

## Minutes of the Meeting of the Planning Committee held on 13 September 2018 at 7.00 pm

---

**Present:** Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Andrew Jefferies, Terry Piccolo, Gerard Rice, Sue Sammons and Angela Lawrence

**Apologies:** Councillors Sue Shinnick and Steve Taylor

**In attendance:** Leigh Nicholson, Development Management Team Leader  
Matthew Ford, Principal Highways Engineer  
Bob Capstick, Locum Lawyer  
Chris Purvis, Principal Planner  
Tom Scriven, Principal Planner  
Tisha Sutcliffe, Democratic Service 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.

### **33. Minutes**

The minutes of the Planning Committee meeting held on 16 August 2018 were approved as a correct record.

### **34. Item of Urgent Business**

There were no items of urgent business.

### **35. Declaration of Interests**

There were no declarations of interest.

### **36. 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**

Councillor Kelly declared on behalf of all Councillors of the Planning Committee they received correspondence from Bellway Homes in regards to application 18/00507/FUL, Land Adjacent Moore Avenue, Devonshire Road and also a question received by a resident which was answered by the Committee.

Councillor Rice declared on behalf of all Councillors of the Planning Committee they received an email from the applicant sharing the statement of support in regards to application 18/00988/HHA Farmhouse Manor House

Farm, Bulphan, Essex RM14 3TJ. The Chair was unsure whether this was received by all Members prior to the Committee

### **37. Planning Appeals**

The report provided information regarding planning appeals performance.

#### **RESOLVED:**

**That the Committee noted the report.**

### **38. 18/00507/FUL - Land Adjacent Moore Avenue, Devonshire Road, London Road South Stifford, Grays Essex**

It was highlighted before the above item was discussed that Councillor Sammons would not have the opportunity to vote or comment on the above item as she was absent from the Committee when it was initially presented.

The planning application was a proposal for a redevelopment of the site to provide 102 dwellings and associated access, parking, public open space, landscaping and drainage infrastructure.

The application was initially presented at the Planning Committee on 16 August 2018, however it was deferred to enable Officers to consider whether funding could be secured for NHS England to improve local healthcare facilities. The Principal Planner explained that the NHS England have sought a financial contribution towards the Thurrock Health Centre in Grays. However following further discussions with NHS England Officers advised that the contribution sought could not be secured without specific references to the Council Infrastructure Requirements List [IRL] as a specific CIL compliant project shall need to be listed in the IRL to enable the Council to secure a financial contribution. The Principal Planner advised that Officers would be working with the NHS to update the IRL with regards to the including the relevant healthcare projects on the IRL list.

The Principal Planner advised the Committee that since the publication of the agenda, the applicant had agreed to provide the full NHS contribution. Members were advised that The Heads of Terms of the s.106 had been updated to include the following:

- (i) The provision of 23% of the dwellings as affordable housing (intermediate tenure – 10 x 1 bed and 13 x 2 bed);
- (ii) Financial contribution of £568,389.07 (subject to indexation) payable prior to first occupation towards the cost of additional primary school places (Belmont Academy) and secondary school places (William Edwards).
- (iii) Review mechanism in the event that the scheme has not reached slab level on 50 units within 2 years of consent being granted
- (iv) Financial contribution of £40,227 (subject to indexation) towards local healthcare facilities payable prior to first occupation. NHS England to

identify a CIL regulation compliant IRL project within three months of the date of planning permission being granted.

- (v) In the event that NHS England do not identify such a project, the financial contribution of £40,227 will be distributed, at the Council's discretion, towards the provision of affordable housing and/or education contributions.

This application sought full planning permission and proposed a new access road into the estate of 102 new dwellings, with the provision of 23% as affordable housing and the financial contribution of £568,389.07 (subject to indexation) payable prior to first occupation towards the cost of additional primary school places (Belmont Academy) and secondary school places (William Edwards).

The Principal Planner stated the planning conditions will remain the same from the previous Committee meeting.

The Chair opened the Committee to questions.

Councillor Rice wanted clarity on whether the land to the north of the site could be conditioned to be used for open space as it be difficult to develop as it would be too close to the oil storage site of Askew Farm and the blast zone. The Principal Planner confirmed the area to the north of the site was within the blast zone to Askew Farm but was outside of the application site and could not be subject to any planning conditions for using the land for any specific use.

Councillor Rice appreciated the confirmation and advised it would be positive for the Planning Officers to discuss with the developer that the green space be set aside for the young people in the borough because it cannot be built on, and could be used for recreational purposes.

