

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	18 th Dec 2020
Planning Development Manager authorisation:	SCE	18.12.2020
Admin checks / despatch completed	DB	18.12.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	18.12.2020

Application: 20/01473/FUL **Town / Parish:** Clacton Non Parished
Applicant: Mr Joel Frankel - Timepark Limited
Address: Post Office High Street Clacton On Sea
Development: New access door to west elevation and 2no. new windows to south elevation.

1. Town / Parish Council

Not applicable

2. Consultation Responses

No comments received

3. Planning History

98/01246/ADV	Integral projecting signs	Approved	21.10.1998
19/01827/DEEMED	Installation of new business box.	Determination	03.12.2019
19/01938/COUNOT	Proposed change of use of first floor from office to residential to create 10 self-contained flats.	Determination	17.03.2020
20/00962/COUNOT	Change of use of part of the ground floor and all of the first floor from offices (Use Class B1a) to residential (Use Class C3) to create 13 self-contained flats.	Determination	14.09.2020
20/01473/FUL	New access door to west elevation and 2no. new windows to south elevation.	Current	

4. Relevant Legislation

The Town & Country Planning Act 1990

5. Officer Appraisal (including Site Description and Proposal)

Section 55 of the Town & Country Planning Act 1990 sets out the definition of development. This is included here:-

Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

For the purposes of this Act "building operations" includes:- (a) demolition of buildings; (b) rebuilding; (c) structural alterations of or additions to buildings; and (d) other operations normally undertaken by a person carrying on business as a builder.

The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land -

- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which -
 - (i) affect only the interior of the building, or
 - (ii) do not materially affect the external appearance of the building

The plans propose replacing a window to the right hand side of the large concertina doors with a door and installing two new windows to the right hand side of a secondary door to the south elevation. The existing window is just over 1m wide and the proposed door would be around 1.1m wide, the brickwork soldier-arch would remain. The proposed windows are of the same size and style to the immediately above at first floor level. In regards to the overall size and appearance of the host dwelling, these alterations are de minimus and for this reason are not considered to amount to operational development as they would not materially affect the external appearance of the building.

6. Recommendation

Deemed Consent

7. Conditions / Reasons for Refusal

In regards to the overall size and appearance of the host dwelling, these alterations are de minimus and for this reason are not considered to amount to operational development as they would not materially affect the external appearance of the building in accordance with The Town & Country Planning Act 1990, Section 55 (a) (ii). An express grant of planning permission is not therefore required.

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