

Minutes of the Meeting of the Planning Committee held on 23 February 2017 at 6.00 pm

- Present:** Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Steve Liddiard, Tunde Ojetola, Terry Piccolo, David Potter and Gerard Rice
- Apologies:** Steve Taylor, Campaign to Protect Rural England Representative
- In attendance:** Andrew Millard, Head of Planning & Growth
Matthew Ford, Principal Highways Engineer
Matthew Gallagher, Principal Planner
Nadia Houghton, Principal planner
Leigh Nicholson, Development Management Team Leader
Janet Clark, Strategic Lead Operational, Resources and Libraries Unit
Sarah Williams, School Capital and Planning Project Manager
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.

85. Minutes

The minutes of the Planning Committee meeting held on 19 January 2017 were approved as a correct record.

86. Item of Urgent Business

There were no items of urgent business.

87. Declaration of Interests

Councillor Ojetola declared a Non-Pecuniary Interest regarding Item 9: 16/00307/FUL – Land to rear & north of Bannatynes Sports Centre, Howard Road, Chafford Hundred, Grays in that he had attended various meeting with the developers, at which officers had been present.

88. Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting

Councillor Ojetola declared that, regarding Item 9: 16/00307/FUL – Land to rear & north of Bannatynes Sports Centre, Howard Road, Chafford Hundred,

Grays, he had received various correspondence as Ward Councillor. He assured the Committee that he was nevertheless of an open mind.

89. Planning Appeals

The report provided information regarding planning appeals performance.

RESOLVED:

The report was noted.

90. 16/01115/DVOB: Former St Chad's School Site, St Chads Road, Tilbury

Members were advised that the application sought a deed of variation to the s106 legal agreement for planning permission ref. 14/01274/FUL in respect of affordable housing provision and that a decision had been deferred from the Planning Committee meeting held on 15 December 2016. The original proposal sought to delete the requirement to provide any affordable housing and the item had been deferred to consider an increased provision. Members heard that there had been two options presented by the applicant: 20% (26 units) of affordable housing and £640,000 financial contribution; or 22% (28 units) of affordable housing and £300,000 financial contribution. On balance Officers favoured the first option, which offered a better balance between affordable housing provision and financial contributions to mitigate the impact of development.

Councillor Ojetola sought clarity as to why a lower percentage than the 35% required by Council planning policy was being proposed. Members were directed to Appendix 1, the original report presented at the December meeting, which outlined the additional cost of removing unforeseen contamination on the site, namely asbestos and the revised financial viability report which had been independently assessed. Members were reminded that the viability of developing brown field sites was a legitimate material consideration. Following the Members previous comments, the applicant had reviewed the viability report and offered an improvement to the 0% affordable housing proposed in December.

Cllr Ojetola queried how the original application outlined that removing any requirement to provide affordable housing would only just put the project in profit, yet now it was possible to provide 20% of units as affordable housing. The Committee heard that there would now be less than 5% profit from this project, but the applicant had stretched to deliver as requested by the Committee.

A breakdown of the £640,000 financial contributions was requested. £473,600 would go towards education and the remaining £166,400 would contribute to recreation in the immediate vicinity of the site. A potential scheme for expenditure on recreation facilities had been identified on King George's Playing field, sometimes referred to as the Daisy Field, opposite. Councillor Liddiard requested to be consulted moving forward on how the recreational contributions would be spent.

Members praised Officers for their work, increasing the affordable housing provision from 0 to 20%. Whilst the originally proposed 35% would always be preferable there had been unforeseen costs around asbestos removal and therefore the Committee was satisfied with this new proposal.

Councillor Ojetola stated that it was important to ensure developers showed due diligence from the outset to prevent further applications to remove any requirement to provide affordable housing. Alongside congratulating Officers for their work he highlighted the achievement of the Committee for taking a stand for the provision of affordable housing.

The Chair echoed Members comments that Officers did well but agreed it had been Members pushing for some provision and the Committee should be proud. The development was of high quality and designed to redevelop a brown field site. It would be an improvement to the area, especially with the removal of asbestos.

