

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	2 <sup>nd</sup> June 2021
Planning Development Manager authorisation:	SCE	02.06.2021
Admin checks / despatch completed	CC	03.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	03.06.2021

**Application:** 21/00318/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Arthur Moore - Walton On Naze Ranelagh Flats Ltd

**Address:** Ranelagh 46 The Parade Walton On The Naze

**Development:** Installation of new detailing under six seaward facing windows to replace the current painted wood and glass detailing with modern maintenance free materials

### **1. Town / Parish Council**

Frinton & Walton Town  
Council  
26.04.2021

Recommends: APPROVAL

### **2. Consultation Responses**

Building Control and  
Access Officer  
16.04.2021

No adverse comments at this time.

### **3. Planning History**

16/30232/PREAPP Mend/change the existing windows and balcony. 10.10.2016

21/00318/FUL Installation of new detailing under six seaward facing windows to replace the current painted wood and glass detailing with modern maintenance free materials Current

### **4. Relevant Legislation**

Town and Country Planning Act 1990, Section 55 (2) (a).

### **5. Officer Appraisal**

#### **Meaning of “development” and “new development”.**

Subject to the following provisions of Section 55 in the Town & Country Planning Act 1990 (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 building is a three-storey late twentieth century block of flats located in Walton Conservation Area. The front elevation faces seaward in a south-easterly direction. Presently each of the largest windows has a timber panel beneath it which measures approximately 0.7m high by 2.8m wide and painted in a midnight blue colour. The proposal would see the panel replaced with a composite cladding panel which is likely to require less on-going maintenance than the existing timber panels. The replacement panels would be of the same size and depth of projection and be an anthracite grey colour.

The proposal is considered to be a building operation and works which are deemed to be maintenance, improvement or other alteration – however the changes is not considered to materially affect the external appearance of the building and for this reason the operational is not deemed to amount to operational development under Section 55 (2) (a) (ii) of the Town & Country Planning Act 1990 and an express grant of planning permission is not therefore required.

## 6. Recommendation

Deemed Consent

## 7. Reasons

The proposal is considered to be a building operation and works which are deemed to be maintenance, improvement or other alteration – however the changes is not considered to materially affect the external appearance of the building and for this reason the operational is not deemed to amount to operational development under Section 55 (2) (a) (ii) of the Town & Country Planning Act 1990 and an express grant of planning permission is not therefore required.

## 8. 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.

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