

Minutes of the Meeting of the Planning Committee held on 15 March 2018 at 7.00 pm

- Present:** Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Roy Jones, Tunde Ojetola, Terry Piccolo, Gerard Rice and Graham Snell
- Apologies:** Steve Taylor, Campaign to Protect Rural England Representative
- In attendance:** Leigh Nicholson, Development Management Team Leader
Matthew Ford, Principal Highways Engineer
Matthew Gallagher, Principal Planner - Major Applications
Jonathan Keen, Principal Planner
Chris Purvis - Principal Planner - Major Applications
Caroline Robins, Locum Planning Lawyer
Charlotte Raper, Democratic Services Officer
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Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

69. Minutes

The minutes of the meeting of the Planning Committee held on 8 February 2018 were approved as a correct record.

70. Item of Urgent Business

There were no items of urgent business.

71. Declaration of Interests

Councillor Piccolo declared an interest regarding Item 8, 17/00923/FUL: Yard E2, Stanhope Industrial Park, Wharf Road, Stanford Le Hope, Essex, SS17 0AL in that he had previously been involved in objections against a development in the same industrial park. However he assured the Committee that he was of an open mind and would consider the application to be determined on its merit.

72. Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting

The Vice-Chair declared that, as a Ward Councillor for Tilbury he had attended meetings with the Port and also received countless correspondence from residents regarding Item 11, Tilbury2 NSIP: Land forming the western

part of the former Tilbury Power Station, land parallel to and south of the existing London-Tilbury-South railway line south of Tilbury and land at the Asda roundabout junction, Tilbury.

Councillor Rice noted that all members of the Committee could declare the same regarding that item.

73. Planning Appeals

The report provided information regarding planning appeal performance.

Councillor Ojetola hoped that the next report would collate the performance for the whole year. The Committee heard that this was usually presented at the first meeting in a municipal year but it was noted that the Authority had an excellent appeal rate at present.

The Chair highlighted that there was an upcoming public enquiry regarding the Little Thurrock Marshes, to be held 15 – 18 May 2018.

RESOLVED:

The Committee noted the report.

74. 17/00923/FUL: Yard E2, Stanhope Industrial Park, Wharf Road, Stanford Le Hope, Essex, SS17 0AL

The application sought permission for the use of the land for open storage with an ancillary office building and a workshop building. The majority of the site would be dedicated to storage; with areas for car and lorry parking and turnaround areas. The Principal Planner informed Members that, following further consideration of the conditions amendments had been proposed to No 5, 9 and 16; none of the amendments would affect the overall nature of the condition; but more tightly defined the parameters.

Councillor Jones queried the finer details of “open storage”. The Officer indicated that proposal was for storage of portable containers however it would not be restricted. Councillor Jones continued that the vehicle movements would therefore be container lorries with cranes and asked how many there would be. There were limitations set at 31 HGV movements per day.

Councillor Rice questioned whether there was anything planned to pursue a road from the site to the interchange taking traffic away from Stanford, similar to that proposed by the Thurrock Thames Gateway Development Corporation in the past. The Senior Highways Engineer recalled those plans, which had previously been considered as a potential route, but had been limited by a number of constraints such as railway access and private roads. He noted there were issues of flooding in Wharf Road which were currently being addressed. In terms of the Local Plan process sites would need to be assessed at a high level regarding access needs and at present nothing

specific was under consideration. Councillor Rice emphasised the need to consider such options, particularly given the planned expansion of Stanford, such as 150 new homes on Victoria Road. The local road network would soon become clogged and areas such as Stanford brought to a standstill he considered.

Councillor Churchman referred to paragraph 6.6 of the application and asked whether the restriction of vehicular movements of 31 per day was absolute or whether it would be possible to go above that figure. Members were assured that the absolute maximum of HGV movements a day was set at 31, which could be controlled and monitored through the company's log books. Smaller cars and vans might attend but it was possible to limit the number of HGVs, which were the real concern.