The Chair reminded the Committee that Councillor Piccolo had not been present at the meeting held on 15 December 2016, from which the item had been deferred, and as such was not entitled to participate in the debate or to cast a vote.

It was proposed by Councillor Rice 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 and Gerard Rice

Against: (0)

Abstain: (0)

91. 16/00307/FUL - Land to rear & north of Bannatynes Sports Centre, Howard Road, Chafford Hundred, Grays

The Committee heard that the principle of residential use of the site had already been established as planning permission had been granted to another

applicant in 2009 for residential development. Construction works had commenced but had come to a halt when the developer had experienced financial difficulties. The application to be considered proposed a residential-led mixed redevelopment of the site. Given the current condition of the site there would be some merit in granting planning permission for redevelopment. Members were advised that although there was a proposed increase in density, National Planning Policy Guidelines advised that quality of design was a key planning consideration rather than an over-reliance on density as a measure of a scheme. Although, at seven storeys high, parts of the proposal were considered “tall” buildings by Core Strategy policy, the site was located in an urban landscape area, bordered to the north by an arterial road and therefore officers did not deem the design to be harmful to landscape character. The affordable housing provision proposed was 27% but a financial viability report had been included with the application which had been independently assessed as reasonable.

Members were advised that there were two amendments to the application as listed within the agenda:

- Recommendation A (b) - delete and replace with “an appropriate tenure split for the affordable housing referred to by (a) above to be approved in writing by the local planning authority”
- Condition no. 18 - 2nd line to insert the word “that” before the word “purpose”.

Following the Officer’s report, Members raised the following queries:

- The disproportionate number of residential units to parking spaces
- The mitigating obligations and restrictions in place elsewhere
- The number of spaces available for the GP surgery and commercial units
- The uncertainty around the financial contribution in the event that the approved accommodation for the doctors surgery were not occupied for its intended purpose, and the agreed timescale
- The height of the proposed development in comparison to other buildings within Chafford Hundred
- The difference in affordable housing provision from the previous approved application on the site.

The Committee heard that, whilst the proposal fell below the maximum draft parking standard, the provision of parking spaces was deemed to be acceptable and officers had sought to get multi-functional spaces such as those used by the medical centre. The Applicant had offered a £10,000 financial contribution to improve controlled parking within that part of Chafford Hundred which would give the Council the ability to put restrictions in place in future to tackle displaced parking. Due to the proximity to the train station, the public transport links in the area and the obligations to be placed on tenants, such as the car club, the requirements for parking were slightly reduced and these measures meant that the potential impact to the highways network was not deemed to be detrimental.

There was a level of uncertainty surrounding the proposed GP Surgery and the timeframe for a fall-back financial contribution; Members were welcomed to offer their suggestions as to what would be considered an acceptable timeframe. The accommodation approved for this use was around 280m² which could equate to 4 residential units. While this was not reflected in the £41,000, the sum had been reached based upon an NHS formula for financial contributions. The Head of Planning & Growth suggested further discussions with NHS England and the applicant regarding this condition.

As the design had been portrayed as very futuristic Councillor Ojetola queried whether there would be solar panels or electric car charging points; he asked whether the applicant had been encouraged to be as “green” as possible. An energy and water planning statement had been submitted by the applicant and it was intended that there would be an energy centre in the basement. Although compliance with the former Code for Sustainable Homes was no longer relevant, the proposals would comply with Core Strategy policy PMD13

At 7 storeys high the application qualified as a “tall” building, however height and density were not to be considered as standalone factors. Judged against the quality of design and of place making, and having been considered to be “design led” the development had been assessed as a high quality design. The modern design was acceptable and would fit into the commercial surroundings. The judgement however fell to Members. Officers advised the Committee that Sainsbury’s was roughly 4.5 storeys high and the tallest residential buildings within Chafford Hundred were between 3-4 storeys high.

Given the concerns regarding parking provision, Councillor Rice queried whether it could be possible to encourage discussions between the applicant and the 3rd parties with adjacent sites, such as Sainsbury’s, to obtain additional parking spaces in order to relieve some pressure on the local area. No planning condition could be imposed which relied on input from a 3rd party, however Members were advised that the applicant’s agent was present and could take suggestions on board.

