

Minutes of the Meeting of the Planning Committee held on 22 June 2017 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

Steve Taylor, Campaign to Protect Rural England Representative

In attendance: Andrew Millard, Head of Planning & Growth
Matthew Ford, Principal Highways Engineer
Matthew Gallagher, Principal Planner
Jonathan Keen, Principal Planner
Leigh Nicholson, Development Management Team Leader
Chris Purvis, Principal Planner (Major Applications)
Sarah Williams, School Capital and Planning Project Manager
Charlotte Raper, Senior Democratic Services Officer

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.

1. Minutes

The minutes of the meeting of the Planning Committee held on 18 May 2017 were approved as a correct record.

2. Item of Urgent Business

There were no items of urgent business.

3. Declaration of Interests

Councillors Snell, disclosed non-pecuniary interests regarding Item 9: 15/01354/OUT: Land Part of Little Thurrock Marshes, Thurrock Park Way, Tilbury, in that his Party had presented a petition against the development however they had not signed it personally and confirmed they were of an open mind. He had also received emails in objection but had not read or responded.

Councillor Jones disclosed non-pecuniary interests regarding Item 9: 15/01354/OUT: Land Part of Little Thurrock Marshes, Thurrock Park Way, Tilbury, in the same way as Councillor Snell.

Councillor Hamilton also disclosed the same non-pecuniary interests regarding Item 9: 15/01354/OUT: Land Part of Little Thurrock Marshes, Thurrock Park Way, Tilbury.

Councillor Liddiard disclosed non-pecuniary interests regarding Item 9: 15/01354/OUT: Land Part of Little Thurrock Marshes, Thurrock Park Way, Tilbury that was much the same as the Councillors before him.

4. 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 Chair advised that he had received emails from residents but had not responded to them. He had received an email regarding Item 11: 17/00443/TBC: Car Park, Calcutta Road, Tilbury, Essex, RM18 7QA regarding loss of light.

Councillor Rice confirmed he had received emails regarding Items 9: 15/01354/OUT: Land Part of Little Thurrock Marshes, Thurrock Park Way, Tilbury and 10: 17/00470/FUL: 3 Longley Mews, Grays, Essex, RM16 3AG.

Councillor Churchman informed the Committee that he had received email correspondence regarding Item 9: 15/01354/OUT: Land Part of Little Thurrock Marshes, Thurrock Park Way, Tilbury.

Councillor Piccolo stated that he had received emails regarding Items 9: 15/01354/OUT: Land Part of Little Thurrock Marshes, Thurrock Park Way, Tilbury, 11: 17/00443/TBC: Car Park, Calcutta Road, Tilbury, Essex, RM18 7QA.

Councillor Ojetola confirmed he had received emails regarding Items 9: 15/01354/OUT: Land Part of Little Thurrock Marshes, Thurrock Park Way, Tilbury and 10: 17/00470/FUL: 3 Longley Mews, Grays, Essex, RM16 3AG.

5. Planning Appeals

The report provided information regarding planning appeals performance.

Councillor Ojetola asked for some context regarding the statistics within the main body of the report. 41.6% of appeals had been allowed; he queried how that compared to the Key Performance Indicator (KPI). The Committee was advised that there was no longer a KPI in place however the previous KPI had been 31% and that still served as a useful benchmark.

Councillor Rice referred to section 3.3 of the report, Application No: 16/00941/CONDC and recalled that the site had stood empty for some time. The real question was when Thurrock would start to see homes there. Members heard that if the appeal was dismissed the applicant would have to bring another application to the Planning Department but at present it was a

matter of waiting for the correct process. It was confirmed that the conditions had not been discharged properly and this was a matter for the Planning inspectorate to consider.

RESOLVED:

The Committee noted the report.

