

Minutes of the Meeting of the Planning Committee held on 15 August 2019 at 6.00 pm

Present: Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick

Steve Taylor, Campaign to Protect Rural England
Representative

In attendance:

Leigh Nicholson, Interim Assistant Director of Planning,
Transport and Public Protection
Jonathan Keen, Interim Strategic Lead of Development Services
Julian Howes, Senior Highway Engineer
Steven Lines, Senior Highway Engineer
Chris Purvis, Principal Planner (Major Applications)
Tom Scriven, Principal Planner
Caroline Robins, Locum Solicitor
Wendy Le, 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.

24. Minutes

The minutes of the Planning Committee held on 11 July 2019 was approved as a true and correct record.

25. Item of Urgent Business

There were no items of urgent business.

26. Declaration of Interests

There were no declarations of interest.

27. 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 declared on behalf of the Committee that correspondence had been received from the Agents on applications 19/00247/FUL, 19/00281/FUL and 19/00287/FUL.

The Vice-Chair declared he had been approached by a reporter in regards to the developments in Bulphan.

28. Planning Appeals

Jonathan Keen, Strategic Lead for Development Services, presented the report which outlined the planning appeals performance.

The Committee was satisfied with the report.

RESOLVED:

That the Committee noted the report.

29. 19/00617/FUL Thurrock Council, Civic Offices, New Road, Grays, Essex, RM17 6SL

This item was moved up the agenda to be heard first following a request to which the Chair agreed to due to the publicity it had received. The Chair reminded the Committee that the application should be judged on its merits and that cost was not a planning consideration following the motion that had been heard and voted on at Full Council in June 2019.

Presented by Chris Purvis, Principal Planner (Major Applications), the application sought planning permission to demolish the existing buildings and external wall on the corner of High Street and New Road to allow for the development of a building which would be an extension of the Civic Offices but would appear as a building as its own entity with a link extension to the Council's existing CO2 building. The details of the proposal was set out within the report.

Officer's recommendation was for approval subject to the conditions highlighted on pages 105 – 116 of the agenda.

Councillor Byrne sought confirmation on the proposed 2 disabled parking spaces. Chris Purvis replied that 2 spaces were shown and asked Highway Officers to confirm. Julian Howes, Senior Highway Engineer, confirmed that two spaces were adequate for the development. He went on to say that there would be areas where blue badge holders could park for a limited time with their blue badges on display and that there were more spaces along New Road.

With no further questions, the Chair invited registered speakers to address the Committee.

Councillor Kerin, Ward Councillor, presented his statement in objection to the application.

Bradley Moore, Agent Representative, presented his statement in support of the application.

The Vice-Chair noted that Bradley Moore's statement had said the proposal would be contributing to Grays and sought clarification on how the town would be regenerated through this proposal. He also asked the name of the proposed plan. Bradley Moore answered that the plan was known as the Civic Offices Phase but was not private offices for council staff. That 2 out of the 3 proposed floors were open to the public to enable them to interact with the council. The Committee rooms proposed were available for public meetings and the public had the option to book the rooms.

The Vice-Chair went on to ask how the public had been involved in the consultation of the proposed plan. Bradley Moore answered that consultation had taken place through formal and informal methods. Key groups had been consulted as well as council staff and members of the public in the Grays High Street.

Regarding Grays heritage, the Chair questioned the view of Heritage Officers. In answer, Chris Purvis said that the council's Heritage Officer had commented on the removal of the existing buildings but had judged the scheme to cause a less than substantial harm to the heritage of Grays. Therefore, it fell to Planning Officers to judge through the test of the NPPF whether the less than substantial harm was outweighed through the potential public benefits the scheme would bring. Planning Officers' view was that the public benefits outweighed this less than substantial harm.

The Chair sought more detail on 'less than substantial harm'. Chris Purvis answered that there were various tests in the NPPF for less than substantial harm. Less than substantial harm generally meant that NPPF were not objecting but if public benefits would outweigh this, then the scheme could be approved.

Noting the Ward Councillor's statement, the Chair sought more detail on the loss of sunlight issue for Pullman Court residents. Answering that a Daylight and Sunlight report was included in the Officer's report, Chris Purvis went on to say that this had been assessed by the Applicant. Residents in Pullman Court would be slightly affected by the development but there would not be any substantial harm caused which had been assessed in the report.

On Mulberry Square, the Chair noted that this was a publicly accessible open space that would be lost and asked for more details on this. Chris Purvis answered that Mulberry Square was not allocated as a formal open space in the Core Strategy. However, policies in the Core Strategy aimed to retain and provide more open spaces but an assessment of the area showed a range of open spaces in the surrounding areas of the Civic Offices which included Grays Beach and Grays Park.

