

Minutes of the Meeting of the Planning Committee held on 25 June 2020 at 6.00 pm

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

Steve Taylor, Campaign to Protect Rural England Representative

Apologies: Councillors Colin Churchman

In attendance:

Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection
Jonathan Keen, Interim Strategic Lead of Development Services (via MST)
Matthew Gallagher, Major Applications Manager
Chris Purvis, Major Applications Manager
Nadia Houghton, Principal planner
Julian Howes, Senior Highway Engineer (via MST)
Steven Lines, Senior Highway Engineer (via MST)
Caroline Robins, Locum Solicitor (via MST)
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.

7. Minutes

The minutes of the Planning Committee meeting held on 8 June 2020 will be approved at the next Planning Committee meeting.

8. Item of Urgent Business

There were no items of urgent business.

The Chair informed the Committee that item 10 would be moved down the Agenda and would be heard after item 12.

9. Declaration of Interests

There were no declarations of interest.

10. 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

There were no declarations of receipt of correspondences.

11. Planning Appeals

Councillor Rice referred to Chadwell St Mary and said that he was aware of a stop notice that was in place regarding the land and asked for more details. He went on to ask if the land would be cleared and landscaped back to its previous visual appearance. Leigh Nicholson explained that a stop and enforcement notice had been served to the landowner which included certain requirements that had to be complied with. The details would be circulated to Planning Committee Members via email.

RESOLVED:

That Members noted the report.

12. 19/01140/OUT Intu Lakeside, West Thurrock Way, West Thurrock, Essex, RM20 2ZP

The report was presented by Chris Purvis which can be found on pages 19 – 82 of the Agenda. Officer's recommendation was for approval subject to conditions and s106 as outlined on pages 52 – 82 of the Agenda.

The Vice-Chair noted that the proposed new bus station would be in a position that often had traffic congestion and asked whether there were plans for this to be managed. Chris Purvis explained that this had been assessed in the transport assessment of the report which had been through a thorough consultation process with the Council's Highways Officer and bus operators. There had been no objections to the impact from the movements of the buses from the new bus station.

Councillor Rice queried whether the application was dependent on the road improvements from the A13 East Facing Slip Road. Chris Purvis confirmed that it would not be dependent upon this and went on to say that the application site had similar previous applications dating back to 2011 and 2016 that had approved the same amount of development and was therefore not reliant upon the A13 East Facing Access Scheme.

Councillor Rice asked if there would be job opportunities arising out of an approval of the application and how long it would take for the development to be implemented. Chris Purvis answered that there would be 3,700 jobs made available from the construction operational phases of the development. Chris Purvis explained that there were a few stages in the next steps of implementation that involved putting reserved matters forward and a phasing plan. There were no exact details of the phasing arrangements but this was a requirement of a planning condition. It was anticipated to be undertaken in the

next 5 years as the planning consent was for 5 years and reserved matters would need to be submitted within this time. Councillor Rice mentioned that the Prime Minister had advised for projects to be 'shovel ready projects' explaining that projects should be implemented as soon as possible to provide extra employment opportunities.

The Applicant, Matthew Nicholson's statement of support was read out by Democratic Services.

The Chair commented on how successful the recent £75 million leisure scheme at Intu Lakeside had been and that the proposal would further Intu Lakeside's development. He was pleased that the developers planned to keep the car parking spaces as many people still travelled by car to the shopping centre and he hoped that phasing of the development would not take too long.

The Chair proposed the Officer's recommendation and was seconded by Councillor Rice.

(In line with the Council's Constitution, Chapter 5, Part 3, 13.5, Councillor Potter was unable to participate in the vote as he had been unable to hear the whole item clearly through MST.)

(Councillor Potter left at 7.05pm due to MST issues.)

FOR: (7) Councillors Tom Kelly, Mike Fletcher, Angela Lawrence, Gary Byrne, Sue Sammons, Sue Shinnick and Gerard Rice.

AGAINST: (0)

ABSTAINED: (0)

The application was approved subject to conditions and s106 conditions.