6. 16/01726/REM: Former Ford Motor Company, Arisdale Avenue, South Ockendon, Essex, RM15 5JT

The application sought approval of reserved matters for Phase 3 of the project, comprising of 113 residential dwellings, new public open space, car parking and associated infrastructure. The Principal Planner's presentation clarified the drawing number changes and the additional condition [number 7] regarding the siting of the proposed dwelling on plot 109 being set further back into the site to achieve visibility splays on this road corner in this part of the site.

Councillor Piccolo sought clarification regarding the previous application 17/00029/NMA to remove the requirement to comply with the Code for Sustainable Homes. This had been approved, due to the code having been rescinded nationally by the Government and therefore not required for Phase 3. The final affordable homes provision would be dependent upon viability.

Councillor Ojetola asked what the impact of all phases together would be upon the highways network. A Transport Assessment had been undertaken when the original outline application had been submitted and was deemed to be acceptable. The applicant had also made financial contributions to improve the junction as it would be severely affected.

Councillor Rice asked officers to confirm the affordable housing provision. The provision was subject to another application as required as part of the Section 106 agreement to the outline permission, which required a minimum of 10% provision for affordable housing.

Councillors raised concerns regarding the parking provision. The Chair agreed that it seemed insufficient, however as it met the Council's standard perhaps the standard should be addressed and the application could not be penalised. Members queried whether Phases 1 and 2 had highlighted any problems. It was confirmed that officers were investigating a controlled parking zone scheme to be introduced next year at residents' request. Phases 1 and 2 included parking on adopted highways. There had been some complaints around commuter parking and HGV parking. Phase 3 would include off-street parking in curtilages to reduce the reliance on parking courts and parking on highways, and increased visitor spaces.

Councillor Piccolo queried section 6.24 of the application, as the figures did not correspond. It was clarified that there would be 11 flatted units, with 8 in block B and 3 in block D.

It was proposed by the Vice-Chair and seconded by Councillor Jones 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, Tunde Ojetola, Terry Piccolo, Gerard Rice and Graham Snell.

Against: (0)

Abstain: (0)

RESOLVED:

That the application be approved, subject to conditions.

7. 15/01354/OUT: Land Part of Little Thurrock Marshes, Thurrock Park Way, Tilbury

The Principal Planner (Major Applications) advised that there had been 2 late letters of objection received, including one from Essex Field Club who wished the site to be designated as a local wildlife site and objected to the proposed mitigation measures. The second letter was from a resident, reiterating existing objections. The Officer confirmed that there had been no habitat survey undertaken to determine if the site qualified for local wildlife site designation.. The application sought outline planning permission for the development of 13.11 ha of land, providing up to 280 residential units, a community facility and commercial floorspace with associated landscape, flood improvement and access works. The site lay within the Green Belt and the development was deemed to be inappropriate and therefore harmful in principle and harmful to openness. Members were advised that it was for them to assess whether the very special circumstances put forward by the applicant clearly outweighed that harm.

Councillor Ojetola referred to previous applications nearby whereby land had been taken out of the Green Belt for development purposes. He queried whether any compensation had been made elsewhere to replenish the Green Belt loss at the time, and it was confirmed that there had been no compensation of Green Belt.

It was clarified that Section 4.3 should have read "These letters include responses from Councillors Aker, Gledhill and Okunade."

Officers had tried to be consistent with previous applications and appeal decisions in their assessment of the weight to be afforded to the case for very special circumstances. Section 2.25 of the report highlighted 4 factors which were considered to amount to very special circumstances when a previous application was approved on part of the site in 2009 and these factors were given to provide some background.

Councillor Rice asked whether, as a Local Authority, Thurrock had enough land for the 5 year housing supply. Section 6.34 of the report confirmed that Thurrock did not have a 5 year supply. He then asked whether the previously approved application had been for the entirety of the site. The previous permission had proposed development of 3.8 ha with 9.6 ha to remain open.

Members were concerned as to liability for costs if they were mindful to refuse. The Committee was assured that inappropriate development of the Green Belt was a material consideration and therefore it would not be problematic, although Officers considered that the issues of ecology, flood risk and highways impact were acceptable subject to mitigation and therefore should not form a reason for objecting to the proposals.