Councillor Piccolo asked whether there were any restrictions upon the 5 small commercial units proposed in the application to prevent all 5 becoming, for example, takeaways. In theory all 5 units could go to the same type of outlet. The commercial units had been introduced following a CABE (Commission for Architecture and the Built Environment) design review which promoted mixed uses to ensure that the development was not solely a residential enclave. There was concern that these may have been suggested by CABE with no real benefit to the local community.

The Chair adjourned the meeting at 19:51 and resumed at 19:53.

It was clarified that although the affordable housing provision was a lower percentage than the previous application on the site, the actual number of units was higher and Members were reminded that there were viability factors given the high cost to remove the previous construction works.

Councillor Ojetola queried Council policy regarding parking requirements for 3 bed properties and asked how many of the 8 units would be included within the affordable housing provision. Members were advised that Council Policy made no differentiation for the size of a property, and that Blocks B and F were to be affordable housing, with 1-2 bedroom units.

Councillor Ojetola asked whether the financial contribution for education was considered sufficient to mitigate the inadequate number of secondary school placements; it was deemed sufficient.

A Ward Councillor, Councillor Sue MacPherson, was invited to the Committee to give her statement of objection.

The Agent, Bob Robinson, was also invited to the Committee to give his statement of support.

Councillor Liddiard expressed that he had no problem with the height. He thought parking would be a major concern and was glad to hear that it would be controlled. His real concern was site traffic during construction.

Councillor Ojetola queried how access to the ground level parking spaces, intended for business use at the doctors surgery and shops, would be controlled and asked what powers the applicant would have regarding Car Parking Zones and the Car Club. Members heard that a planning condition was suggested to control access to the basement car park and whilst this would not be the case for the ground level spaces parking would still be managed. Any powers regarding local permit zones and the car club would depend upon the agreement between them and their tenants.

The Vice-Chair expressed his concern at the height of the proposed buildings but accepted that the Government was encouraging developers to build upwards not outwards. He queried whether there would be grounds for appeal if the Committee rejected the proposal based upon the height. The Head of Planning and Growth advised that it would be difficult to defend against an appeal on the basis of height, as the CABE view was that it was not harmful.

The Chair queried whether there would be anything in place to ensure any private enforcement companies contracted to manage the parking would return any percentage of the profits to the residents, as it would be their land. The Committee heard that the conditions and parking management plans were to be reviewed but the applicant would not be subletting the parking management and envisaged an holistic approach.

The Chair expressed his opinion that the application looked nice and he had no concerns regarding the height. It was positive to have a developer looking to restore the site. He felt it was a high density application with insufficient parking, placing restrictions on residents would lead to illegal parking and it would be unfair to penalise residents who need cars for work. The issue of

parking was a huge concern and although minimum requirements had been met it worried him that there was no real thought to the matter. There was also more work to be done on conditions around the medical centre. Unless Members could sway him the application was unlikely to get his approval.

The Committee agreed to suspend standing orders and extend the meeting so that all applications could be heard.

Councillor Rice stated that, on balance, he would support the application. The site had lain dormant for many years and although the buildings were tall, Thurrock was running out of brownfield sites to develop. In order to preserve the Green Belt the only option was to build higher. Although parking was an issue it would be good if some voluntary agreement could be made with Sainsbury's. He would support approval of the application, especially since development of the site had already been approved and it was likely that a refusal would go to appeal. He also reminded the Committee that there were currently 7000 people on the housing waitlist and there was a need for homes to be built in Thurrock. It would also be very welcome to have the current site, which was an eyesore, restored.

Councillor Ojetola felt, although it was a good application, there were a number of areas which needed fine-tuning. He agreed that Thurrock was in need of more homes. He expressed real concern regarding parking and felt that the more it was raised, the more obvious it was that a problem could be foreseen and it was crucial to manage that now. The issue of the NHS funding and conditions around the GP surgery, the commercial units and other areas all needed to be tidied up. He proposed the Committee defer the application so officers could look at the issues raised with the Applicant. He was cautious to avoid rushing the application and creating more permanent problems.

It was proposed by the Councillor Ojetola and seconded by the Chair that the application be deferred..