The Chair said there were positives and negatives to the proposal in the application and that the Core Strategy included the regeneration of Grays Town Centre. The loss of businesses as part of the proposal would be

regrettable but it would not be enough to not go ahead with the proposal. There would be many benefits to the public.

Noting the CGI building in the Officer's presentation, Councillor Rice thought it was not pleasing to the eye and looked out of place given the Grade II listed church behind. The design of the new building was big and despite what the Daylight and Sunlight report highlighted, this would affect the residents of Pullman Court. He stated that he would be voting against the application.

Agreeing with Councillor Rice on the design of the building, Councillor Bryne said he would also be voting against the application. Also agreeing, the Vice-Chair said the style of the building did not match the surroundings of the area even though it was less intrusive than what was currently in its place. The Vice-Chair went on to say that the proposed building would also effectively replace a number of existing amenities and effect the heritage of Grays.

Councillor Rice proposed an alternative recommendation to refuse the application; contrary to Officer's recommendation. For reasons of:

- Excessive built form that did not complement the grade II listed church or the surrounding area;
- That the proposed building was bulky in design; and
- Concerns on the potential loss of daylight that would affect the residents of Pullman Court who would not have envisaged this building proposal.

Councillor Shinnick seconded the recommendation. The Chair said material considerations must be taken into account and asked Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection to advise.

Leigh Nicholson advised the Committee that Councillor Rice's proposal of an alternative recommendation was based upon material planning considerations but reasons for refusal had to be material, grounded in planning policy and supported by evidence. Reasons for refusal should be also be sustainable; given that there were no objections from the Council's technical consultees on the grounds raised.

Leigh Nicholson went on to say that if Members were minded to refuse the application, it would be necessary for Officers to bring a report back to the Committee to outline the implications of making such a decision, in accordance with Chapter 5, para 7.2 C of the Council's Constitution. The Locum Solicitor, Caroline Robins, was invited to comment. She confirmed the advice and approach was correct.

The Committee moved on to the vote of Councillor Rice's alternative recommendation as outlined above.

For: (5) Councillors Mike Fletcher (Vice-Chair), Gary Byrne, David Potter, Sue Shinnick and Gerard Rice.

Against: (4) Councillors Tom Kelly (Chair), Colin Churchman, Angela Lawrence and Sue Sammons.

Abstained: (0)

As the Committee was minded to refuse the application, in line with the Constitution Chapter 5, Part 3, Section 7.3, the application was deferred to the next Committee date to enable Officers to draft a report on the implications of refusing the application.

30. 19/00247/FUL Judds Farm, Harrow Lane, Bulphan, Essex, RM14 3RE

Presented by Tom Scriven, Principal Planner, the application sought planning permission to demolish the existing buildings to enable the construction of 8 two-storey houses including associated amenity space, car parking spaces and landscaping. The proposal also included the construction of a detached garage to the north of the site.

Since the publication of the agenda, there had been a few updates:

- An additional comparative site plan had been submitted which had been incorporated into the Officer's presentation;
- Additional information from the Agent on the impact to the willow tree on site which was considered by the Council's Landscape and Ecology Advisor. They advised that this information resolved their concern regarding the willow tree. Therefore, the wording of the second reason for refusal would be amended to omit the words 'an adverse impact on the existing willow tree'; and
- A letter of support from the Agent had been received which had already been assessed in the report.

Officer's recommendation was to refuse the application for the reasons set out on pages 39 and 40 of the agenda.

With no questions from the Committee, the Chair invited the registered speaker to address the Committee.

Caroline Legg, Agent, presented her statement in support of the application.

The Chair sought clarification on the statement that the proposal would be adhering to the principles of sustainable development and was acceptable in the context of Green Belt as outlined in the NPPF. Tom Scriven explained that this would not necessarily apply if the proposal contradicted with other policies in the NPPF, in this case the Green Belt. Whether the proposal was sustainable or not, it was unlikely to outweigh the harm caused to the Green Belt and that harm had been identified with regard to openness.

Councillor Rice said the site was previously developed land and that the NPPF allowed for limited infilling in villages which was a reason to depart from Officer's recommendation of refusal. The proposal would not cause

substantial harm to the Green Belt as it would meet housing needs. He went on to remind the Committee of the Wellness Centre close to the application site which had been approved by the Committee recently.