13. 20/00408/FUL Manor View, Southend Road, Corringham, Essex, SS17 9EY

The report was presented by Chris Purvis which can be found on pages 83 – 100 of the Agenda. Officer's recommendation was to refuse planning permission as outlined on pages 98 – 99 of the Agenda.

Councillor Rice raised several questions:

If the Committee were mindful to refuse the application, how would travellers be removed from the site?

What would happen if the application was refused and the decision was appealed by the Applicant?

Chris Purvis explained that the temporary planning permission for the site was expiring on 16 July and if the application was refused, then an enforcement notice would be issued to require removal of the occupiers from the site and

the cessation of the use. The notice would outline the steps to follow to vacate the land and to restore the land back to its former use. The Council would also liaise with occupiers to see if there was an alternative location they could go to. If an appeal was submitted, then the Council would need to await until the outcome of the appeal before any enforcement action could be taken. The Council could still serve an enforcement notice and the Applicant would have the right to appeal that too. The Planning Inspectorate may consider the enforcement notice and the refusal of planning permission through an appeal. The timeframe for an appeal decision was usually around 12 months from when an appeal is submitted but there may be a backlog due to current lockdown restrictions.

The Vice-Chair felt that the neighbour's objections needed to be taken into consideration because if planning permission was granted then the temporary structures would become permanent. Chris Purvis said that if the Committee were minded to approve, officers would need to look at the reasons given for an approval and whether the structures on site could be permanent.

Referring to page 95, 6.36, Councillor Rice questioned how much weight had been given to unmet need for traveller sites. Indicating to the table on page 96, Chris Purvis said that the table identified the weight applied to the factors promoted as Very Special Circumstances. Unmet need for traveller sites was given significant weight which was consistent with appeal decisions. Paragraphs 6.32 and 6.33 also recognised the need for traveller pitches within the Borough and outlined that this would be addressed as part of the new Local Plan process.

The residents, Mr and Mrs Gunson's statement of objection was read out by Democratic Services.

The Agent, Brian Woods' statement of support was read out by Democratic Services.

Agreeing with officer's recommendation, the Chair said that Ward Members had experienced similar applications in their own wards and sympathised with the neighbours effected. He felt that if the Committee was minded to approve, it could send out the wrong message regarding Green Belt sites. He said that he was aware of the shortage of traveller sites in the Borough but accepted that it would be assessed through the Local Plan process.

The Committee went on to discuss the site being on Green Belt land and the Chair, Councillor Byrne, Councillor Lawrence and Steve Taylor agreed that planning permission should not be granted because of the harm to the Green Belt. The neighbour's objection was taken into consideration and Councillor Rice suggested a site visit to see what was on the site due to the different views given by the neighbours' and the Agent's statements. There was no seconder for a site visit so the site visit was rejected.

The Chair proposed the Officer's recommendation and was seconded by Councillor Byrne.

FOR: (6) Councillors Tom Kelly, Mike Fletcher, Angela Lawrence, Gary Byrne, Sue Sammons and Sue Shinnick.

AGAINST: (1) Councillor Gerard Rice.

ABSTAINED: (0)

The application was refused planning permission.

14. 19/01373/OUT Land Adjacent Wood View and Chadwell Road, Grays, Essex

The report was presented by Matthew Gallagher which can be found on pages 111 – 138 of the Agenda. Since the publication of the Agenda, there had been two late letters of objection. The first objection referred to the potential for traffic congestion, increase in pollution and the loss of existing green space. The second objection referred to the issue of access to the site, potential for traffic congestion, potential for anti-social behaviour and a concern that there could be a noise disturbance from the new play area proposed within the application. Officer's recommendation was to refuse planning permission as outlined on pages 135 – 136 of the Agenda.