Councillor Hamilton referred to the watercourses on the site, and asked if they were incorporated to the best of the applicant's ability. The existing watercourse was designated a main river and therefore had a formal status and served a drainage purpose. The applicant had submitted an addendum to the Flood Risk Assessment ensuring this watercourse was properly modelled. New ditch sections were also proposed for surface water attenuation. It was queried whether there would be further ecology considerations. The Committee heard that the site had been promoted as a potential local wildlife site but no formal survey had been undertaken to assess its suitability for such designation. There would be mitigation in terms of replacement habitat as part of the landscaping proposals.

Councillor Snell expressed concern that there were various types of flooding; he sought confirmation that there would be mitigation other than raising the land level, to defend against rising water. Whilst the site was in the high risk flood zone it did not form part of the functional floodplain. The land would be raised to level of roughly 2.03m above sea-level to take the site above the level of a 1 in 200 year flood event. The ditch areas would also provide surface water attenuation. It was stressed that these changes would also not cause any increased risk to existing properties in the area.

Councillor Jones queried how close to residential properties the industrial units would be. Section 6.107 outlined a minimum separation of 65m.

The Chair raised concerns around traffic access to the site. A Transport Assessment had been undertaken of the Churchill Road access point. It was estimated that there would be approximately double the amount of vehicles at peak times, however the relative flow capacity did not exceed the parameters for intervention. There would be a condition that no construction traffic could access the site via Churchill Road, all construction vehicles would travel via the existing industrial park.

The Vice-Chair enquired as to proposals for cycle and footpaths. There was an obligation to create a cycle link between Churchill Road and the A1089 and two locations had been identified for bridge links. There would be street lit links on low-traffic routes.

Councillor Jones highlighted the low parking provision per unit. Condition 24 would ensure that the provision was in line with the Council's most recent draft standards.

Councillor Piccolo was cautious that a road link between two towns seemingly mitigated merging via Green Belt development and the time-limits which meant that part of the case for very special circumstances could be weakened. The officer advised that a non-standard time limit condition could be considered.

The Chair invited a resident, Tony Coughlin, to the Committee to present his statement of objection.

The Ward Councillor, Councillor Okunade, was invited to present her statement of objection.

The agent, Ben Rogers, was invited to the Committee to present his statement of support.

The Chair advised Members that harm to the Green Belt was a material consideration and therefore they should not be concerned with costs at appeal, but should simply consider the application before them. He felt that the proposal was of high quality design, and were the site not located on Green Belt it would be readily approved. He had some personal concerns regarding access, however Officers had advised they were not considered to be a problem and he accepted their professional guidance.

Councillor Ojetola expressed concern that there would be many more applications for developments on the Green Belt to come. He agreed that the design was promising but the issue was whether the very special circumstances clearly outweighed the harm to the Green Belt. He was still concerned that they did not.

Councillor Rice felt that given the dire need for housing it was inevitable that eventually some Green Belt land would need to be released. There were no objections from statutory organisations such as Highways England and the Environment Agency which, mixed with the proposed contribution of almost 300 homes, tipped the balance for him to be inclined to approve the application.

Councillor Piccolo referred to the list of very special circumstances and though the 5 year supply had been given "significant weight" Members had been advised that that alone could not be considered to outweigh harm to the Green Belt. The remaining factors seemed rather weak and he reminded Members that the financial contribution would not go towards existing shortfalls but to mitigate the impact of the development. He understood there was a need for more homes in Thurrock, but was concerned that the special circumstances seemed very limited and it would set a dangerous precedent for the future.

Councillor Hamilton echoed this concern regarding setting a precedent. Since the Green Belt would not be replenished it would be the start of its erosion.

The Committee agreed to suspend standing orders at 21:18.

