

Minutes of the Meeting of the Planning Committee held on 16 March 2017 at 6.00 pm

Present: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Tunde Ojetola, Terry Piccolo, David Potter, Gerard Rice and John Kent (substitute for Steve Liddiard)

Steve Taylor, Campaign to Protect Rural England Representative

Apologies: Councillor Steve Liddiard

In attendance: Andrew Millard, Head of Planning & Growth
Leigh Nicholson, Development Management Team Leader
Nadia Houghton, Principal planner
Chris Purvis, Principal Planner (Major Applications)
Vivien Williams, Planning Lawyer
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.

93. Minutes

The minutes of the Planning Committee meeting held on 23 February 2017 were approved as a correct record.

94. Item of Urgent Business

There were no items of urgent business.

95. Declaration of Interests

The Vice-Chair declared a Non-Pecuniary Interest regarding Item 10: 16/01649/FUL: Athlone House, Dock Road, Tilbury, RM18 7BL in that he had attended a meeting with the Head of Planning and Growth and the Development Management Team Leader to discuss the application.

96. 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 all Members of the Committee, that regarding Item 9: 17/00099/FUL: Church Hall, Rigby Gardens, Chadwell St Mary, Essex, RM16 4JJ an email had been sent to the Committee by the

Agent, James Ware. He had also received some correspondence from residents regarding the same item.

Councillor Kent declared that, regarding Item 8: 17/0086/CV: St Thomas of Canterbury Catholic Primary School, Ward Avenue, Grays, Essex, RM17 5RW, he had been lobbied by residents as the Ward Councillor. He assured the Committee he was not predetermined but in the interests of transparency he would not participate in that item.

97. Planning Appeals

Councillor Piccolo noted that the Committee had been presented with an updated version of the Planning Appeals Report. The figures did not add up correctly, though they did in the report included in the Agenda. Members were advised that the data would be updated before the next meeting.

98. 17/00086/CV: St Thomas of Canterbury Catholic Primary School, Ward Avenue, Grays, Essex, RM17 5RW

Members were advised that since publication of the Agenda further correspondence from residents had been received regarding the application and therefore there had been 19 letters in total, 18 of which had been letters of objection. The application sought permission to remove condition 7 (Traffic Management Scheme) from the original permission granted in 1997. Since the School closed its gates to vehicles in September 2016 Highways had received an increased amount of complaints and therefore the need for the Traffic Management Scheme remained. The application was recommended for refusal by officers.

A resident, John Seal, was invited to the Committee to give his statement of objection.

The Applicant, Chris Birtles, was invited to the Committee to give his statement of support.

Councillor Piccolo queried whether there were any other schools in the borough where vehicles entered the site. Members were informed that there were two other schools with this model; St Thomas of Canterbury Catholic Primary School had been the first and the model had been passed on to other schools and was considered favourable.

The Vice-Chair asked whether there were any public car parks nearby for parents to park in to avoid congestion in the immediate vicinity of the school. There were none within a ten minute walking distance although the Highways Department tried to encourage systems where parents and children walked to schools from nearby car parks where possible. Councillor Rice explained that the nearest parking facilities were either Sockett's Heath or Grays Library which were both quite a long way away.

Councillor Ojetola asked whether the Committee could compel the School to leave the gates open to parents. Members were asked to consider whether it was appropriate to remove the condition from the planning permission, if they wished to make an amendment that would be their prerogative. All the letters of objection highlighted the fact that congestion in the local area had become worse since the decision to shut the gates had been made and the number of complaints received by the Highways Department had increased since that time. A copy of the police report regarding the accident which occurred in September 2016 was read to the Committee. The report stated that the driver had failed to look correctly. A pedestrian was struck by the vehicle as it turned into the school whilst crossing the road. The casualty fell to the floor and had been carrying a small child at the time; the child also fell to the floor and hit its head on the tarmac.

Councillor Rice recalled, as a former pupil of the school, that there had always been problems with parking hence the introduction of the Traffic Management Scheme when the School was extended in 1997. The roads nearby were chaos at peak time. He supported the Officer's recommendation. There were issues across the borough around school gates and this type of system worked to alleviate some of the pressures. The responsibility to police the parking management and separate children from cars fell to the School.