The Chair noted a reference made to a Bulphan site that was similar to the application before the Committee which had gone to appeal and asked for more details. Matthew Gallagher explained that in June last year, the Committee had considered an application in Bulphan, behind Church Road, for 116 dwellings, for outline planning permission with all matters apart from access reserved. That application had been refused by Committee, the Applicant had subsequently appealed and the appeal had been very recently dismissed by the Planning Inspectorate. It had been dismissed on the basis that it was inappropriate development on the Green Belt and the impact that the development would have on the openness of the site. The Inspector had also considered whether or not the proposal would be in accordance with the environmental dimension sustainable development as outlined in the NPPF. The Green Belt conclusion was that there was harm by way of definitional harm; by way of harm to openness; and by way of harm to two of the Green Belt purposes. The Applicant, in the Bulphan application, had promoted a five-year housing land supply and also affordable housing as benefits and the Inspectorate had concluded that those factors attracted a significant weight in favour of the proposal. But in terms of the other benefits that the Applicant, in the Bulphan application, had relied on, which were built sustainability, improved community facilities and reference to the emerging Local Plan issues and options consultation the Inspector took these into account but said that the issues and options consultation was an option only, therefore it had no weight in the planning balance. So harm to Green Belt was not clearly outweighed in the Bulphan application, therefore that appeal was dismissed.

Councillor Lawrence asked if the application was for preliminary permission and whether the details in the proposals could be changed if given approval.

Matthew Gallagher explained that the application was for outline planning permission and that the Applicant was seeking to establish the principle of residential development. The proposed layout was indicative however it was the principle of agreeing or not agreeing on the residential development that was at stake and if the Committee were minded to approve, contrary to recommendation, then the principle of residential development would be established.

Noting the photos of the site shown in the officer's presentation, Councillor Lawrence said that she noted only two harms to the site which was to the Green Belt and to visual aspects of the site. She went on to say that the site did not resemble a nature reserve and that sound issues could be resolved with the planting of trees to block out the noise. Matthew Gallagher explained that the primary characteristic of the Green Belt was its openness and permanence as highlighted in the NPPF. He went on to say that the site was open and that the point about the site not being a nature reserve was an immaterial consideration and that the Committee needed to consider the application based on national policy and local plan policies and take into consideration the Green Belt issues.

Referring to the officer's presentation, Councillor Byrne pointed out that one of the photos from the site indicated the greenery and openness of the site along with cows grazing. He felt this highlighted the fact clearly that the site was Green Belt and that there would be harm to the site if the application was approved against Officer's recommendation.

A resident, Shaun Meehan's statement of objection was read out by Democratic Services.

The Ward Councillor, Joyce Redsell's statement of objection was read out by Democratic Services.

Referring to page 113, Councillor Rice noted that the report stated that there had been no planning history on the site. He recalled that Sainsburys had a planning application to build a store on the site and asked officers to clarify. Matthew Gallagher answered that the last planning application on the site was from 1974 where the application had proposed a supermarket shop with petrol station and car parking. It was refused planning permission and an appeal was made but dismissed.

Councillor Shinnick sought clarification on the input of sound barriers as houses bordering the edge of the site did not have sound barriers. Matthew Gallagher explained that the houses surrounding the north of the site were most likely built in the 1930s and acoustic attenuation would not have been considered at that time. In this application, the Applicant acknowledged that noise would be a factor because of the two adjacent roads so had submitted a noise assessment. The Council's Environmental Health Officer had concluded that there would be an impact to residents in the new development. As the Council had to ensure residents were able to reasonably enjoy new properties, acoustic attenuation was requested. He went on to say that a

sound barrier fence consisted of a thick wooden circa 2m high fence which was not visually appealing so would reinforce the harm to visual aspects of the openness of the site and soft landscaping in front of the fences would not meaningfully mitigate the noise impact.

(The Committee agreed to suspend standing orders at 8.24pm.)

Councillor Rice raised the issue on the need for new homes and officers explained that the need for housing would be addressed through the Local Plan process. The need for housing was set out in the NPPF but housing need did not trump the Green Belt.

The Agent, Gary Coxall's statement of support was read out by Democratic Services.

Referring to the Agent's statement, Councillor Rice sought clarification on whether the site was located within the strategic parcel no. 31 in the Council's strategic Green Belt Assessment. Pointing out paragraph 7.29, Matthew Gallagher said that the Applicant was relying on the Council's Green Belt Assessment that was produced last year to inform the new Local Plan Issues and Options consultation which had assessed large parcels of land across the Green Belt in the Borough. Paragraph 7.29 addressed this and highlighted that the conclusions which recommended more detailed scrutiny. However the assessment was part of the wider plan making and evidence base which would go through the Local Plan process and did not apply to not ad hoc planning applications. He went on to refer to a recent appeal decision in Bulphan where the appellant had referred to Thurrock's Local Plan Issues and Options Stage 2 Consultation; the Inspectorate had stated that the consultation was an option only for village expansion so was not a benefit or very special circumstances, therefore it attracted no weight in the planning balance.