Councillor Snell referred to section 6.39 whereby the Secretary of State had re-affirmed that the issue of housing delivery alone could not justify inappropriate development of the Green Belt. Since it was the only factor given “significant weight” he felt the bar would be set far too low and it would be very difficult to refuse future applications. There had been reference to improving the habitat for ecology but he expressed concern for the local residents. The site currently served as a buffer between residential and commercial sites, and the timeframe suggested 18 months simply to raise the land, then there would be piling and then construction. It was a very long time for residents to be so disrupted. He understood the need for housing in the borough however, even with the impressive design, there was not enough to warrant building over the Green Belt.

The Vice-Chair stated that every week within his ward he was contacted by people who had been made homeless, including young families. He agreed that preservation of the Green Belt was important and the decision would be difficult but his priority was helping those in need of housing in Thurrock.

Councillor Churchman agreed; the application was recommended for approval and while the Green Belt was important, housing residents was also a priority.

Councillor Jones was concerned that the focus for Local Authorities had become focused on how many houses they were expected to build, even by Government directives, but there had to be a balance. The Green Belt acted as buffer zone and if one application began to erode that it would surely continue.

Councillor Piccolo referred to the commercial aspect of the proposal. It had been suggested that the recent Amazon site would provide more vacancies than the number of unemployed people within Thurrock; therefore he would disallow that aspect as there was no shortage. The development itself was well designed but the principal of approving inappropriate development of the Green Belt, especially with such limited very special circumstances, would effectively leave the Green Belt open to any future applications.

Councillor Ojetola referred again to the list of very special circumstances and assessed that there were more with “limited” or “no weight”. The Committee had refused similar applications and he could not support this application.

The Campaign to Protect Rural England Representative wished to draw Members’ attention to two points. The Green Belt served to prevent urban sprawl, and this application would set the precedent of a “creeping” urban sprawl. There were subjective words to consider; any mitigation should

“clearly” outweigh the harm to the Green Belt and there seemed to be little clarity that it did.

The application was recommended for approval, subject to referral to the Secretary of State, the completion of a s106 legal agreement and conditions. The Chair put it to the vote.

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

Against: Councillors Graham Hamilton, Roy Jones, Tunde Ojetola, Terry Piccolo and Graham Snell.

Abstained: (0)

The Head of Planning and Growth quoted Chapter 5, Part 3, Point 7 of the Council’s Constitution: “Decisions contrary to Officers recommendations and/or the Development Plan” for the benefit of residents within the public gallery. It was considered that the requirements of 7.2 (a to c) had been met and that the arguments against the recommendation were not tentative. The application could therefore be determined at the meeting.

It was proposed by Councillor Ojetola and seconded by Councillor Snell that the application be refused on Green Belt grounds.

For: Councillors Graham Hamilton, Roy Jones, Tunde Ojetola, Terry Piccolo and Graham Snell.

Against: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman and Gerard Rice.

Abstained: (0)

RESOLVED:

That the application be refused.

8. 17/00470/FUL: 3 Longley Mews, Grays, Essex, RM16 3AG

The Principal Planner advised that the application sought permission for an extension and dormer to convert a garage to a self-contained annex. The site lay within the Green Belt and the dwelling had already been extended by the maximum amount allowed under Policy PMD6 of the Core Strategy.

The proposed floorspace was the same as a previous application which was refused and dismissed at appeal in February 2017. The flat roof design was also considered to be contrary to Policies PMD2 and CSTP22 of the Core Strategy, which sought to ensure high quality design in all new developments.

Councillor Snell asked Officers to confirm that the applicant would have understood that the previous extension was likely to be the maximum allowance. Officers confirmed that a previous, larger application had been refused on floorspace and the proposal did not address this issue. Members were reminded also that the proposed floorspace was identical to a recently refused application.

The Chair invited the agent, Stuart Light, to the Committee to present his statement of Support.

Councillor Ojetola asked whether the Planning Inspectorate had rejected evidence of ill-health or whether they had not seen it. The Principal Officer advised that the issue of health had been considered by the Inspectorate. Councillor Ojetola asked whether the previous application and Planning Inspectorate's decision should be taken into consideration. The Head of Planning and Growth confirmed that it was a material consideration; there was precedent of an identical application having been refused.