The Chair asked who owned the site at the top and asked if this could be recommended. It was unclear as to who owned the land however and Strategic Lead – Development Services advised it was something which could not be conditioned as part of this application but it could be discussed with the developer following the meeting

The Chair explained to the Committee this item had been mentioned in the media and he asked for clarity around this from the Officers. The Principal Planner informed that there had been correspondence received from the residents raising concerns with bulldozers and other building works occurring on the site before the application had been approved. The Principal Planner made contact with Bellway Homes and they explained there had been ecology surveying ongoing on the site. The Principal Planner advised that the Council's Landscape and Ecology had inspected the site and confirmed the works were ecology survey work.

The Chair opened the item to debate

The Chair explained the above application was deferred at Committee on 16 August and therefore there would be no speakers on this item as they were heard at the last Committee. The Chair felt it was extremely positive that the funds were being offered as this was one of the reasons for the item being deferred initially. He felt it would not be ideal to refuse this application after contributing towards the healthcare facilities in Grays and it should be made clear by the Leader of the Council as to why the number of health care facilities is low as this would need to be rectified right away. The Chair did not feel there were any reason to refuse the application as there had been the relevant changes made.

Councillor Rice expressed that the amount being offered was only due to the Planning Committees intervention as it was clear that the borough had always had lacked doctors. When the properties were being built, the Officers would need to ensure that NHS England are fully involved. Councillor Rice agreed that it would be positive for 102 new dwellings to be built in the borough for the residents.

It was proposed by Councillor Liddiard and seconded by Councillor Jefferies that the application be approved subject to conditions.

For (7): Councillors T Kelly, S Liddiard, C Churchman, A Lawrence, A Jefferies, T Piccolo, G Rice.

Against: (0)

Abstain: (1): Councillor S Sammons

**RESOLVED: That the application be approved, subject to conditions.**

**39. 18/00343/FUL - Stanford Tyres and Servicing, London Road, Stanford Le Hope SS17 0LD (Deferred)**

Following Councillor Piccolo declaration of non-pecuniary interest he removed himself from the Chambers whilst the above application was being discussed.

The Chair also advised that he would leave the Chamber for the application as he was not present when the application was initially taken to Planning Committee.

The Chair and Councillor Piccolo left the Chambers at 19.20

The Principle Planner explained that this item had been deferred on two separate occasions from the Planning Committee in June 2018, initially it was deferred to allow a site visit to take place. The item was then considered at the Planning Committee in July 2018 where Members again deferred the application to request for the applicant to reduce the size of the building.

The planning application initially was for the proposal of a two storey block for A1 retail use, storage and office spaces. Since the application was deferred

twice the applicant had made amendments to the height of the building reducing the height by 150mm. The Principal Planner explained that the applicant would not be able to reduce the height of the building any more as it would eventually remove full use of the 1st floor. The Principal Planner advised that this is the third planning application for this development.

It was recommended that the Planning application be approved subject to conditions.

The Vice-Chair opened the Committee to questions

Councillor Jefferies asked what the difference in height was from the original application to the application being proposed at Committee this evening. The Principal Planner explained that since the July meeting amended plans have been received showing the proposed building reduced in height by 150mm. This means the highest part of the building would be 5.5m high instead of 5.65m high on the western elevation of the building. The proposed mono-pitched roof would slope to a height of 4.5m.

The Vice-Chair opened the Committee to debate the application

The Vice-Chair felt that the applicant had done their best to improve the design of the building and to satisfy local residents by reducing the height.

It was proposed by Councillor Liddiard and seconded by Councillor Churchman that the application be approved subject to conditions.

For (5): Councillor S Liddiard, C Churchman, A Jefferies, S Sammons and G Rice.

Against: (0)

Abstain: (2): Councillors T Kelly and T Piccolo

**RESOLVED: That the application be approved, subject to conditions.**

**40. 18/00830/FUL - Segro site, Land Adjacent A13 A1306 and to rear of 191-235 Purfleet Road, Aveley Essex**

The Chair and Councillor Piccolo entered at 19:28

The proposal was for full planning permission for the erection of a new warehouse and distribution centre (B8 Use Class) with ancillary offices, two associated gate house buildings and two welfare hubs, the proposal would also seek 24 hour use.

The Principal Planner advised the Committee that this was a larger development than previously submitted. The outline permission in 2014 for application 12/00862/OUT was followed by the reserved matters permission which permitted two warehouse buildings on the site. This application still

remains a live consent until 22 August 2019, therefore it can still be implemented.

