

DECISION NOTICE

Town and Country Planning Act 1990

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

APPLICATION NO. 20/0159/FUL

Notice of determination in respect of Full Planning Application

TO: ACT Roadways Ltd c/o Smart Planning Ltd Old School House Woodham Road Battlesbridge Wickford SS11 7QL

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

Repair, renovation and improvement of private road infrastructure including carriageway, footways, kerbs, gullies, surface water and foul drainage (except where statutory responsibilities exist), lighting, routing of utility infrastructure, guarding of pedestrian footways and reinstatement of correct property boundaries

At: Manor Trading Estate Benfleet Essex SS7 4PS

does hereby give you notice that for the reasons set out in the Officer's Report, it is satisfied that the development is acceptable within the context of the provisions of the adopted Local Plan and GRANTS PERMISSION for the said development in accordance with the approved plans listed below

Plan Reference	Plan Type	Date Received
16.3839/M002	Location Plan	15th April 2020
16.3839/P201/1	Other	15th April 2020

and subject to compliance with the conditions specified hereunder:-

Date 23rd July 2020



Ian Butt

Head of Place and Policy

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be commenced until further drainage investigative works and a CCTV survey of the foul and surface water drainage systems have been carried out and the report of this submitted to and approved in writing by the local planning authority. The report shall combine the findings from the further drainage investigative works that will be carried out and the CCTV survey. Any defects that are found in the drainage systems shall be rectified in accordance with details and time frames that are first approved in writing by the local planning authority.

REASON: To bring the drainage to a condition where it fulfils its intended purpose of providing adequate drainage for the estate.

- 3 All surface water run-off from the private road infrastructure shall be directed to the surface water drainage system.

REASON: To limit the potential for flooding elsewhere and to prevent surface water from entering and overwhelming the foul drainage system.

- 4 No works to road kerbing shall be undertaken until details of the new/repared kerbing, including indication of high and low (dropped) kerb positions, have been submitted to and approved in writing by the local planning authority, with reference to accurately scaled plans. Development shall thereafter be carried out in accordance with the approved details.

REASON: Insufficient details of this aspect of the proposal have been submitted for consideration.

- 5 No works to install new, refurbished or replacement lighting shall be undertaken until details have been submitted to and approved in writing by the local planning authority, with reference to accurately scaled plans. Development shall be carried out in accordance with the approved details.

REASON: Insufficient details of the height and luminance of street lamps have been submitted for consideration.

- 6 No works to install or alter guarding of pedestrian footways shall be undertaken until details have been submitted to and approved in writing by the local planning authority, with reference to accurately scaled plans. Development shall be carried out in accordance with the approved details.

REASON: Insufficient details of this aspect of the proposal have been submitted for consideration.

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- 7 Prior to commencement of development, a construction management plan shall be submitted to and approved in writing by the local planning authority. The plan shall include (but not be limited to) details of the phasing of the development, proposed working hours, arrangements for access to business premises during development, any traffic control measures, locations for parking of operatives' vehicles and the storage of materials. Such plan as may be approved shall be adhered to for the duration of development.

Reason: To minimise disruption to businesses from construction in the interest of the economic health of the estate.

INFORMATIVE

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicant is advised to contact the Development Management Team by email at development.management@essexhighways.org or by post at: SMO3 - Essex Highways, Childerditch Highways Depot, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD

- 2 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
- 3 Prior to any works taking place in the public highway the developer shall enter into the appropriate legal agreement with the Highway authority under the Highways Act 1980 to regulate the construction of the highway works.
- 4 In all cases where spoil is unavoidably brought out onto the highway, the applicant/developer is reminded of their responsibility to promptly remove such spoil at their own expense and to the satisfaction of the Highway Authority.
- 5 Should the works unearth any contaminated land, such as what would be considered in an Environmental Investigation (Contamination) or asbestos-containing materials, careful consideration must be given to its handling and correct disposal. Waste transfer receipts must be obtained and kept.
- 6 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.

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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.gov.uk/appeal-planning-inspectorate or on a form which is obtainable from the Secretary of State, The Planning Inspectorate, Room 3/13, 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
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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.