A site visit, so that Members could assess the real-life impact of the additional 8ft, was proposed by Councillor Rice and seconded by the Vice-Chair.

For: Councillors Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Tunde Ojetola, Terry Piccolo and Gerard Rice.

Against: Councillors Tom Kelly (Chair), Graham Snell and Roy Jones

Abstain: (0)

RESOLVED:

That the application be deferred for a site visit.

9. 17/00443/TBC: Car Park, Calcutta Road, Tilbury, Essex, RM18 7QA

The Principal Officer advised that the application sought planning permission for 35 units, comprising a mixture of three and four storey buildings, provision of car parking and communal facilities, refuse and cycle stores, associated landscape proposals and formation of a new public square. The development would provide 100% affordable housing for over 55s, specifically designed to meet requirements of the Council's waiting list.

The Vice-Chair advised that residents within his ward were excited about the development. He asked whether the cycle storage would accommodate mobility scooters, and provide a power supply. Members heard there were 22 bays outlined for scooter parking.

Councillor Jones referred to concerns regarding the height of the building and proximity to an existing care home. The Officer advised that there was a

significant distance between the two sites and the height difference was acceptable.

Councillor Piccolo queried ownership of the alleyway behind the development, and responsibilities regarding fly-tipping. It was confirmed that the alleyway would be retained by current residents, allowing continued access to their properties. The responsibility for the alleyway would remain as presently.

Councillor Ojetola queried the level of parking. He asked whether parking would be restricted and what provision there was for visitors. The Principal Planner advised there would be an access gate for security purposes which would restrict parking. The Principal Highways Engineer advised that a parking scheme in Calcutta Road was currently under investigation at the request of local residents. There were also plans to increase off-street parking in Tilbury. The Vice-Chair interjected that HAPPI developments were designed for wheelchair users, vulnerable residents and it would be surprising if all the residents had cars.

Councillor Hamilton raised the issue of overlooking regarding properties on Toronto Road. The Principal Planner advised there was a condition for screens to be built to prevent overlooking from the public walkway towards the back of Toronto Road properties that many properties overlooked the communal garden and the properties closest to Toronto Road had south-facing balconies. It was queried by Members whether trees might be planted to further mitigate, the Principal Planner advised that due to the proximity to the boundary tree-planting would be difficult, however there were no specific concerns.

The Chair invited a resident, Mr Trew, to the Committee to present his statement of support.

The agent, Marion MacCormick was invited to present her statement of support.

The Chair queried the impact on residents in Toronto Road, such as proximity, overlooking and loss of light. The Committee heard that the units did not face directly onto the gardens and that there would be screens along walkways to mitigate. Units were a satisfactory distance from the existing properties and there was negligible impact in terms of loss of light.

Councillor Liddiard agreed that he would be somewhat concerned about overlooking, but the balconies faced Calcutta Road, not Toronto Road. The development was an ideal location for elderly residents, as it was 100 yards from shops and there were good bus links.

The Campaign to Protect Rural England Representative sought clarification as to the walkway on the northern face of the properties. It was confirmed that this would be the entry into properties, it would be slightly open but there would be screening.

Councillor Piccolo expressed his view that he might be more concerned if the properties were for families with young children, or teenagers, but given these were specifically for over 55s it was hoped all residents, new and existing, would have respect for their neighbours.

The Chair asked whether there was any requirement for the windows overlooking the communal garden to be screened. The view was not deemed harmful due to the positioning, however Condition 6 could be amended to be more explicit regarding the proposed windows.

The application was recommended for approval, subject to conditions. The Chair put it to the vote.

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

Against: (0)

Abstain: (0)

RESOLVED:

That the application be approved, subject to conditions, as per the Officers' recommendation (subject to amending condition 6 (windows on rear facing elevation) and 11 (access gate to carpark)).

The meeting finished at 10.38 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**