Councillor Piccolo understood the school's concern for the safety of pupils. He felt it would be easier to ensure this safety in an area where the school itself had authority, there would be less risk to children than allowing them to try to manoeuvre through traffic and parked cars outside the school gates and therefore he supported the Officer's recommendation.

Councillor Ojetola expressed sympathy for the head teacher and understood the concern for health and safety, and sympathy for the parent involved in the accident which had taken place. He could not understand how this accident was any less likely to happen on the busy road outside of the school gates, something similar had occurred at Tudor Court the year before. This Traffic Management Scheme was more user friendly for residents nearby and the many schools in the borough without off-street drop off points experienced further issues. He could not support the application as there was no guarantee it would prevent further accidents.

Councillor Baker expressed that he would listen to the Head teacher as he had the most knowledge of the situation at the school. He felt the safety of the children was paramount and he would support the application.

The Chair expressed sympathy for both sides and recognised that there was an ongoing issue. The Committee was concerned about what was happening in the Ward Avenue area and the Chair insisted he would liaise further with the Highways Department to see what more could be done.

It was proposed by Councillor Rice and seconded by Councillor Piccolo that the application be refused as per the Officer recommendation.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Colin Churchman, Tunde Ojetola, Terry Piccolo, David Potter and Gerard Rice

Against: Councillor Chris Baker

Abstain: (0)

The Head of Planning and Growth advised that there was a need to vote separately on the matter of enforcement.

It was proposed by the Chair and seconded by Councillor Rice that enforcement action be taken to ensure the applicant complied with condition 7 of the 1997 planning permission.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Colin Churchman, Tunde Ojetola, Terry Piccolo, David Potter and Gerard Rice

Against: (0)

Abstain: Councillor Chris Baker

99. 17/00099/FUL: Church Hall, Rigby Gardens, Chadwell St Mary, Essex, RM16 4JJ

The Committee heard that there had been seven letters of objection received since publication of the agenda. Residents' objections covered:

- Parking
- Traffic / access
- Overdevelopment of the site
- That the development would be out of character of the area
- Overlooking of nearby properties
- Noise concerns
- Biodiversity

These were similar in nature to the objections to the previous application for this site. The application complied with all policies, aside from failing to provide sufficient evidence demonstrating that the church hall was reasonably and robustly marketed since it became vacant in May 2016 which was contrary to Policy CSTP10; the application was therefore recommended for refusal.

The Chair clarified for the Committee that the previous application had been for 6 homes and had been refused on the grounds of overdevelopment of the site and the loss of the community facility. The application was now for 4 homes which was acceptable but there was still the overlying issue of the

community facility. There had been no meaningful evidence submitted by the applicant that there was no demand to retain its use

The Vice-Chair had queried whether there was a time period for such buildings to remain vacant and it was confirmed that the Riverview Methodist Church had been vacant for 5 years before Members agreed to its redevelopment and that Members had more recently applied this same policy in relation to The Bricklayers Arms regarding the loss of a community facility.

Councillor Rice notified the Committee that he had spoken to residents regarding this application; they were not opposed necessarily to the development. They wanted fewer houses but that was a matter of planning. He queried why the application referred to the church hall when the space had most recently been used as a play centre for children. It had not been a church hall for years and he was concerned that, if refused, the applicant might appeal and the Council could be seen as pedantic over its advertisement. The Committee was informed that whether or not it was a church hall was irrelevant. The issue was a lack of evidence provided by the applicant, namely robust marketing, that there was no desire to retain the community facility. The applicant had not advertised the site to let as a community facility; it had only been marketed for sale and as a residential opportunity.

The Head of Planning and Growth interjected that there was also a need for consistency from the Planning Committee; other similar applications had been refused due to a lack of proper marketing.

The Agent, James Ware, was invited to the Committee to give his statement of support.

Councillor Ojetola queried section 6.6 of the application which advised that the information provided had been limited and was not considered sufficient. The Agent had stated otherwise in his statement and Officers were asked to verify the issue. The evidence submitted by the applicant was the same as with the previous application, which had been refused. There was still no clear evidence of justifiable marketing for use as a community facility.

Councillor Ojetola also asked what weighting Members should give to the information they received from the Agent via email. The information had been submitted with the application and was considered fully within the report but details were not made public due to the applicant's confidentiality clause stated on the document.

Page 40 of the report stated that "Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application". Officers were asked to clarify the situation for Members. The Development Management Team Leader advised the Committee that it highlighted the fact that outstanding issues, which had been raised with the applicant but could not be resolved, still remained.