Continuing on, Councillor Rice said that the borough needed executive homes for senior managers who sought good quality accommodation. He also mentioned the borough's low supply of housing and that the proposed dwellings in the plan would enhance the area. Councillor Rice thought the application should be approved and if it was wrongly decided, then the government office would assess and overturn the decision.

Pointing out the ecology and landscape section in the report, Councillor Byrne asked whether Councillor Rice would have the same opinions after reading this section. Answering that the section had been noted, Councillor Rice said the plan fitted in with the area and that a development was also taking place down the road on China Lane.

Stating that the site was Green Belt, Steve Taylor, Campaign to Protect Rural England Representative, said that Green Belt was a broad 20 miles and at its narrowest part was 5 miles. The proposed plan would severely damage the Green Belt and the application site was not on a road, it was on a lane.

Regarding the NPPF, the Chair said this potentially gave reasons for approving the application. However, using the lack of 5 year housing supply as a reason to approve the application was not ideal as it would be setting a dangerous precedent for developments to go ahead which should not be there. As for the Wellness Centre, the application site had been a derelict pub which had allowed for development to take place. The Chair stated he would be voting for the Officer's recommendation of refusal.

Councillor Rice proposed an alternative recommendation to approve the application; contrary to Officer's recommendation. For reasons of:

- The lack of a 5 year housing supply; and
- The application site was previously developed land.

The Chair pointed out that parts of the NPPF could not be 'cherry picked' and needed to be read as a whole.

Councillor Lawrence seconded Councillor Rice's proposal to approve the application.

Leigh Nicholson drew the Committee's attention to paragraph 6.21 of the report and stated that unmet housing needs was not enough to outweigh the harm to the Green Belt. As for previously developed land, the footprint of the proposed plan would extend past the existing footprint of the site, therefore encroaching onto undeveloped land. The proposal failed these tests and therefore constituted inappropriate development in the Green Belt.

The Committee moved on to the vote of Councillor Rice's alternative recommendation as outlined above.

For: (4) Councillors Angela Lawrence, David Potter, Gerard Rice and Sue Sammons.

Against: (5) Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman and Sue Shinnick.

Abstained: (0)

The Chair declared the alternative recommendation lost.

The Chair proposed the Officer's recommendation of refusing the application which Councillor Byrne seconded. The Committee moved on to the vote.

For: (4) Tom Kelly (Chair), Gary Byrne, Colin Churchman and Sue Shinnick.

Against: (4) Councillors Angela Lawrence, David Potter, Gerard Rice and Sue Sammons.

Abstained: (1) Councillor Mike Fletcher (Vice-Chair).

With a tie in the votes, in line with the Constitution, the Chair used his casting vote to vote for refusal of the application.

Planning application 19/00247/FUL was refused planning permission following Officer's recommendation.

31. 19/00281/FUL Land Adjacent Prospect Brentwood Road Southover And Peartree Cottage, Peartree Lane, Bulphan, Essex

The report was presented by Tom Scriven. The application sought planning permission to demolish an existing outbuilding to erect 6 four bed dwellings along with associated hardstanding, two cart lodge style parking areas, vehicle access and landscaping.

There was one update since the publication of the agenda which was:

- Paragraph 6.44 of the report – the separation distance from plot 5 to the house on Southover was 11 metres and not 6 metres as indicated in the report. However, the third reason for refusal remained the same.

Officer's recommendation was for refusal with reasons outlined on pages 61 and 62 of the agenda.

With no questions from the Committee, the Chair invited the registered speakers to address the Committee.

Councillor Johnson, Ward Councillor, presented his statement in objection to the application.

Kieron Lilley, Applicant, presented his statement in support of the application.

The Chair questioned whether there would be an overbearing and a significant loss of light on neighbours. Referring to the presentation slides, Tom Scriven pointed out where plot 5 was situated on the plan. That it would have a 2 storey flank wall which would affect the amenity space of Southover house despite the 11 metre distance. The wall of plot 5 would be seen from the rear garden of Southover.

Pointing out the 11 metre distance, Councillor Lawrence said she received complaints from her residents about extensions that effected their daylight. Therefore, the 11 metre distance was not close and would be unfair to refuse the application on this basis. Tom Scriven pointed out that there were other reasons for refusal. He went on to explain that the impact upon light and overbearing impact of plot 5 formed 1 out of 3 reasons for refusal of the application. Other extensions may be a single storey wall which was different to a 2 storey flank wall that would be right up to the boundary lines of the site.