Councillor Piccolo expressed concern regarding access and egress for vehicles via the major road network. He sought clarification as to whether there were weight restrictions in place or the ability to direct HGVs to turn right onto Corringham Road to prevent them travelling through the town centre. A vehicle routing arrangement had been requested as part of the consultation response from Highways officers. There had been difficulty in previous applications, given their scale, in securing that requirement. The Highways Engineer advised that Council was currently looking at schemes, outside of this application to amend weight restrictions within Stanford as they currently included Wharf Road and Corringham Road meaning any HGV travelling via Church Hill would be subject to enforcement. Councillor Piccolo was worried that the requirement might never be triggered as applications were all relatively small, despite a growing number using the site from combined applications.

Councillor Jones noted residents were concerned about Wharf Road. The principles of use for the land was stated as "light industry" but companies on the site used HGVs, tippers, crane lorries and low-loaders which struggled to turn right at the junction due to their size. If the preferred option was for HGVs etc. to turn right then the junction should be made more manoeuvrable for them. He echoed concerns around increased number of vehicle movements through a build-up of small applications. Members were informed that the extant permission on the site was around 500 HGV movements per day; this application's transport assessment, factoring in growth, resulted in a condition of 31 HGV movements per day. There was also a condition requiring no abnormal load movements be permitted and prohibiting lorry parking outside of the site. The proposed use of the site was far less intensive than that already permitted.

The Chair asked whether a level crossing might be an option to allow HGVs to access the site from the DP World side, given that the railway was only used by freight trains and did not form part of the public route. A Highways Assessment would be required as part of the Local Plan process should the option of a new road arise, however the Highways Engineer indicated he considered it would be unlikely that the Council would be able to justify a new route; although it would be considered. An option of a level crossing could be

feasible, though Network Rail had a standing remit to close as many level crossings as possible and there was a fairly large amount of rail freight movement. All of these factors would need to be assessed at present there were no road plans underway.

Councillor Piccolo noted that although the application reduced the amount of HGV movements compared to the extant permission, he was not happy with Wharf Road and also concerned about the operational hours on a Saturday. He could find no planning considerations upon which to refuse the application but felt it was not a good application and could not support it, therefore he would be abstaining.

Councillor Rice expressed his view that none of the Committee was opposed to employment but there was a need to consider long term infrastructure or areas like Stanford would be brought to a halt, and weight restrictions just pushed traffic to other areas. These issues needed to be considered as part of the Local Plan and he requested that officers make a case as there were problems throughout Thurrock and simply adding the proposed Lower Thames Crossing would not resolve the issues. The Development Management Team Leader informed Members that the next stage of the Local Plan process was to consider the amount of growth in the borough and necessary associated infrastructure. This application was not the way to address these issues, but yes they could be considered within the Local Plan.

The Chair agreed that now was the time to consider these matters, especially given the Local Plan process. He reiterated the possibility of a level crossing as the rail line was only used for freight.

It was proposed by the Chair and seconded by the Vice-Chair that the application be approved, subject to conditions, as per the officer's recommendation.

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Tunde Ojetola and Gerard Rice

Against: Councillors Graham Hamilton and Roy Jones

Abstain: Councillors Terry Piccolo and Graham Snell

RESOLVED:

That the application be approved, subject to conditions.

75. 18/00018/FUL: Thurrock Learning Campus, High Street, Grays, Essex, RM17 6TF

The application sought temporary permission for the retention of the further education building for 5 years, cut back to north-west corner of building, infill of existing courtyard and modifications to the layout and amount of disabled car parking, cycle and motorcycle parking.

