be considered:-

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 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

No materials produced as a result of the site clearance shall be burned on site.

All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of demolition are in progress.

8. Informatives

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO