

DECISION NOTICE

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

APPLICATION NO. 21/0532/OUT

Notice of determination in respect of Outline Planning Application

TO: Messrs G P Smith, K M Smith, G M Smith, G W Smith C/O Smart Planning Ltd Old School House Rettendon Turnpike Battlesbridge Wickford Essex

The COUNCIL having considered your application to carry out the following development:-

Outline Planning Application Comprising of 68 Residential Units, Three Class E (Commercial, Business and Service) Units, One B2 (General Industrial) Unit and Two B8 (Storage and Distribution) Units with Associated Access, Parking, Amenity Space, Strategic Landscaping and Noise Attenuation. Restoration and Improvement of Existing Estate Roads and Infrastructure.

At: Land East Of Manor Trading Estate Benfleet Essex SS7 4PS

of their decision to REFUSE PERMISSION for the said development as detailed on the submitted plans listed below:-

Plan Reference	Plan Type	Date Received
	Location Plan	1st June 2021
16.3739DP/E102	Existing Site/Block Plan	1st June 2021
NC18.442-P204/REV B	Proposed Site/Block Plan	30th July 2021
16.3839DP/M005/D	Location Plan	13th April 2022
16.3839/P205	Proposed Site/Block Plan	13th April 2022

For the following reasons:-

1. The proposal represents inappropriate development in the Green Belt as defined by the National Planning Policy Framework. Such development will only be permitted if very special

Date 10th May 2022



Ian Butt
Head of Place and Policy

Page 1 of 4

Application No: 21/0532/OUT

IMPORTANT – ATTENTION IS DRAWN TO THE ATTACHED NOTES



circumstances exist to justify its inappropriateness. It is not considered that any very special circumstances have been demonstrated which either in isolation or combination carry sufficient weight to outweigh the harm to this part of the Green Belt. The proposed development is therefore contrary to Government advice as contained in the National Planning Policy Framework.

2. The proposal fails to adequately identify and consider the impact of the proposed residential and commercial development on safeguarded waste disposal sites within the adjoining Manor Trading Estate, contrary to the provisions of Policy 2 of the Essex and Southend-on-Sea Waste Local Plan 2017 (WLP) and paragraph 187 of the National Planning Policy Framework.
3. The submitted Noise Constraint Survey and Facade Noise Assessments fail to adequately demonstrate a lack of adverse impact arising from the operation of sites within the Manor Trading Estate on future occupiers of the proposed commercial and residential development, contrary to paragraph 187 of the National Planning Policy Framework and Policy 2 of the Essex and Southend on Sea Waste Local Plan 2017.
4. The submitted Noise Constraint Survey and Facade Noise Assessments fail to adequately demonstrate a lack of adverse impact arising from the installation of the proposed acoustic barrier on the western boundary of the site on premises and operations within the Manor Trading Estate, contrary to paragraph 187 of the National Planning Policy Framework and Policy 2 of the Essex and Southend on Sea Waste Local Plan 2017.
5. The proposal fails to demonstrate the provision of appropriate car parking, powered two wheeled vehicle parking and cycle parking facilities for the proposed commercial units, contrary to the provisions of the adopted Essex parking standards and the provisions of Policy T8 of the adopted Local Plan and TP8 of the New Local Plan. Further, it is not considered that the applicant has adequately demonstrated that the proposed development will adequately mitigate its impact on the existing parking provision within the adjoining Industrial estate in order to ensure that existing operations are not compromised by the proposal.

INFORMATIVE

1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Date 10th May 2022



Ian Butt
Head of Place and Policy

IMPORTANT – ATTENTION IS DRAWN TO THE ATTACHED NOTES



NOTES

(1) If the applicant is aggrieved by the decision of the Local Planning Authority (LPA) to refuse permission or approval for the proposed development, he may appeal to the Secretary of State in accordance with Section 78 (i) of the Town and Country Planning Act 1990, within the following time periods:-

6 months (or 12 weeks if householder or minor commercial planning application) from the date on the decision notice in the case of a refusal,

6 months from the date on the decision notice for an appeal against conditions, or

6 months from the expiry of the period which the LPA had to determine the application.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:-

28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made, or

28 days from the date the enforcement notice was served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – The LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA, the time limit runs from that date.

Appeals can be made online at www.planningportal.gov.uk/pcs or on a form which is obtainable from the Secretary of State, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or from their Customer Services team on 0303 444 5000. The Secretary of State has power to allow a longer period for giving notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the LPA, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

(2) If permission to develop land is refused, or granted subject to conditions, whether by the LPA or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.

(3) In certain circumstances, a claim may be made against the LPA for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990.

(4) This decision is for PLANNING PURPOSES ONLY. It is necessary for your plans to be passed by the Borough Council under their BUILDING REGULATIONS (unless this has already been done or they are exempted therefrom)

Access and Facilities for the Disabled

If the permission relates to buildings or premises to which the public are admitted and/or comprises offices, shops, factory, railway premises, university, college or school, your attention is drawn to the provisions of the Chronically Sick and Disabled Persons Act 1970. The Code of Practice for Access for the Disabled to Buildings

(BS 5810:1979), Access for Disabled People to Educational Buildings (Design Note 18:1984) and to Section 76 of the Town and Country Planning Act 1990.

Access and Facilities to be provided for Disabled People

The requirements and guidance can be found in Part M within Schedule 1 to the Building Regulations 1991 and in the accompanying approved documents to that regulation. Where proposals are controlled under the Building Regulations for access and facilities for disabled people early consultation with the Building Control Officer is advisable and recommended.

Access for the Fire Brigade

The provisions of Section 13, Essex Act 1987 (Access for Fire Brigade) shall apply to this development and will be determined at the Building Regulation stage. The plans deposited shall show that the building, the building as extended and/or any neighbouring building that may be affected by the proposal, has adequate means of access for the Fire Brigade.