Referring to Kieron Lilley's statement, the Vice-Chair sought clarification on whether the site needed very special circumstances or not; as the statement had stated that the site was compliant. Tom Scriven answered that the Applicant had considered the plan to be 'limited infilling in villages' as per the NPPF. So the Applicant did not feel very special circumstances was needed as it was not an inappropriate development on the Green Belt. Officers' view was that it was inappropriate development and drew the Committee's attention to paragraph 6.5 of the report highlighting that the application site was not within Bulphan's boundary.

The Chair agreed that the issue of lighting was a good point as this had been a concern on the earlier application, 19/00617/FUL. Councillor Rice suggested that a site visit would give the Committee a better idea of the area.

Steve Taylor pointed out that the lane leading to the application site was a dead end so essentially had one way out. It was also not within walking distance to the local school and as the site was situated within the 5 mile gap of the metropolitan Green Belt, the plan was proposing to build on the Green Belt.

Councillor Lawrence stated that the statistics from the Local Plan indicated that Thurrock would lose around 5 – 10% of its Green Belt for new homes. She went on to say that these homes would be for senior managers and that the borough would need to start building in the area of Bulphan which could bring improvements to the area as well.

The Chair noted Councillor Rice's proposal for a site visit and asked for a seconder to which there was none. The site visit was rejected.

Councillor Rice pointed out that there was a difference of opinion in whether the application site was part of Bulphan village or not. The Ward Councillor had stated that it was and the Applicant had said there was fly-tipping on the site. He felt the application should be approved as it was 'limited infilling in villages' and executive homes were needed. As for the extra burden on the local school, children may not choose to attend that school and could end up attending another school.

Noting the similarity of the next planning application, 19/00287/FUL, to this one, Councillor Byrne pointed out that approving this application would also mean approving the next one. He suggested listening to both applications before going to the vote.

Agreeing on the similarity of both applications, the Chair said each application should be heard and judged on its own merits.

Referring to executive homes, Steve Taylor pointed out that there was a number of nice houses that had been on sale for a year or so which had not been bought. Councillor Rice responded that those homes were plighted because of the proposed Lower Thames Crossing. The Chair noted the need for executive homes but agreed with Steve Taylor's point.

The Vice-Chair pointed out that the fact that the application site was on Green Belt did not emit an automatic 'no' from him and building new homes would need to be undertaken somewhere in the borough soon. Accepting Officers' views, the Vice-Chair went on to say that the application site was on a lane and the proposed homes would be shoe horned at the end which was inappropriate.

Taking a different view, Councillor Lawrence said that the homes were suitable for the area as it looked to be of mid-range prices and had seen more expensive homes built elsewhere. She went on to point out that Arena Essex was Green Belt and that it was a proposed site for building homes. Green Belt sites should be approved for developments as well and not confined to brownfield sites only.

The Chair felt that if the application was approved, there would be little room for Councillors to defend developments on Green Belt or open spaces within their wards and a dangerous precedent would be set.

The Chair proposed the Officer's recommendation for refusal and was seconded by Councillor Byrne. The Committee moved on to the vote.

For: (6) Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman, David Potter and Sue Shinnick

Against: (3) Councillors Angela Lawrence, Gerard Rice and Sue Sammons.

Abstained: (0)

Planning application 19/00281/FUL was refused planning permission following Officer's recommendation.

32. 19/00287/FUL Land To Rear Of Conifers Brentwood Road And Adjacent Orchard House, Peartree Lane, Bulphan, Essex

The report was presented by Tom Scriven. The application sought planning permission to demolish an existing structure that's currently situated within the site. The proposal was to construct 8 four bed dwellings with associated hardstanding, cart lodges, vehicle access and landscaping. Access to the site is proposed to the north from Peartree Lane.

There had been one update since the agenda was published in which Members had been sent a letter of support from the Agent. The contents of this letter had already been adequately considered within the Officer's report.

Officer's recommendation was for refusal with the reasons given on pages 83 and 84 of the agenda.

Mentioning the council's lack of a 5 year housing supply, Councillor Rice felt it was a reason to depart from the Officer's recommendation for refusal. He questioned whether the application constituted 'limited infilling in villages' as part of the NPPF. Tom Scriven explained that Members had to consider all factors of the application before deciding to depart from policy. Weight on the lack of a 5 year housing supply could not be used on its own to outweigh the harm to the Green Belt. He went on to say that the application site was similar to the previous application and that it was situated outside of Bulphan village so was not considered 'limited infilling in villages'.

With no further questions from the Committee, the Chair invited the registered speakers to address the Committee.

Councillor Johnson, Ward Councillor, presented his statement in objection to the application.