Councillor Rice queried whether there were any planning considerations within the objections from local residents. Members heard that while issues such as parking, traffic, access and the character of the development were indeed planning matters the proposal complied with Council Policy for each.

The Chair recognised the conflict of opinion between the applicant and Officers regarding the evidence provided. He asked whether there was any example in Thurrock of similar, community facilities being given up. The Council's Policy was to ensure residential values could not usurp all community facilities. The fundamental point was the desire, or lack thereof, to retain a community facility should be demonstrated by the applicant through reasonable and robust marketing exercises.

Councillor Ojetola asked whether there were other community facilities in the local area and whether they could be shown on the map. Councillor Rice expressed that Chadwell was quite well covered and indicated to the location of nearby community facilities.

Councillor Piccolo interjected that a number of them were heavily used and while there may be other halls nearby if they were fully utilised and no proper marketing exercise had been carried out there could be a need to retain the community facility in Rigby Gardens. Other applications had been refused for a lack of evidence whilst those that demonstrated reasonable exercises had been approved. He did not wish to risk setting a precedent for future applicants and so would support the Officer's recommendation.

Councillor Rice expressed his view, as the local Councillor for the area, that there were a number of halls which were underused. He also highlighted that residents were mostly concerned that the road was very narrow and parking would be an issue. He felt torn as he wished to support residents but believed the applicant could win an appeal. The matter of advertising the site sufficiently had been argued by the agent. He proposed a site visit to see if the proposal was reasonable. Councillor Ojetola added that he did not feel he knew the area well enough and seconded the site visit to provide clarity, and also to see what other facilities were available in the local area.

Councillor Kent asked whether deferring the application for a site visit would allow time for the applicant to obtain and provide evidence of marketing exercises. The Head of Planning and Growth advised that if there was evidence which had not been submitted that could come forward but a deferral would not provide enough time for a new marketing exercise to be completed. He reminded the Committee that the recommendation for refusal was not a matter of detail, but how the site had been marketed by the applicant. The number of other community facilities in the vicinity was irrelevant to the application. Members were being asked whether the proper process had been followed

The proposal for a site visit was put to the Committee and Members voted against the proposal.

Councillor Churchman stressed how difficult it was to book halls in the local area and community facilities were starting to disappear, so he would object to the application.

Councillor Piccolo clarified that the boxing club paid full rent for its premises for full time occupancy. Even when not in use it may not be suitable for other purposes. He stressed that if the Committee did not continue with its stance from previous applications it could affect its ability to refuse applications in future.

Councillor Kent recognised that it was a good scheme but also understood concern around setting a precedent and the fear that community facilities would be picked off by developers. He was cautious that the applicant may be able to appeal the decision and expressed disappointment that the issue of evidence provided was not straightforward.

Councillor Ojetola echoed these views. In all other areas the application complied with Council Policy and the applicant had reduced the number of properties since the previous application. There was a real concern that officers advised there had not be robust marketing exercises demonstrated but the agent was of the view that there had. The Committee was advised that in 2014 the site had been marketed for 6 residential units, the marketing for use as a community facility had occurred much later.

The Chair approved of the 4 homes and recognised that the applicant had improved the proposal based on feedback from the Committee previously. Officers were of the view there was insufficient evidence regarding marketing while the applicant felt there had been. The matter might go to appeal; however, as nothing had changed in relation to the advertising and marketing of the site for D1 and associated uses, and the previous application was refused Members should not approve this application.

It was proposed by the Councillor Rice and seconded by Councillor Churchman that the application be refused as per the Officer recommendation.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, John Kent, Terry Piccolo and Gerard Rice.

Against: Councillor David Potter

Abstain: Councillor Tunde Ojetola

100. 16/01649/FUL: Athlone House, Dock Road, Tilbury, RM18 7BL

Members were informed that the application sought permission for the redevelopment of the former sports and social club site for residential purposes. An independent viability assessment had found the development to be unviable and so there would be no social housing provision. The

Committee was advised that since publication of the agenda the applicant had increased the offered NHS contribution to meet the full figure of £38,000.

Councillor Ojetola asked the Senior Highways Engineer to confirm that the routes leading to the development would not be overly affected by car movements of the additional residents and visitors. As not all residents and visitors would be using their cars at peak times there was not deemed to be a significant impact on the highways, especially given the proximity to the train station and bus routes.