The Principal Planner referred to page 79 point 3.4 of the Agenda.

It was confirmed by the Principal Planner that the residents currently living in Purfleet would not be affected by the proposed building. The site located close to the Wennington junction interchange and Purfleet road had been realigned and noise barriers would be in place to ensure residents were not affected by the 24 hour use.

The HGV access to the site, would be a separate route into the warehouse and on leaving the site they would not have the opportunity to turn left at Purfleet Road due to the properties and a weight restriction in place.

The proposed warehouse would offer onsite parking for employees, with one large warehouse furthest away from all the homes on Purfleet road. There would be loading bays on site.

The newly developed warehouse would provide employment opportunities for residents in Thurrock and would allow a good access route to the Wennington interchange, which would reduce the opportunity for HGV's driving into Purfleet.

The Chair opened the Committee to questions regarding the planning application 18/00830/FUL.

The Chair asked what precautions were in place to prevent HGV's from turning left on Purfleet Road, as there were not any physical restrictions other than the weight restriction. The Principal Planner confirmed that the junction was designed to prevent anyone turning left out of the site as there was a weight restriction in place to the left of the junction.

Councillor Rice referred to page 80 point 4.10 as it discussed the various people consulted and the Flood Risk advisors have objected to the application and he asked if this had been rectified. The Principal Planner confirmed that this was resolved through the inclusion of a surface water management plan condition.

Councillor Sammons wanted clarity on the proposed building as the pictures shared looked as though the warehouse would be built directly opposite the residents properties on Purfleet Road. The Principal Planner stated the residents on Purfleet Road have a landscape bund and that this would screen the warehouse. It would be designed to ensure that the residents would not be affected visually and include noise barriers.

Councillor Churchman shared his concerns for residents that would be affected by the lighting of the warehouse and the lighting in the car parks on site. The Principal Planner advised the car park would be multi storey within a building and the access roads would be at a lower level than the landscape

bund which screens the site so the neighbouring residential properties would not be affected.

Councillor Lawrence wanted clarity on whether the site was in the greenbelt zone 10 years prior. She asked if landscaping could be enforced before the warehouse was developed and what types of trees would be put in place to ensure that residents were not affected by the 24 hour use of the warehouse.

The Principal Planner referred to conditions 5 of the recommendations, Modern design cladding had been considered as acceptable. He stated that on condition 25 on page 102 requires a Construction Environment Management Plan to be negotiated with the application prior commencement of development on site.

Councillor Rice explained the importance of trees being put in place around the warehouse as the lighting of the 24 hour use warehouse would shine through resident's windows throughout the night and Councillors need to be more sympathetic with residents and the area this warehouse is being proposed in.

The Agent, Mr Alastair Bird was invited to the Committee to present his statement of support.

Councillor Rice said the proposal seems very positive, however when autumn falls the leaves will fall off the trees and the residents will be affected. He recommended for mature cherry Loral bushes to be put in place as they are an all year round tree and this will ensure residents are not impacted by the 24 hour use of the site. He asked if this could be included in the conditions.

The Development Management Team Leader advised that the conditions are laid out in the report and they meet the tests that are required, however the Planning Officers will take this information back to the applicant and advise.

It was proposed by Councillor Jefferies and seconded by Councillor Churchman that the application be granted planning permission, subject to conditions, as per the Officer's recommendations.

For (8): Councillors T Kelly, S Liddiard, C Churchman, A Jefferies, T Piccolo, G Rice, and A Lawrence.

Against: (1) Councillor S Sammons

Abstain: (0)

**RESOLVED: That the application be approved, subject to conditions as per the Officer's recommendations.**

41. **18/00988/HHA - Farmhouse Manor House Farm, Brentwood Road, Bulphan, Essex RM14 3TJ**

The planning application proposed a two storey front extension, single storey side extensions, and alterations to the roof, basement and single storey garage block with associated hard standing following the demolition of existing side extension and outbuilding. The site is located in Bulphan within the Green Belt.

The application was called in by Councillors G Rice, S Shinnick, L Worrall, C Baldwin and B Rice to assess the impact of the proposal in terms of the Green Belt policy.

The Principal Planner referred to a number of photos shown of the site and where the existing building is located.

The Principal Planner confirmed that there had been a number of Lawful Development Certificates granted since the previous appeal on the site although only one had been implemented.

The Principal Planner stated the only building which will be demolished would be the existing outbuilding.

