

## Minutes of the Meeting of the Planning Committee held on 15 December 2016 at 6.00 pm

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- Present:** Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Steve Liddiard, Tunde Ojetola, David Potter, Gerard Rice and Brian Little (substitute for Terry Piccolo)
- Steve Taylor, Campaign to Protect Rural England Representative
- In attendance:** Andrew Millard, Head of Planning & Growth  
Ceri Armstrong, Senior Health and Social Care Development Manager  
Matthew Ford, Principal Highways Engineer  
Matthew Gallagher, Principal Planner (Major Applications)  
Jonathan Keen, Principal Planner  
Leigh Nicholson, Development Management Team Leader  
Chris Purvis, Principal Planner (Major Applications)  
Vivien Williams, Planning Lawyer  
Charlotte Raper, Senior Democratic Services Officer
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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.

### **67. Minutes**

The minutes of the Planning Committee held on the 24 November 2016 were approved as a correct record, subject to an amendment of Councillor Churchman's declaration of a non-pecuniary interest, from Councillor in Chadwell-St-Mary to Councillor in Aveley.

### **68. Item of Urgent Business**

There were no items of urgent business.

### **69. Declaration of Interests**

Councillor Churchman declared a non-pecuniary in relation to application 16/01120/OUT as he had previously had discussions with the manager of Intu Lakeside regarding its development. It was confirmed that the application would be considered on its own merits.

### **70. 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**

Councillors B. Little and Ojetola had received various correspondence regarding application 16/01424/OUT.

Councillor Churchman informed the Committee that he had had a conversation with the applicant regarding a previous application on the site adjacent to Martins Farmhouse a year ago and had declared this correspondence at the time. He agreed to take the new application on its merit.

## **71. Planning Appeals**

The report before Members provided information with regard to appeals performance.

**RESOLVED:**

**The report was noted.**

## **72. 16/01120/OUT - Intu Lakeside, West Thurrock Way, West Thurrock, Essex, RM20 2ZP**

Members were informed that the application sought planning permission for part demolition of the existing Debenhams store and the existing bus station and alteration and extension of the northern end of the shopping centre. The proposal included extensions to the Northern and North-Eastern side of the shopping centre with additional retail and commercial floorspace. A new bus station to the South-Eastern end of the shopping centre with additional retail facilities and a covered concourse area to the new bus station would be provided. A temporary bus station would be provided to the North-East corner of the site. This development also included provision of new public real and landscaping areas and alterations of existing and construction of new vehicular, pedestrian and cycle access.

Members welcomed the prospect of an additional 3,700 jobs in Thurrock but were concerned by the impact that both the increase in jobs and the disruption caused by the construction works could have on the local road network. The Committee heard that there were travel plans in place for Lakeside employees and that the main construction compound would be offsite with construction workers then bussed into the site, to reduce congestion. The application was supported by a transport assessment and there was a package of measures to improve public transport links and pedestrian and cycle access. There were aims to change people's perceptions of how they got around not just the shopping centre but the Lakeside basin as a whole.

Councillor Churchman queried section 6.39 of the report and the possibility of introduced parking charges. Members were assured that Intu had outlined that it would not be in their interest to introduce parking charges for the centre in terms of commercial competition.

Members discussed current issues of heavy traffic affecting the local area and asked whether there were any relief plans, particularly surrounding the B186. It was advised that these problems were not directly linked to the application and problems on the M25 or the Dartford crossing, along with the A13 widening process were responsible for much of the redirected traffic but now that the works had been completed the situation should alleviate itself. There were plans to introduce a Variable Messaging System but it would be a lengthy process and Members would be kept updated. It was stated that there would need to be a highway technical assessment to determine which roads in the area would be subject to the Variable Messaging System.

Councillor Little asked what provisions would be introduced for cycle storage at the centre if there were plans to encourage less reliance on private cars. Members heard that this was an outline application and more specific details would follow through the Reserved Matters application process. He also referred to the previous meeting of the Committee and the fact that the orbital link around the centre would be broken, he asked whether there was confidence that this would not lead to gridlocked congestion once development works started. The Committee was assured that a highways consultation had been carried out regarding the changes to the orbital road as part of the previous application and there would be a phased approach towards the development.

