

Minutes of the Meeting of the Planning Committee held on 8 February 2018 at 7.00 pm

Present: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman *arrived at 7.05pm*, Graham Hamilton, Tunde Ojetola, Terry Piccolo, Gerard Rice, Graham Snell and David Potter (Substitute)

Steve Taylor, Campaign to Protect Rural England Representative

Apologies: Councillor Roy Jones

In attendance: Andrew Millard, Assistant Director - Planning, Transport and Public Protection
Leigh Nicholson, Development Management Team Leader
Matthew Gallagher, Principal Planner (Major Applications)
Chris Purvis, Principal Planner (Major Applications)
Benita Edwards, Interim Deputy Head of Law (Regeneration)
Charlotte Raper, 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.

60. Minutes

The minutes of the Planning Committee meeting held on 11 January 2018 were approved as a correct record.

61. Item of Urgent Business

The Chair informed the Committee that Item 11 – Application 17/01527/HHA: 2 Oval Gardens, Grays, Essex, RM17 5NR had been withdrawn by the Assistant Director of Planning, Transport and Public Protection due to discrepancies within the plans submitted.

The Assistant Director of Planning, Transport and Public Protection clarified that the item had been withdrawn from the agenda and would be determined at a later date, to allow these concerns to be addressed.

62. Declaration of Interests

There were no declarations of interests.

63. 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 receipt of emails, on behalf of the entire Committee.

Firstly an email relating to Item 8 – Application 17/01504/FUL: Stanford Le Hope Railway Station, London Road, Stanford Le Hope, Essex, SS17 0JX from the speaker presenting a statement of objection and secondly an email from the applicant in relation to Item 10 – Application 17/01506/FUL: Former Harrow Inn, Harrow Lane, Bulphan, Essex, RM14 3RL.

Councillor Piccolo declared that he had met with residents regarding Item 8 – Application 17/01504/FUL: Stanford Le Hope Railway Station, London Road, Stanford Le Hope, Essex, SS17 0JX however he was still of an open mind regarding determination of the application.

64. Planning Appeals

The report provided Members with information regarding planning appeal performance.

RESOLVED:

That the Planning Committee noted the report.

65. 17/01504/FUL: Stanford Le Hope Railway Station, London Road, Stanford Le Hope, Essex SS17 0JX

The application sought planning permission for redevelopment of the existing station to provide a new station building of 517 sq.m., a new footbridge, forecourt and associated vehicle drop-off and pick-up areas, 84 new cycle spaces and ancillary retail (Class A1/A3) premises. The Committee was advised that there had been amendments to include updated plan nos. It was suggested that Condition 7 should be amended to reference acoustic fencing; Condition 10 should be amended to read '*The commercial unit hereby permitted shall be used solely for purposes falling within the Classes A1 or A3 of the Schedule to the Town & Country Planning [Use Classes] Order 1987 [as amended] and for no other purpose.*' There should also be an additional condition restricting hours of operation of the retail unit to 6:00am-10:00pm.

Councillor Ojetola sought further information regarding the new parking area and bus drop-off point. It was confirmed that the existing station building would be moved further south, allowing more space for a drop-off / pick-up area for taxis and potential for a bus turnaround area with a bus shelter.

Councillor Hamilton noted that plans showed the bus turnaround cutting across a zebra crossing and asked if that did not raise a potential safety

hazard. The Senior Highways Engineer confirmed that, provided the pedestrian crossing was marked correctly, there would be no real concerns.

Councillor Hamilton also queried how many carriages could be facilitated along the platform. The platform had been extended in recent years and therefore there was potential for up to 12 carriages.

A resident, Paul Ward, was invited to the Committee to present his statement of objection.

The Agent, Stephen Humphry, was invited to the Committee to present his statement of support.

Councillor Piccolo requested more detail regarding expected footfall and whether the additional 700 would be all at once, surely there would be limitations due to carriage capacity. Officers confirmed that the application would facilitate an interchange to encourage sustainable transport and reduce vehicle movements which was supported by both national and local policy. It would be difficult to quantify exact movements and times however 'peak' time was 7am-9am so it would not be the case that all 700 would arrive in one hit. DP World and London Gateway had arranged their shift patterns so as not to coincide with peak time specifically to avoid such a scenario. There was also the potential added benefit that these additional 700 commuters would be taken off the road network.

Councillor Ojetola appreciated the concerns raised by residents but felt officers had rightly balanced these concerns with the potential to reduce vehicle movements on the local road network. He commended officers for their efforts to mitigate the impact upon neighbouring properties. Were the application refused the increased footfall could still occur at the station and therefore he was happy to support it.

Councillor Rice agreed that it was a good application which would improve local infrastructure and take some cars off local roads. It would also provide a long-term benefit for the Council's Local Plan in terms of housing to provide homes for increased employment in the area.

Councillor Piccolo stated that he had originally been concerned regarding impact upon local residents and was pleased to see the work that had been undertaken to mitigate this. He agreed that the increase in footfall could happen regardless of changes to the station and the application would mitigate the impact of extra travellers. At present the biggest imposition was buses stopping on London Road; if it could be ensured that buses would use the proposed turnaround area it would reduce tailbacks in the area. He supported the application as he could see now real planning grounds on which to object.

The Chair echoed many previous comments. He felt the application provided an improvement on the existing station and it would be for the Council to closely monitor vehicle movements once the scheme was up and running.

It was proposed by Councillor Ojetola and seconded by the Vice-Chair that the application be approved, subject to amended and additional conditions, as per the Officer's recommendation.