Councillor Ojetola stated that, naturally the Committee supported education within the borough. He questioned the definition of “temporary” given that the applicant had been granted temporary permission twice previously. The Principal Planner advised that permission would be for another 5 year period as the land was Council owned and the Council wished to retain freedom for future regeneration plans. It was also noted that the modular design of the building was suitable for temporary permission; however an improved design would be required for permanent permission. Councillor Ojetola continued to state that, were this a commercial application, the Committee would be more harsh regarding repeated extensions to temporary permission. He had no objection to the proposals however he found another renewal of temporary permission for a period of 5 years alarming.

The Agent, Vincent Gabbe, was invited to the Committee to present his statement of support.

It was proposed by Councillor Jones and seconded by Councillor Churchman that the application be approved, subject to conditions, as per the officer’s recommendation.

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Roy Jones, Terry Piccolo, Gerard Rice and Graham Snell

Against: (0)

Abstain: Councillor Tunde Ojetola

RESOLVED:

That the application be approved, subject to conditions.

76. 18/00019/FUL: Thurrock Learning Campus, High Street, Grays, Essex, RM17 6TF

The application sought temporary permission for the retention of the further education building for 5 years, and modifications to the layout and amount of disabled car parking, cycle and motorcycle parking.

Councillor Ojetola sought clarification that the main difference from the previous application was around the land ownership issue. It was confirmed that this application sought to retain the building as it currently stood, including a small pocket of third party land which the Council was seeking to buy. The applicant was simply safeguarding their position for either eventuality.

The Agent, Vincent Gabbe, was invited to the Committee to present his statement of support.

Councillor Rice expressed his support for the Thurrock Learning Campus which was supporting the borough's young people.

Councillor Ojetola reiterated his previous stance that, while he supported the education, a permanent, long-term decision was required.

It was proposed by the Vice-Chair and seconded by Councillor Churchman that the application be approved, subject to conditions, as per the officer's recommendation.

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Roy Jones, Terry Piccolo, Gerard Rice and Graham Snell

Against: (0)

Abstain: Councillor Tunde Ojetola

RESOLVED:

That the application be approved, subject to conditions.

77. Tilbury2 NSIP: Land forming the western part of the former Tilbury Power Station, land parallel to and south of the existing London-Tilbury-South railway line south of Tilbury and land at the Asda roundabout junction, Tilbury.

The Principal Planner – Major Applications presented the report. Members were advised that this was not a 'normal' application for determination by the Planning Committee. The proposals submitted by the Port of Tilbury London Ltd. were defined as a Nationally Strategic Infrastructure Project (NSIP) and the accompanying application for a Development Consent Order would therefore be considered by a panel of inspectors reporting to the Secretary of State, who would take the final decision. Although the Local Authority would not determine the application, as the host borough they were encouraged to participate in the process and therefore the Planning Committee was asked to endorse the Local Impact Report and Written Representation. The NSIP process was governed by strict timeframes and therefore it was crucial that the Committee reached a decision and did not defer, as the documents and comments would not be taken into account if they were not submitted to the Planning Inspectorate by midnight Tuesday 20 March 2018.

The Vice-Chair expressed the view that the Port of Tilbury had always been deemed to be a good neighbour, however it was suggested that some of its tenants raised noise and air pollution issues. He queried what could be done to ensure that future tenants would not cause environmental impacts related to noise and air quality. The visual appearance of the proposed container storage area was also queried. Any approval of a Development Consent Order by the Secretary of State would not be unconditional; permission would be subject to 'requirements'. Draft requirements had been submitted for

consideration and suggestions had been made within the Local Impact Report. Requirements were similar to planning conditions for general applications; details of external appearance of buildings would have to be submitted and agreed by Thurrock as the local Planning Authority, there would be height restrictions, flood risk assessment, noise and air quality mitigation and ongoing noise monitoring and other such matters as would usually be expected. The requirements would be legally binding. The Environmental Statement assumed the worst case scenario and formulated mitigation proposals accordingly. The reality was that during operation containers would be moving and heights would periodically go up and down. Within the Local Impact Report the worst case scenario also assumed that Tilbury Power Station would not be there, though it was considered likely that there would be a replacement power station in the future and therefore the visual backdrop would change again. Landscape had been assessed to be a negative impact however not significantly and taking the whole proposal on balance the clear benefits of the scheme outweighed this impact.

Councillor Rice sought assurance that the Fort Road and Dock Road access routes would be maintained, as there was a routing system currently in place installed by Thurrock Council. The Principal Highways Engineer informed the Committee that there was a proposal to provide an extension to the current bridge over the Fort Road with the intention of maintaining a strong link to the existing network and relocating as much traffic to the new port road as possible. He assured Members that the Council did not want access prejudiced in anyway and were therefore considering matters closely.

Councillor Rice agreed that was reassuring to hear, he continued to state that while he fully supported proposals environmental measures regarding the A1089 to protect residents were needed. He wanted the same package as had been installed via DP World development with acoustic barriers and felt this was an opportunity to enhance environmental measures. It was confirmed that there would be acoustic barriers along the new port access road however the A1089 further north was a Highways England asset. The issue of acoustic barriers was also a question for environmental health officers rather than the highways department and the requirements at DP World had been made by Public Protection and the assessment would also fall to them in this instance.

Members were advised that the Environmental Health Officer had been satisfied and made no comment requesting noise barriers north of the Asda roundabout on the A1089. Councillor Rice continued that he would not be satisfied until environmental measures were installed to protect residents. Members heard that the issue centred around evidencing what increase on that stretch of road could be attributed to this proposal alone, in the context of everything else on the A1089. However Highways England were also part of the process and could therefore have their own view of mitigation requirements along their asset.

Councillor Ojetola echoed comments that in principle he agreed with proposals regarding employment provision and felt it was commendable and a credit to Thurrock that the Port was expanding following the development of a

second port, DP World, in the borough which could have caused competition. He raised a concern regarding the proposed deletion of a public footpath and asked what was proposed instead. The footpath in question, 144, ran between the rear of residential properties and commercial sites and crossed the existing railway line. It was proposed to stop up a short section for safety reasons due to the proposed infrastructure corridor. The Local Impact Report outlined mitigation in terms of planning obligations including an Active Travel Study, with measures to improve walking, cycle routes and way-finding in a relatively large surrounding area; the S106 also sought surface improvements and widening of some existing footpaths. Councillor Ojetola explained that he had hoped for something so that users directly affected by the closure would not have to travel further, such as a bridge over the railway, and was surprised that the issue had not been picked up more. He appreciated the improvements elsewhere but asked what was proposed for those affected users. The proposal was for the footpath to be stopped at the railway crossing, due to safety issues. The suggestion of an over-path had been discussed as part of the pre-application however it would raise the issue of overlooking for the residential properties because of the height of structure required. In lieu of the footpath the applicant proposed to make further enhancements to make alternative routes more attractive including cycle links. There would be enhancements and widening works proposed for the Two Forts Way, including links over the sea wall. These proposed enhancements were deemed as sufficient mitigation for the loss of footpath 144.

Councillor Ojetola continued to query the wording of paragraph 6.21 of the Local Impact Report, on page 92 of the agenda, which stated that works shown would not appear to raise Green Belt policy implications. He sought clarification as to whether it did or did not raise these implications. The Principal Planner – Major Applications explained that much of the precise design detail had not yet been submitted and therefore officers had to test the parameters of acceptability. However, on the basis of the submitted general arrangement plans and from the available evidence there were no significant conflicts with the Green Belt. There was also the need to balance the status of the NSIP with the small pocket of Green Belt within the site, with the added benefits of landscaping and ecological mitigation which were deemed to outweigh the harm.

Councillor Ojetola questioned who would determine the issue. Three Planning Inspectors were appointed to consider the application, in considerable detail. They would assess the application and present a recommendation to the Secretary of State, taking into account all material considerations including Green Belt. NSIPs did not fall under normal planning policy and were instead subject to “National Policy Statements”, though these often replicated what would be considered within ‘standard’ planning applications. The recommendation would be guided by the Local Impact Report and Written Representation from Thurrock Council and submission from any other interested parties. Thurrock officers suggested that the impact upon the Green Belt was outweighed but the final decision was for the Secretary of State.

Councillor Snell recalled from experience that Roll On / Roll Off ports generally saw bursts of traffic. He asked what figure had been used for calculations regarding the impact assessment for NO₂. Paragraph 7.12.3 of the Local Impact Report showed that one human health receptor was modelled to experience a 'moderate adverse' impact however remained well below the air quality objective. Environmental Health Officers were satisfied that the assessment was robust and modelling had been agreed. Levels remained within objective values and on that basis there were no objections. Councillor Snell continued that there was no information regarding the number of vehicle movements the calculations were based upon. He also queried whether shipments would arrive at night leading to large numbers of vehicle movements in close proximity to residential properties. Paragraph 4.33 of the Local Impact Report summarised the operational details, again assessed on a worst case scenario, which saw four daily movements, two vessels in and out. The Principal Highways Engineer advised that the port was proposed to process 1.6million tonnes / year which would be broken down by distribution methods:

- 150,000 tonnes ship borne (10%)
- 700,000 tonnes by rail (45%)
- 750,000 tonnes by road (45-50%)

Officers were seeking to link the travel plan with the sustainable distribution plan. The transport assessment had identified use of larger trucks, and so the applicant was asked to assess by smaller types, to take into account those without full loads, therefore the impact has been over assumed. Officers had raised concerns regarding the Asda roundabout as they did not agree with the mitigation measures proposed, the concern was for the Thurrock road network as the mitigation measures would potentially impact on Thurrock Park Way and Dock Road, Tilbury. Ultimately the onus was on Highways England to raise a representation around their highway assets.

The Committee adjourned at 9.09pm and reconvened at 9.14pm.

The Committee agreed to suspend standing orders at 9.14pm.

Councillor Piccolo queried figures outlined in paragraph 1.4 of the Local Impact Report, which showed an estimated throughput of 500,000 units per annum. It was confirmed that this figure related to containers, not vehicle movements, and then sustainable distribution plan identified exports by certain means but the traffic impact only related to road distribution. While it was accepted that there were some mitigation measures proposed there were still concerns.

Councillor Piccolo continued to ask what was proposed in case of problems at the port regarding the stacking of lorries in the local area. He was especially concerned around the impact on major local infrastructure given the proximity to the Asda, Travis Perkins and Amazon sites. The Principal Highways Engineer confirmed that there was no lorry park. Facilities were proposed similar to those in place at DP World with vehicle booking systems and early

warning systems in place as a back up to alert drivers not to arrive if at the port if problems were to arise. Stacking on the A1089 could not be done legislatively and it was for the Port of Tilbury to mitigate the impact through directing and diverting HGVs.

Councillor Piccolo expressed concern that there was nothing in place to protect residents. Based upon his own experience, living in Stanford where drivers were advised not to go to DP World and so parked along the Manorway. He felt something should be done that would be enforceable.

Councillor Hamilton accepted paragraph 7.8.3 of the Local Impact Report but added that 7.8.8 should be amended to say that an improved junction enhancement absolutely should be investigated, rather than '*suggested*'.

Councillor Rice emphasised that members supported 2,000 new jobs but reiterated the need for full environmental protection for residents. He did not want to see HGVs cutting through Chadwell St Mary if there were issues on the A1089, and wanted that to be clear. Officers were urged to discuss enhanced environmental measures along the A1089 with Highways England, as they were aware of the issues. He felt the 45% distribution rate by rail was pleasing but would encourage the Port of Tilbury to work to increase that further and continue to reduce vehicle movements on the road network, and appealed to the Port of Tilbury to go above and beyond what was required of them. He fully supported the proposal which offered much needed employment but he hoped it would benefit local people and local companies as it was important that they prospered from this development.

