



Appeal Decision

Site visit made on 2 September 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2024

Appeal Ref: APP/M1520/W/23/3334567

12-14 Brunel Road, Manor Trading Estate, Benfleet, Essex SS7 4PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Richard Leeman of Benfleet Scrap against Castle Point Borough Council.
 - The application Ref is 23/0015/FUL.
 - The development proposed is a new building to provide parking for three commercial lorries.
-

Decision

1. The appeal is allowed and planning permission is granted for a new building to provide parking for three commercial lorries at 12-14 Brunel Road, Manor Trading Estate, Benfleet, Essex SS7 4PS in accordance with the terms of the application, Ref 23/0015/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted for a new building, together with parking and turning area and associated works, shall be carried out in accordance with drawing numbers: 7855-01, 7855-03A, 7855-04, 7855-05, 7855-06, 7855-07, 7855-08 and 7855-09.

Preliminary Matters

2. The application form states that the appeal site is 14 Manor Trading Estate, whereas the appeal from refers to the site as 12-14 Brunel Road. I have taken the address in the banner heading and my formal decision from the appeal form as this is sufficiently precise given that the site includes part of No 12 Brunel Road. I do not consider that this has prejudiced any of the parties and I have proceeded on this basis.
3. The appeal is made against a failure to give notice within the prescribed period of a decision on an application for planning permission. However, the Council have provided an officer report that confirms that they would have approved the planning application subject to conditions, had the appeal against the non-determination of the planning application not been made.
4. From the evidence before me, there are no substantive grounds of dispute between the appellant and the Council. However, there are concerns from interested parties and I have assessed the appeal on the apparent issues at hand. These form the main issues to be considered in this appeal.

Main Issues

5. The main issues relevant to this appeal are the effect of the proposed development on:
- the living conditions of occupants of surrounding properties, with particular regard to noise and disturbance; and
 - highway safety.

Reasons

Living conditions

6. The appeal site is located on the Manor Trading Estate, which comprises large commercial buildings. The properties close to the site primarily consist of industrial uses and waste activities and these generate a level of activity that is audible in the area surrounding the site. The site includes a three-storey building to the front, with a single-storey element extending towards the rear.
7. The proposal is for building for the storage and repair of commercial lorries following the demolition of the existing building to the front of the site. The proposed building would be positioned close to the rear boundary of the site, beyond which is a scrap metal facility. The proposal would generate noise and disturbance through the activities associated with the repair of vehicles and the movement of vehicles on and off the site.
8. However, the level of noise and disturbance generated would be limited by the capacity of the building. Moreover, the location of the site within a busy commercial estate comprising industrial activity would restrict the effect of any noise and disturbance generated by the proposal. Furthermore, there is no substantive evidence before me that there are any noise sensitive receptors, such as dwellinghouses, close to the site. While the existing building may provide some screening of the noise generated by the scrap metal facility, given the scale and function of the facility, the screening provided is unlikely to be significant.
9. I conclude that the proposal would not harm the living conditions of the occupants of neighbouring properties. Policies EC2 and ED3 of the Castle Point Local Plan (LP), adopted November 1998, have been drawn to my attention in that respect and I find no conflict with them. The development also accords with the National Planning Policy Framework (the Framework), which requires proposals to achieve a high standard of amenity for existing and future users.

Highway safety

10. The existing access is from Brunel Road to the front of the site and includes parking to the site frontage. Brunel Road is a private road that provides access to the industrial estate via Armstrong Road, which is accessed from Church Road. The proposal would alter the existing access and parking arrangements following the demolition of the existing building. Nevertheless, the site would continue to be accessed from Brunel Road.
11. The proposal would provide twelve car parking spaces either side of a central access route leading to a large manoeuvring area to the front of the proposed building. The repositioned access point, to the centre of the site, would provide sufficient visibility in either direction for vehicles entering and exiting the site.

The proposal is not substantial in scale and whilst there may be an increase in the number of larger vehicles accessing the site, the number of vehicles movements associated with the building would not be significant and would be unlikely to result in significant conflict between users of Brunel Road.

12. I conclude that the proposal would not have an unacceptable impact on highway safety. Policy T8 of the LP has been drawn to my attention in that respect and I find no conflict with it. The development also accords with the Framework, which seeks to ensure that safe and suitable access to the site can be achieved for all users.

Other Matters

13. I note the concerns raised in respect of the notification of the owners and occupiers of adjoining properties. However, it is evident that neighbour notifications were carried out by the Council. Moreover, those making representations have had the opportunity to comment and I am satisfied that no prejudice has arisen. The grant of planning permission would not negate or supersede any private legal rights relating to land ownership.
14. The roads within the industrial estate are privately owned. It is understood that maintenance of the road is carried out through financial contributions by occupants of premises within the estate. As this is a private arrangement between the landowners and occupants of the premises, it does not fall for me to consider as part of this appeal.
15. Concerns have been raised that existing buildings at the site do not have planning permission, including the building and portable buildings adjacent to the boundary. The appeal proposal does not seek permission for the retention of these buildings and their retention is not a matter before me. Similarly, the proposal has not sought permission for a material change of use. Consequently, it would be a matter for the Council to consider whether enforcement action is necessary for the other buildings or if a material change of use has occurred.
16. In addition, concerns have been raised as to the licencing of activity at the site. Operator's licencing is subject to separate licencing arrangements and would be a matter for the appropriate authority to consider.

Conditions

17. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
18. The Council initially suggested a condition requiring the submission of a Construction Management Plan but has since stated that the condition would not be reasonable or necessary. I see no reason to disagree, given the scale of the proposal, the likely limited number of vehicle movements involved and location of the site away from residential properties. Consequently, I have not included this condition.

Conclusion

19. The proposal would accord with the development plan as a whole. Material considerations do not indicate that a decision should be made otherwise than in accordance with it. For the reasons given above the appeal should be allowed.

J Pearce

INSPECTOR