Councillor Ojetola expressed concern about the viability report and the lack of affordable housing. The development looked lovely but Tilbury was an area of financial depravity and he requested further information. He also sought clarity as to the need for any educational contribution and whether all these aspects had been considered together by Officers. The Committee was informed that the viability report had been independently assessed as valid. Land values in Tilbury were lower than other parts of the borough and there were a number of abnormal costs compared to sites outside of the flood zone area. The development had been assessed as financially unviable therefore the decision to progress was at the risk of the applicant, not the Local Authority. It could not be guaranteed that another applicant would develop the site and the applicant had offered the full NHS contribution. The Educational Authority had advised that no contribution was required due to the high number of 1 bedroom flats. Officers had considered all material planning matters, particularly the quality of the design and the need for 1 bed flats in the area.

Councillor Piccolo requested clarity as to whether the scheme had been assessed as unviable with financial contributions and social housing or unviable altogether. He was concerned that if the current application had been considered financially unviable there was a risk that development could come to a halt before completion. The site had been considered financially unviable. The applicant had offered of his own choice to provide the NHS contribution as the health issues in Tilbury had been raised by the NHS and the Health and Wellbeing Board. The Committee could not refuse planning permission due to the viability assessment; its purpose was to show what range of contributions could be taken.

Councillor Rice sought clarification that the low land values in Tilbury had impacted the provision for social housing. Land value was a big factor within viability assessments, as was property prices; the proposed 1 bedroom flats had a sale value of approximately £120,000 - £130,000.

A Ward Councillor, Councillor John Allen, was invited to the Committee to give his statement of objection.

The Applicant, Steve Boyling, was invited to the Committee to give his statement of support.

Councillor Ojetola highlighted the need for housing across Thurrock and particularly within Tilbury. The lack of social housing was a worry as the development might not benefit the people of Tilbury aspiring to own their own home. Parking was also a concern as each 1 bedroom flat could house 2 adults, each with their own car. This might be mitigated by the proximity to the station but the impact on the local highways network was a real concern. The lack of social housing was his real concern and he asked whether there was any room to amend the application. The Committee was reminded that the development had been assessed as unviable even without the £38,000 NHS contribution the applicant had offered. Members were also warned that 10% of 0 was 0 and if the scheme was made even more unviable it was likely no development would take place.

Councillor Rice noted that the viability report did not support a social housing provision and that the application was recommended for approval. The land value in Tilbury was very low and it was pleasing that the applicant had offered the full NHS contribution. There was ongoing work by the NHS to provide comprehensive GP care in Tilbury. The site was close to Asda and the new Amazon site, which would provide 2000 additional jobs and people liked to live close to where they worked. He supported the application and congratulated officers on a good scheme for Tilbury.

Councillor Piccolo outlined that he had been unhappy with the lack of social housing but had not considered the cost of these properties, which in reality was very affordable compared to much of Thurrock. He welcomed that the viability report could be reassessed in 2 years if the development had not progressed above slab level. He had been swayed and now supported the application.

Councillor Baker admitted it was sad that there would be no social housing but the reasons were known and understandable. The strain on the NHS was a concern, as was the overlooking of nearby properties from the roof gardens. The Committee was reassured that the full figure requested by the Health Authority had been met. Condition 7 did cover the issue of overlooking but could be reworded to reflect the Committee's concerns.

The Campaign to Protect Rural England representative welcomed the clarification between 'social' and 'affordable' housing. He added that the entry was off the main roundabout by Asda which fed straight to the A13 and as such the smaller, local road networks should not be too greatly affected.

The Vice-Chair had originally had concerns but the proposed sale values were actually quite affordable and he felt the design looked lovely. The Chair agreed it had not been a straightforward application but the debate had confirmed that Officers had made the right recommendation. The viability had been assessed independently and the applicant had still offered an NHS contribution, which had now been amended to meet the full figure.

It was proposed by the Chair and seconded by Councillor Churchman that the application be approved as per the Officer recommendation, subject to an

obligation under section 106 of the Town and Country Planning Act 1990 and conditions.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, John Kent, Tunde Ojetola, Terry Piccolo, David Potter and Gerard Rice.

Against: (0)

Abstain: (0)

The meeting finished at 8.20 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