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

Against: Councillors Steve Liddiard and Gerard Rice

Abstain: (0)

Members were given the opportunity to highlight the issues they wished to be addressed.

Councillor Piccolo raised concern that these types of premises were predominantly found in London and it was likely that the units would not house residents from the Council's waitlist but young professionals moving out of central London to Thurrock for the lower rent. The parking was a very big issue; if people were to be encouraged to use public transport more then they

needed somewhere to park their cars. He was also concerned about ease of access for delivery vans and similar vehicles to the site. There was currently no Parking Permit Scheme in place in the surrounding area, so residents without access to the basement car park would be forced to park in the roads nearby and cause problems for the Council. It was his opinion that the ratio of parking spaces to units was ludicrous.

Councillor Churchman echoed the previous concerns around housing and also wanted restrictions on the use of the 280m² area if the GP Surgery fell through for residential use over commercial.

Councillor Rice urged Officers to conclude negotiations quickly as there was a real need for the additional homes.

Members reiterated the idea of liaising with Sainsbury's regarding additional parking and also suggested Bannatyne's. The Chair also asked if Officers could look into possibility of private enforcement company profits being fed back to residents as it was their land.

92. 16/01446/FUL - Former Harrow Inn, Harrow Lane, Bulphan, Essex, RM14 3RL

Members were informed that the application sought planning permission for the demolition of the existing, derelict, buildings and removal of hardstanding and the erection of a health and wellness centre. Although the site was previously developed, the proposed increase in floor area and volume constituted inappropriate development in the Green Belt. It was therefore necessary to assess whether the applicant had provided any very special circumstances in favour of the development to mitigate the harm to the Green Belt as well as other harm. Officers had assessed the special circumstances as outweighing the potential harm, but Members were asked to consider the balance.

Members were cautious regarding inappropriate development of the Green Belt and sought confirmation that approval of the application would not set a dangerous precedent. The Committee was assured that, as each planning application was to be assessed on its own merit, the very special circumstances, particularly the uniqueness of the proposal and the location and the opportunity to improve the appearance and conditions of the site, would, in combination, would warrant an exception and therefore would not set a precedent for future inappropriate development in the Green Belt.

The Chair asked if there were any similar centres in Essex, or the UK and whether they were successful. Members were advised the proposed wellness centre would be the first of its kind in the UK.

The Applicant, Joy Jarvis, was invited to the Committee to give her statement of support.

Councillor Rice recalled the idyllic setting of the pub around 40 years ago and the fact that since it had fallen into disrepair and become an eyesore. He expressed enthusiasm that CABE had been involved in designing the proposal. He welcomed the proposed centre as providing both a service and employment opportunities within Thurrock. He commended the applicant as the site currently stuck out like a sore thumb and it was time it was cleaned up. He supported the recommendations of CABE and the planning officers.

Councillor Ojetola agreed it was a good application, and welcomed developments that were to be the first of their kind in Thurrock. He was concerned about balancing the harm to the Green Belt. He advised the Committee that he was still unsure about the application.

Councillor Baker echoed the concern regarding inappropriate development in the Green Belt. He agreed the site was an eyesore in an otherwise lovely part of Thurrock and would welcome the development, provided it did not set a precedent for future developers.

The Head of Planning & Growth assured the Committee that, collectively, the special circumstances would not set a precedent.

Councillor Piccolo welcomed the reassurance regarding the risk of setting a precedent. Whilst he did not doubt the unique opportunity he was doubtful how much the service would benefit Thurrock residents as it was likely to be targeted towards people who could afford it more than the local residents who might need it. He expressed surprise that there were not more special circumstances to mitigate a development that he believed to be 2.5 times the size of the previous building.

The Chair recognised the concerns of members but added that there had been no negative comments from residents and they were often the first to voice their concerns. He expressed his view that it was a fantastic opportunity.

It was proposed by Councillor Liddiard and seconded by Councillor Baker that the application be approved as per the Officer recommendation, subject to referral to the National Planning Casework Unit as the proposed floorarea would exceed the 1,000 sqm threshold.

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

Against: (0)

Abstain: Councillor Tunde Ojetola.

The meeting finished at 9.08 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**