The Committee discussed the issue of the site being Green Belt in that there were no Very Special Circumstances and the visual impact that the sound barrier fence proposed around the development to reduce the impact that noise would have in the area. The issue of housing need was also raised as the Council did not have a 5 year housing supply and that the Council had tenants on a 10 year waiting list and the proposed homes could also provide homes for keyworkers and teachers in the area which the adjacent college, Palmers College, needed.

The Committee referred back to Matthew Gallagher's earlier comments regarding establishing the principle of residential development on the site and Steve Taylor commented that applications that had been approved in the past had come back to the Committee before with amended proposals due to viability issues and that the current application before the Committee could follow the same route if the principle of residential development was established with an approval. The Committee commented that the proposed housing development was not extraordinary and only met the basic and expected 35% affordable housing and Councillor Byrne noted there was no

mention of social housing either. Councillor Lawrence felt that an approval would be giving the application a preliminary approval only and could be changed at a later stage. Matthew Gallagher reminded Members that the application was for outline planning permission and if Members were minded to approve the application against Officer's recommendations, the principle of residential development for the proposed 75 dwellings would be established.

The Chair proposed the officer's recommendation to refuse planning permission which was seconded by Councillor Byrne.

FOR: (3) Councillors Tom Kelly, Mike Fletcher and Gary Byrne.

AGAINST: (4) Councillor Gerard Rice, Sue Sammons, Angela Lawrence and Sue Shinnick.

ABSTAINED: (0)

The Officer's recommendation to refuse planning permission was rejected and the Chair asked Members to propose an alternative recommendation.

Councillor Lawrence suggested that one of the Very Special Circumstances could be that the proposed dwellings would provide homes for teachers that would work in schools in the area. Matthew Gallagher explained that a decision had to be made on the factors that had been promoted by the Applicant and that the Applicant had not offered any links with schools or with Palmers College so could not rely on Councillor Lawrence's suggested Very Special Circumstance as a benefit.

Referring to the table on page 133 of the Agenda, Councillor Rice said that:

- 'Delivering a sufficient supply of homes' should be given moderate weight;
- 'Achieving sustainable development' should be given substantial weight; and
- 'Making effective use of land' should be given moderate weight.

Councillor Rice went on to say that the Council did not have a 5 year housing supply and that council tenants were on a 10 year waiting list for homes. The proposed homes would be affordable and the Applicant was willing to provide substantial conditions within the s106. He reminded the Committee that the Prime Minister had highlighted the importance of 'shovel ready projects' which the application before the Committee was. He said that the application's scheme would also provide employment opportunities through the construction phase and that the Applicant's reasons put forward for approving the application should also be taken into consideration.

Leigh Nicholson referred Members to the Council's Constitution, Chapter 5, Part 3, 7.2. He summarised the reasons for approval given by Members as:

- That the Council did not have a 5 year housing supply;

- That the Council had a 10 year waiting list for homes for council tenants;
- The package of s106 measures
- The limited harm to Green Belt purposes
- That the application's scheme was a 'shovel ready project'; and
- That there would be employment opportunities through the construction phase.

Leigh Nicholson went on to say that the reasons for approval given by Members did not address the refusal reasons as set out in the officer's recommendation and that the application would be deferred to a later Committee date to enable officers to highlight in a report, the implications of minding to approve the application.

Matthew Gallagher added that he also picked up the reasons for approval as:

- That there would be affordable homes; and
- That the application's scheme would contribute to sustainable development;

With Councillor Rice's proposed alternative recommendation, Councillor Shinnick seconded this.

FOR: (4) Councillor Gerard Rice, Sue Sammons, Angela Lawrence and Sue Shinnick.

AGAINST: (3) Councillors Tom Kelly, Mike Fletcher and Gary Byrne.