The Principal Planner shared one update within the report on page 113 point 6.6, which stated that the existing building was original dwelling was for the purpose of Green Belt policy. However, it was confirmed that the two storey rear extension allowed under permitted development has been built. This two storey rear extension has a floor space of 93sqm which already exceeds the 46sqm proportionate extension allowance. The previous application in 2009 was refused by the Planning Committee as the proposed building would impact on the Green Belt.

The Chair opened the Committee to questions

Councillor Rice asked if there were any objections for the proposed application from neighbours. The Principal Planner confirmed there had been no letters of objection received in regards to this.

Councillor Rice asked if the applicant could extend the building through permitted development, although they would not have the right to do all that was being requested as part of the planning application. He also noted that a Manor House is supposed to be a large building and would ask if conditions could be imposed to remove permitted development. The Principal Planner agreed if they are granting planning permission then the Permitted development rights could be removed, although it would not restrict a considerable amount or stop planning applications.

The Principal Planner briefed the committee on the extensive planning history on this site. In 2012 a two storey rear extension and increase in roof height to part of the existing roof slope and replacement chimney was proposed and this was approved at Planning Committee. In 2016 a single storey side extension and outbuilding was also approved, along with single storey side extensions in 2017.



The Principal Planner advised the very special circumstances argument put forward in this case was capable of being replicated elsewhere. There are a large number of houses in the borough that do have permitted development rights and could put forward the same argument.

Councillor Jefferies asked for clarity on the size and how it compares to the extensions which could be carried out under permitted development. Councillor Kelly shared that it was less than what was being proposed and this was confirmed by the Principal Planner as the overall floor space would be similar.

Councillor Kelly asked if all three proposed extensions could be built together. The Principal Planner advised that they were applied for separately but with the potential to build them together. Councillor Kelly asked if the separate extensions would need to be brought back to Committee separately. It was confirmed there would be no reason to bring the permitted development applications back to Committee.

Councillor Piccolo wanted to confirm that under permitted development the dwellings can be built bigger than what was being proposed. The Principal Planner stated the permitted development proposals would not allow for the existing two storey extension and single storey wings to be connected. In terms of the outbuilding the proposed garage is smaller than that which was proposed under permitted development. Councillor Piccolo asked what the height of the outside building would be, although the principal Planner did not have the figures of the outside building.

Councillor Lawrence pointed out that the applicant is trying to extend his home and has applied for the relevant planning permissions to build on his property. The property is not having any impact on the neighbours. She felt the applicant should be given the opportunity to extend his property.

The Principal Planner highlighted that the property is in Green Belt and therefore it would need to be assessed against relevant policy. The applicant had applied for planning permission in 2009 however it was dismissed and there have been no applications since other than Lawful Development Certificates.

The Agent, Mr David Wallis, was invited to the Committee to present his statement of support.

The Chair opened the Committee to debate.

The Chair said initially reading the report he felt it would affect the Green Belt. Although there are concerns the application would impact on the Green Belt he noted there are two industrial sites near the development. The houses in Bulphan need to be diverse with a range of different style homes as Thurrock lacks larger built properties. The Committee should respect applications that

supply the relevant information as some applicants do not apply for permission before building.

Councillor Piccolo asked for clarity on what was being proposed as it was not clear, He was of the opinion the proposed extensions would have a bigger impact on Green Belt than the Permitted Development fall-back scheme. Councillor Piccolo took the view that the proposal would not be out of character for the extensions to be built as long as Permitted Development rights could be removed as it would prevent further Permitted Development applications. He could not agree for the application to be rejected.

Councillor Churchman felt the property would present a better appearance although he was mindful that it was subject for refusal.

Councillor Rice said when applicants come forward and propose buildings similar to this one, they should be encouraged to build in the Borough. There had been no objections from neighbours therefore he felt the scheme would be positive and he would support the application as Thurrock needs larger homes in the Borough, this may even encourage the Chief Executive to purchase a property in Thurrock. He agreed that the application should be approved.

Councillor Jefferies stated that initially he thought there would be no debate as the Green Belt would be impacted, however he agreed he was in favour to vote for approval on this application.

Councillor Piccolo wanted to ensure that conditions would be imposed given that the application was recommended for refusal.

Councillor Kelly advised Members that they would need to be careful as all applications are taken with their own merits but other developers may not see it as unique. It would need to be clear that the Permitted Development was not the biggest factor.

Councillor Rice recommended a motion that the application was approved and Permitted Development rights should be removed to ensure the application cannot return and extend more on the property. Councillor Kelly seconded the motion.