Councillor Ojetola sought clarity as to why the Complementary Planning Strategies Contribution referred specifically to Grays town centre and was advised that it would aim to mitigate the impact upon the closest town centre.

The Applicant Marc Myers was invited to the committee to make his supporting statement.

Councillor Ojetola welcomed the increase in jobs and offered his support for the application but recognised the challenge of the increased vehicle usage in the area and the impact on the road network.

Councillor Rice offered his apologies for entering the meeting late and was advised that he was not eligible to participate in the debate for this application.

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

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

Against: (0)

Abstain: (0)

**73. 16/01300/FUL - South 3, Pacific Avenue, Stanford-le-Hope, SS17 9FA**

Members were informed that the hybrid application, seeking part-outline and part-full permission, proposed the provision and use for a period of up to 10 years for a temporary lorry park providing a maximum of 441 HGV parking bays within a mix of haulage yard and ad-hoc parking areas. The proposal would also include ancillary facilities including administration/welfare buildings, refuelling facilities, access facilities including a new single carriageway access road, lighting, landscaping, drainage and a new electricity substation. The Committee also heard that there were to be slight amendments to the wording of Planning Conditions 15 and 16. Members were advised that, due to the location of the site close to a European designated site for nature conservation, it was necessary to screen the proposals pursuant to the Habitats Regulations (Recommendation A).

Members discussed the problem of inappropriately parked HGVs in the area, particularly on slipways and emergency laybys and asked whether these could be enforced more rigorously if a lorry park were to be introduced. Members were advised that the Urban Clearway restriction on the Manorway would be extended to include the slip roads and other areas which would take effect from the following week. The Council also employed an HGV parking team who performed late night enforcement to prevent inappropriate parking in the Borough. It was accepted that this was an issue far wider than the remit of this application, but the introduction of a lorry park should help to alleviate the issue.

The Committee asked whether the welfare buildings would be built before the rest of the development, as it would be preferable. Members were advised that whilst it could not be insisted upon, as a commercial entity it would not necessarily be desirable to have the yards operational without those buildings.

Councillor Little asked whether this proposal would deliver for all future demand or if there would be a staged process. The Committee was informed that this was a temporary provision and that the applicant was promoting a permanent facility as part of the Local Plan, but that would take time and so the temporary application was a means of meeting demand in the interim.

The Committee discussed the implications of a timeslot booking system on local roads and who the park would serve. It was confirmed that the intention was to serve vehicles associated with the London Gateway Port and Logistics Park, but the plan included a common user area to reduce the impact to the

local area if vehicles arrived early. There was also an obligation for London Gateway to limit the impact on the road network at peak times; this common user area would allow drivers to take their required rest periods and offered the port the ability to hold drivers during peak times. This area would not be associated with any specific haulage company. The matter of a security clearance process would be an operational matter for London Gateway as landowner and operator of the site. Suggested planning condition no. 17 of the recommendation offered further clarity and comfort on lorry park management.

Councillor Churchman asked whether the welfare buildings would be footed or stacked and was advised that the design would be a reserved matter to be considered at a later stage, within the context of a temporary permission.

Councillor Ojetola welcomed the proposal in principle but expressed concern at the implications as the issue of HGVs had been a real problem in the borough for some time, and sought to ensure that finer details regarding the impact would be considered, if not necessarily at this stage of the application.

Councillor Rice welcomed the application as the inappropriate parking of HGVs within Thurrock had become a nuisance. There was some debate over the site of the proposed application and it was confirmed that it was not Green Belt land.

#### Recommendation A:

It was proposed by the Chair and seconded by Councillor Liddiard that the development proposed would not have a likely significant effect on a European site either alone or in combination with other plans or projects, as per the Officer recommendation.