ABSTAINED: (0)

The application was deferred to a later Committee date where a report would be brought back by Officers to highlight the implications of approving the application.

15. 19/01824/TBC Land and Garages, Defoe Parade, Chadwell St Mary, Essex

The report was presented by Matthew Gallagher which can be found on pages 139 – 148 of the Agenda. The proposal for the application stated a 'conversion of existing garages' and Matthew Gallagher stated that it was a 'conversion and part extension of existing garages' as there would be an extension of the garages. Officer's recommendation was to approve subject to conditions as outlined on pages 145 – 147 of the Agenda.

The Committee welcomed the application's proposal as the site area was derelict and the proposal would provide homes for the elderly as well as improve the area. The Committee suggested that similar types of garages in similar conditions should also be looked at particularly those in South Ockendon.

Councillor Rice proposed the Officer's recommendation and the Vice-Chair seconded this.

FOR: (7) Councillor Tom Kelly, Mike Fletcher, Gary Byrne, Gerard Rice, Sue Sammons, Angela Lawrence and Sue Shinnick.

AGAINST: (0)

ABSTAINED: (0)

The application was approved subject to conditions.

16. 20/00048/FUL Marvy Jade, Rear of 150 and 152 London Road, Grays, Essex, RM17 5YD

The report was presented by Nadia Houghton which can be found on pages 101 – 110 of the Agenda. Referring to page 109 under 8.1, 1, Nadia Houghton pointed out that CSTP23 should read CSTP22. Officer's recommendation was to refuse planning permission and to follow up with enforcement action as outlined on page 109 of the Agenda.

The Chair noted that there were complaints of smells from objectors to the application as mentioned in the report and sought more details. Nadia Houghton explained that neighbours had made complaints to the Council's Environmental Health regarding the smells arising from the site area. However, the application referred to the use of the storage containers for electronic goods and not for dried fish but the siting of the containers were harmful to the appearance and character of the residential area.

The Ward Councillor, Tony Fish's statement of objection was read out by Democratic Services.

Steve Taylor noted that there was a school within the area and raised concerns over potential traffic congestion with potential deliveries being made to the containers. Nadia Houghton explained that there had been no objections from the Council's Highways Team and that the issue was that the containers were not visually appropriate for the area.

Councillor Lawrence sought clarification on which retail unit along London Road the containers belonged to. Nadia Houghton answered that the current use of the retail units was not known as the units fell outside of the application site. She went on to say that the yard comprising of the application site outlined in red had been sold and ownership of the retail unit and yard area had been separated over the years.

The Chair felt that the containers were not ideal for the site and a purpose built storage unit would be a better option.

The Chair proposed the Officer's recommendation and was seconded by the Vice-Chair.

FOR: (7) Councillor Tom Kelly, Mike Fletcher, Gary Byrne, Gerard Rice, Sue Sammons, Angela Lawrence and Sue Shinnick.

AGAINST: (0)

ABSTAINED: (0)

The application was refused planning permission.

17. 19/01837/TBC Riverside Business Centre, Fort Road, Tilbury, Essex, RM18 7ND

The report was presented by Nadia Houghton which can be found on pages 149 – 172 of the Agenda. Officer's recommendation was to approve subject to conditions as outlined on pages 160 – 170 of the Agenda.

A business representative, Craig Austin's statement of objection was read out by Democratic Services.

The Chair noted issues of access raised within the speaker's objection statement and asked how these could be resolved. Nadia Houghton answered that discussions had taken place with the Council's Highways Team who were content that adequate manoeuvres could be made within the final development as shown in the application's site plans and in the construction phase. There were also adequate parking spaces available both during construction and after completion. She referred to condition 16 on page 168 of the Agenda which addressed the need to agree the parking layout and the issues that were raised by the tenant.

Councillor Lawrence proposed the Officer's recommendation and was seconded by Councillor Rice.

FOR: (7) Councillor Tom Kelly, Mike Fletcher, Gary Byrne, Gerard Rice, Sue Sammons, Angela Lawrence and Sue Shinnick.

AGAINST: (0)

ABSTAINED: (0)

The application was approved subject to conditions.

The meeting finished at 9.42 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**