The Strategic Lead – Development Services referred the Committee to the Council's Constitution on page 134 point 7.2 (as seen below):

If the Planning Committee seeks to make a decision contrary to the Planning Officer's recommendation (whether for approval or refusal), the following will apply:

- a. The mover of the motion should clearly specify or write down the motion including the reasons for departing from the Officer recommendation. Both the reasons and the motion should be put to the

Committee orally and in public even if the reasons are tentative. Any such motion must be seconded;

- b. The Planning Officer should always be given the opportunity to explain the implications of what has been proposed to the Planning Committee in public before any vote is taken;
- c. If the Planning Committee's arguments against the Planning Officer's recommendations are very clear and substantiated and no longer tentative on planning grounds the application shall be determined at the meeting. If not, the application should be deferred to enable the Planning Officer to draft a further report for a subsequent meeting of the Committee, outlining the implications of making a decision contrary to the Planning Officer's recommendation. If appropriate, the legal advisor's opinion should be sought as to whether a deferral is necessary. The Committee's reasons must be formally recorded in the minutes.

The Strategic Lead – Development Services advised the Committee that when assessed against development plan policy the application is unacceptable. The proposal represents inappropriate development and is harmful by definition, further harm has also been identified through the massing and bulk of the extensions, particularly at first floor and roof level. The proposal is therefore unacceptable when assessed against Policy PMD6 and also the NPPF. The NPPF sets out that the substantial weight should be given to any harm that would be caused. The fall-back position had been considered in the report but does not clearly outweigh the harm that would be caused. Members were advised that approval of the application could set a dangerous precedent in the Green Belt because a VSC case centred on PD fall back could be repeated time and time again.

The Strategic Lead recommended the application is deferred and officers prepare a report on the implications of approving the application and in particular focusing upon the VSC case presented and the fall-back position. The deferral of the item would also enable officers to liaise with the Council's Legal Team.

The Chair agreed with the statement from The Strategic Lead and suggested the item be deferred to a later date for Officers to clarify the rules and regulations and to seek further advice. Once this has been completed the item should be brought back to Committee.

In accordance with the Council's Constitution, the Strategic Lead asked for confirmation from the Legal Advisor, Mr Capstick that he was happy with the process. The Legal Advisor confirmed agreement.

The Chair asked Members to vote on this motion.

Democratic Services Officer was asked to confirm in the Constitution the voting process on a motion as Councillor Rice put a motion forward that the item be deferred.

Councillor Piccolo asked whether any report returning to Committee would include options to impose conditions to control impacts of development, such as construction times. Councillor Piccolo sought assurance that in the event that Members decided to approve the application next month the matter of conditions could be addressed.

The Strategic Lead advised that when the report is taken back to Committee it would be clear on the extent planning conditions could be used to control Permitted Development rights and any other impacts that may arise.

It was agreed by all Councillors that the application to be deferred and brought back to Committee at a later date. The motion was submitted with the potential to approve against the Officers recommendation.

For (8): Councillors T Kelly, S Liddiard, C Churchman, A Jefferies, T Piccolo, G Rice, S Sammons and A Lawrence.

Against: (0)

Abstain: (0)

**RESOLVED: That the application be deferred, to allow Officers to prepare a report on the implications of approving the application against officer recommendation and to consider appropriate conditions which could be imposed.**

**42. 18/01035/TBC - East Tilbury Library, Princess Avenue East Tilbury, Essex RM18 8ST**

The Chair confirmed that the following application 18/01035/TBC had been withdrawn from the agenda and the Planning Committee meeting.

**43. 18/01033/TBC - East Tilbury Library, Princess Avenue, East Tilbury Essex RM18 8ST**

The Chair confirmed that the following application 18/01033/TBC had been withdrawn from the agenda and the Planning Committee meeting.

**44. 18/00979/FUL - For Your Eyes Only, 16 Commonwealth House Montreal Road, Tilbury Essex RM18 7QX**

The above application seeks planning permission to replace the existing shop front and shutters with a new powder coated aluminium storefront a toughened safety glazing panel floor and roller shutter. This application was to be determined by the Planning Committee as the Council's Corporate Property Department is the application.

The application was recommended for permission subject to conditions.

The Principal Planner confirmed that there would be no impact on the residents of Tilbury.

For (8): Councillors T Kelly, S Liddiard, C Churchman, A Jefferies, T Piccolo, G Rice, S Sammons and A Lawrence.

Against: (0)

Abstain: (0)

**RESOLVED: That the application be approved, subject to conditions as per the Officer's recommendations.**

**The meeting finished at 9.00 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](mailto:Direct.Democracy@thurrock.gov.uk)**