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

Against: (0)

Abstain: (0)

#### Recommendation B:

It was proposed by the Chair and seconded by Councillor Ojetola that the application be approved as per the Officer recommendation, incorporating the suggested amendments to conditions 15 and 16.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Steve Liddiard, Tunde Ojetola,

David Potter, Gerard Rice and Brian Little (Substitute)  
(substitute for Terry Piccolo)

Against: (0)

Abstain: (0)

**74. 16/01424/OUT - Land adjacent Martins Farmhouse, Church Lane, Bulphan, Essex**

Members were informed that the application sought planning permission for 52 assisted living apartments, in four blocks, with café/restaurant facilities, a separate convenience store and doctors surgery, changing rooms/ club room with outdoor sports pitch and ancillary parking and landscaping with two access points to Church Lane. It was considered inappropriate development of the Green Belt and the matters of detail were also deemed unacceptable.

Councillor Rice asked for clarity as to the proposed height of the buildings. Officers advised that they would be 2-storey buildings with pitched roofs, so around 8-9m high.

A Resident was invited to the committee to make a statement in objection to the application.

A Ward Councillor, Councillor Sue Little, was also invited to the committee to make a statement opposing the application.

The Agent Gary Coxall was invited to the committee to make his statement of support.

The Committee discussed claims that the applicant had worked closely with the Health and Wellbeing Board on the scheme. It was confirmed that there had been discussions around desirable schemes for elderly residents housing but the location had not been supported.

The committee discussed reference to bungalows and the nature of use of the farmhouse and sought clarity as there were conflicting statements. Officers advised there was no information regarding other nearby sites.

The Chair sympathised that there needed to be more choice for elderly residents as the Council seemed to favour town centre-based locations and asked whether there were any plans for similar developments in the future. The Head of Planning & Growth advised the Committee that the new Local Plan was currently being developed including these types of property, but the idea would be urban extension to ensure links to the community and prevent social isolation.

Councillor Rice discussed the controversial nature of the application as funding for social care was being reduced so there would be a need to encourage private funding for these types of development and though it would

be undesirable use of the Green Belt there was a dire need for these types of properties. Councillor Ojetola sympathised with this view but highlighted that the application did not comply with the Council's current policy.

The Vice-Chair expressed the need to protect the green Belt for future generations. The Campaign to Protect Rural England Representative supported the officers' recommendation and accepted that there may be a need to build on Green Belt moving forward but there was a need to be selective about which sites. This site was particularly inappropriate, regardless of its Green Belt status, due to the single carriageway access road. A previous application had shown laybys; there was a design to widen the carriageway but the land either side was privately owned land which was farmed.

Councillor Little noted the list of negative considerations which gave a very clear indication from officers. He considered that the development was an inappropriate use of the Green Belt, in the wrong location to benefit its intended residents, would cause chaos on the rural lanes and was not welcomed by local residents and so he would not support the application.

Councillor Churchman expressed the hesitance to build on Green Belt but understood from personal experience that it might be unwise to overlook these types of schemes, particularly in rural areas.

Members discussed possible future needs for housing in the Borough, which considered may result in additional 20,000 homes, 12,000 of which may be on Green Belt. Members queried when it had been undertaken and whether it was being updated. The Head of Planning and Growth indicated it had been carried out in early 2015 and though it was reviewed often the target figure remained the same.

The Chair sympathised with both sides of the debate. He considered there was a need for this type of development but at present the application went against the Council's policy. There had been little work from the applicant regarding the flood risk at the site which was a serious issue and would be cause for refusal on its own, notwithstanding the other reasons.

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

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

Against: Councillor Gerard Rice

Abstain: Councillors Colin Churchman and Tunde Ojetola

**75. 16/01115/DVOB - Former St Chad's School site, St Chad's Road, Tilbury**

Members were informed that the application sought a Deed of Modification to the S106 legal agreement for planning permission reference 14/01274/FUL to remove the requirement to deliver affordable housing units. The request was deemed legitimate due to unforeseen costs surrounding the removal of unforeseen ground contamination, namely asbestos.

The Committee debated at length the implications of assessing an application made by Gloriana Thurrock LTD, but Members were assured that the standard procedure had been followed. The costs had been unforeseen; the contamination had come to light at the start of construction, despite an intrusive ground investigation having been undertaken in 2014. This had been evidenced and independently assessed, as would be the case with any developer. As with any brownfield site development it was legitimate to consider financial viability in terms of delivering affordable housing. Members were reminded that fundamentally the decision was to be made from a planning stance and as such the identity of the applicant was not a material consideration.