Kieron Lilley, Applicant, presented his statement in support of the application.

Noting the number of proposed dwellings in the last application and this application, Councillor Byrne commented that it would be a dangerous precedent to set if this application was approved. That the area of Bulphan could become a large housing development.

Councillor Rice pointed out that the Applicant stated the site was previously developed land. That the NPPF allowed for 'limited infilling in villages'. He thought the application proposal was reasonable and considering the lack of a 5 year supply in the borough as well as the site being previously developed land; he proposed that the application could be approved.

Steve Taylor pointed out that the concern was not on whether the site was in the village or not, it was the fact that the site was situated on the Green Belt.

The Chair added that the lack of a 5 year housing supply was not a factor that could be used on its own to outweigh the harm to the Green Belt.

Leigh Nicholson referred Members to the Constitution on departing from an Officer's recommendation. He then directed Members to paragraphs 6.11 and 6.22 of the report which highlighted the application's impact on the openness of the Green Belt and was not in line with the NPPF to allow a decision departure.

Councillor Lawrence seconded Councillor Rice's alternative recommendation for approval with the reasons outlined above and with that, the Committee then went on to the vote.

For: (3) Councillors Angela Lawrence, Gerard Rice and Sue Sammons.

Against: (5) Councillors Tom Kelly (Chair), Gary Byrne, Colin Churchman, David Potter and Sue Shinnick.

Abstained: (1) Councillor Mike Fletcher (Vice-Chair).

The Chair declared the alternative recommendation lost.

Councillor Byrne proposed the Officer's recommendation of refusing the application which the Chair seconded. The Committee moved on to the vote.

For: (5) Councillors Tom Kelly (Chair), Gary Byrne, Colin Churchman, David Potter and Sue Shinnick.

Against: (4) Councillors Mike Fletcher (Vice-Chair), Angela Lawrence, Gerard Rice and Sue Sammons.

Abstained: (0).

Planning application 19/00287/FUL was refused planning permission following Officer's recommendation.

33. 19/00828/FUL Land Adjacent George And Dragon, East Tilbury Road, Linford, Essex

The report was presented by Chris Purvis. The application sought planning permission to erect a terrace of 3 dwellings with associated parking, refuse and cycle storage and vehicle access. This application was a resubmission of earlier planning applications that had been withdrawn.

Since the publication of the agenda, the site, which had been covered with trees, had been cleared and therefore the landscape and ecological position had changed as the landscape and ecology assessments provided within the application were now not relevant but the reasons for refusal remained the same.

Officer's recommendation was to refuse following the reasons set out on pages 132 and 133 of the agenda.

(The Committee agreed to suspend standing orders at 20.28 until the rest of the agenda was heard).

Regarding the removed trees, Councillor Rice questioned if these trees were listed and whether permission was needed to remove trees. Chris Purvis confirmed that the trees removed had not been covered by a Tree Preservation Order. That trees did not require planning permission to be removed and could be done before or after permission. However, it was unusual for trees to be removed during the course of a planning application.

Councillor Rice commented that there had been units on the application site before and queried the details on this. In answer, Chris Purvis said that the application site was not considered to be previously developed land based on the definition of the NPPF and that the site had blended in with the landscape of the area.

With no further questions from the Committee, the Chair invited the registered speaker to address the Committee.

Chris Nixon, Agent Representative, presented his statement in support of the application.

Councillor Sammons raised concerns on access into the application site and stated that there was often heavily congested traffic on the roundabout on Princess Margaret Road. She sought views from the Highway Officers.

Steve Lines, Senior Highway Engineer, answered that the area had been assessed and it was decided that the laybys in the road could be used to alleviate the congestion by providing an additional road width.

Councillor Rice proposed that a site visit be undertaken to allow the Committee to assess the application site. Councillor Sammons seconded this and the Committee went on to the vote.

For: (6) Councillors Mike Fletcher (Vice-Chair), Gary Byrne, Angela Lawrence, David Potter, Gerard Rice and Sue Sammons.

Against: (3) Councillors Tom Kelly (Chair), Colin Churchman and Sue Shinnick.

Abstained: (0)

Application 19/00828/FUL was deferred to a later Committee date to allow a site visit to be undertaken.

34. 19/01095/FUL Treetops School, Buxton Road, Grays, Essex, RM16 2WU

This item was withdrawn from the agenda and deferred to a later Committee date.

The meeting finished at 8.41 pm

Approved as a true and correct record

CHAIR

DATE

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Democratic Services at Direct.Democracy@thurrock.gov.uk**