Councillor Ojetola noted that the debate had been very wide-ranging, as was only appropriate given the scale of the proposal. He felt it was appropriate that Members scrutinised the matter not only in terms of material planning considerations but as Ward Councillors too. Many of the questions asked and concerns raised had come from experience of previous developments in the area and he too appealed to the Port of Tilbury's good grace to do as much as possible. He felt it would have been preferable to receive the report at an earlier meeting to allow for a deferral if necessary rather than being limited by deadlines, and hoped that the reports sent to the Planning Inspectorate would reflect the views of Members. He was pleased to see development at the port when DP World could have caused a negative impact and commended development and employment even if he was not completely satisfied.

Councillor Snell felt genuinely torn. He accepted that Thurrock was an industrial area and that the job opportunities should not be discounted, however he had a real fear for the residents of Tilbury. Aggregates and Roll On / Roll Offs would be noisy and he was unsure whether anything that could be done to mitigate would make a real difference. He also felt that the proposal could not be assessed in isolation. The expansion would create increased traffic and something needed to be done regarding the A1089. There were issues around noise, air pollution and vehicle movements. He felt the rail movements were aspirational and trailer traffic would be destined for

relatively local areas and therefore would only be feasible via road. He stated his uncertainty around voting for the proposal.

The Vice-Chair noted recent reports around Tilbury Regeneration had suggested greater use of the riverside and the flow of walking traffic. He felt it was unacceptable that there was no direct route to the riverside. He echoed Councillor Piccolo's concern around lorries queuing, especially in the wake of Brexit and potential increased delays due to customs checks. He noted that jobs and regeneration were welcome however he could not support the proposal as it stood. The Port of Tilbury were good employers and did a great deal for the community however the same could not always be said for their tenants. The fact that the port was managed by the Environment Agency and not Thurrock Council was an issue and he feared things would go wrong with no recourse.

The Chair echoed comments and asked that officers documented them specifically. He agreed that traffic on the A1089 would be a concern and he was interested to see how things progressed. Within proposals for the Lower Thames Crossing there had been mention of a relief road, which could be either positive or negative but either way was a long way in the future, so he was keen to see what Highways England would propose for the A10089. He felt the expansion of the port was a fantastic opportunity for Thurrock and reminded Members that the Committee was not looking to approve or refuse the application, but to steer the Planning Inspectorate and the Secretary of State. He expressed his support for the expansion and the opportunity to secure the future of the Port of Tilbury, albeit with some pressing issues.

Councillor Hamilton and Councillor Ojetola sought clarification as to whether the submissions would include amendments suggested by Members. The Development Management Team Leader advised that Members' comments would be outside of the formal submission and would form part of ongoing discussions; however paragraph 7.8.8 of the Local Impact Report would be amended as per Councillor Hamilton's request prior to submission.

It was proposed by the Chair and seconded by Councillor Rice that the Planning Committee consider and agree the content of both the Local Impact Report forming Appendix 1 and the Written Representation forming Appendix 2 and that these Appendices are formally submitted to PINS on or before the deadline of 20th March 2018.

For: Councillors Tom Kelly (Chair), Colin Churchman, Graham Hamilton, Roy Jones, Tunde Ojetola, Terry Piccolo and Gerard Rice

Against: (0)

Abstain: Councillors Steve Liddiard (Vice-Chair) and Graham Snell

RESOLVED:

That the Planning Committee consider and agree the content of both the Local Impact Report forming Appendix 1 and the Written Representation forming Appendix 2 and that these Appendices are formally submitted to PINS on or before the deadline of 20th March 2018.

The meeting finished at 9.44 pm

Approved as a true and correct record

CHAIR

DATE

Any queries regarding these Minutes, please contact Democratic Services at Direct.Democracy@thurrock.gov.uk