The Committee continued to question the length of time between discovery and application for the Deed of Modification, as the site was almost complete. There was also the question of any form of financial contingency on the part of the developer. It was a concern that there had been two years of reporting that there would be affordable housing as part of this development and at this late stage that would no longer be the case. Councillor Ojetola queried whether, if the 35% figure could not be met, a reduction could be made to 10% or 5% to reflect the unforeseen costs but so the site could still offer some affordable housing. Members were directed to section 6.18 of the application; the profits had been calculated under the assumption that the site would offer no affordable housing and no financial contributions would be made towards education however the applicant still intended to make those payments and as such the profit would be smaller.

Members also sought clarification as to the implications if they were to vote against the officers' recommendation and were advised that there was an official appeals procedure similar to the refusal of a standard planning application.

The Committee agreed to suspend Standing Orders and extend the duration of the meeting to allow for full discussion on the final application.

The Agent, Helen McCabe was invited to the committee to make her statement of support.

Members again queried the question of a contingency fund. There were also questions as to why the initial ground investigation had been repeated and why the application had been so delayed after the discovery of the level of contamination. It was deemed to be unfortunate but once the contamination had been discovered it had to be removed appropriately and therefore the financial viability was a legitimate consideration.



The Chair expressed the sentiment that it was disappointing for Thurrock Council to lose the affordable housing from the site but as Chair of the Planning Committee he would follow the officers' recommendation.

Councillor Rice interjected that there had been a legal agreement to provide affordable housing, there had been reference to a contingency fund and the gross value of the site was around £23million. It was his opinion that the application should be rejected.

Councillor Liddiard expressed his opinion that if a thorough ground survey had been undertaken there was no need to do another at the start of construction, and wondered why the application had been received recently despite the discovery having been made over a year ago.

Councillor Ojetola recalled a development on Chafford Hundred in 2008 where the developer went bankrupt and so the project was never finished and remained an eyesore. He was cautious not to cause a recurrence.

Councillor Little advised that he could not accept the variation, since the Council was continually pushing for more affordable housing from developers.

The Campaign to Protect Rural England Representative observed that Members were stuck between a rock and a hard place, but highlighted that if the Local Authority wished to encourage the development of brownfield sites it was dangerous to send the wrong message.

Councillor Baker asked whether it would be possible in future to insist developers investigated brownfield sites more thoroughly to prevent a recurrence. The Committee heard that this would not be feasible from a planning position.

Councillor Liddiard countered Councillor Ojetola's concern regarding the development remaining unfinished as it was almost complete, and raised concern that if the affordable housing aspect was removed there would be very little benefit to the people of Tilbury. Any extra cost however would fall to Gloriana and then Thurrock Council.

The Chair reiterated that the planning officers were professionals and the Committee should follow their recommendations. There was a risk that a decision otherwise could go to appeal. As Chair he would defend the recommendation but the final decision lay with Members.

It was proposed by Councillor Kelly and seconded by Councillor Ojetola that the application be approved as per the Officer recommendation.

For: Councillors Tom Kelly (Chair) and Tunde Ojetola

Against: Councillors Kevin Wheeler (Vice-Chair), Steve Liddiard, Brian Little, David Potter and Gerard Rice.

Abstain: Councillors Chris Baker and Colin Churchman.

Councillor Rice proposed the obligation be amended, so that the development would still provide some affordable housing to the residents of Thurrock. Councillor Ojetola raised a Point of Order regarding correct procedure of the Committee. Advice on the constitution was sought from the Committee Clerk. In line with Chapter 5, Part 3(b), Paragraphs 6.4 and 6.5, Members were advised that there were two options available to them, the application could be deferred or an alternative recommendation given, IE refusal.

It was proposed by Councillor Rice and seconded by Councillor Wheeler that the application be deferred to allow officers to give due consideration to the possibility of a reduced affordable housing figure.

For: Councillors Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Brian Little, David Potter and Gerard Rice

Against: Councillor Tom Kelly (Chair)

Abstain: Councillors Tunde Ojetola and Steve Liddiard

**The meeting finished at 9.40 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)**