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Tunde Ojetola, Terry Piccolo, Gerard Rice, Graham Snell and David Potter.

Against: (0)

Abstain: (0)

RESOLVED:

That the application be approved, subject to conditions.

66. 17/01435/CV: South Ockendon Quarry and Landfill Site, Medebridge Road, South Ockendon, Essex

The application sought to vary condition nos. 2 (accordance with approved plans), 3 (duration of temporary permission), 10 (scheme of landscaping,) and 18 (penetrative construction methods) of planning permission ref. 14/00836/FUL (Erection of solar Photovoltaic (PV) arrays with associated infrastructure (ancillary equipment includes inverters, transformers and substations), access tracks, fencing and security including pole mounted CCTV on Ockendon Landfill Site). The Committee heard there was a proposed change in Condition 2 to include an additional plan amending the layout of the solar farm to introduce more capacity, although reducing the height of the structures. The proposed amendment to condition no. 3 sought to extend the lifetime of the permission and consequential changes to landscaping were addressed by condition no. 10. The proposed amendment to condition 18 would address the potential for penetrative foundations into the capping layer above the former landfill site. The Committee was advised that an additional drawing showing the individual land parcels had been submitted.

Councillor Ojetola questioned sought clarification as to why the work had not commenced within the timeframe for work to start, given the application was from 2014. The application was not determined by the Planning Committee until November 2014 and then was subject to approval by the Secretary of State and s.106 discussions. Final permission had not been granted until 2016 and during that time national subsidies for solar power had been reduced or withdrawn.

The Campaign to Protect Rural Essex Representative queried the location of the site in relation to an overhead power line to the East and the proposed Lower Thames Crossing Route. Members were advised that there was a power line to the east of the site, a gas easement to the north which would

sterilise part of the site and the draft alignment of the Lower Thames Crossing which was in the public domain ran East to West immediately adjacent to the North of the Site.

Councillor Ojetola left the Committee at 19:59

Councillor Snell questioned asked if the reduction in height was in order to fit more rows of panels. It was confirmed that panels would need to be arranged in such a way that they did not overshadow each other. The original scheme did not include piles however this application had the potential to drive the aluminium frames into the cap layer without disrupting the landfill. However this was only a potential and there was a condition whereby 'in the event that' such work could not commence without a scheme submitted to the Council for approval, therefore reserving the Committee's position.

Councillor Piccolo noted that recommendation 18 was 'if' but queried whether there was a condition regarding how piles would be repaired or treated in 40 years' time. The Committee was advised that Condition 4 was a standard decommissioning agreement which required a Decommissioning Method Statement to be submitted and approved.

Councillor Churchman also questioned what would happen to the land after the duration of the temporary permissions, and if it would return to the public domain. The site was designated agricultural land, of category 3B which was below average. Condition 5 ensured that the land between panels would remain available as agricultural land, either for grazing or wild-flowers. At the end of the duration the structures would be physically removed and the land would revert to its former state. The existing S.106 agreement included a 'Green Grid' contribution and ensured no impact on the existing right of way through the site.

The Agent, Spencer Powell, was invited to the Committee to present his statement of support.

The Vice-Chair felt it was logical to extend the life of the site and add more arrays given the change in subsidies. He was in favour of renewable energy and therefore would support the application.

It was proposed by the Vice-Chair and seconded by Councillor Snell that the application be approved, subject to referral to the Secretary of State, the completion of a deed of variation to the existing s.106 legal agreement and planning conditions (also to include reference to the additional drawing), as per the Officer's recommendation.

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Terry Piccolo, Gerard Rice, Graham Snell and David Potter.

Against: (0)

Abstain: (0)

RESOLVED:

That the application be approved, subject to referral to the Secretary of State, the completion of a deed of variation to the existing s.106 legal agreement and planning conditions.

67. 17/01506/FUL: Former Harrow Inn, Harrow Lane, Bulphan, Essex, RM14 3RL

The application sought planning permission for the construction of a detached 3 bedroom dwelling and detached quadruple garage to be ancillary to the approved Wellness Centre (16/01446/FUL) at the site. The application was deemed to be inappropriate development of the Green Belt and detrimental to the openness of the Green Belt. In addition the development would have a detrimental impact upon the open fenland landscape and the flood risk assessment which had been submitted related to the approved wellness centre and not for the proposed dwelling, therefore this did not demonstrate safety for its lifetime. The application was recommended for refusal.

Councillor Snell sought clarification that the proposal did not remove the 2-bedroom flat within the wellness centre. Officers expected the wellness centre to be built as planned, including the flat for managers accommodation.

Councillor Rice felt it was a question of security; the Chair questioned whether this was the case. The Committee heard that the approved plans for the wellness centre included a 2-bedroom flat, within the main building, which would provide security and in terms of night-time security there would be external cameras and lights which could be controlled and monitored from the control room within the premises. Officers advised that the original plans could be revised to seek a more favourable alternative to a large, detached dwelling, such as additional staff facilities within the Wellness Centre through a revised layout or a minor extension to the building.

The Chair noted the site had been derelict and queried what other developments were in the area. The site was in a rural location and developments nearby were farms or other agricultural land use and landscaping.

The Chair continued to question the flood risk assessment, which had not been specific to the proposed dwelling, and why that raised concern. The Flood Risk Assessment submitted referred to the wellness centre and not the proposed dwelling. The Wellness Centre was located more in Flood Zone 2 whereas the proposed dwelling was shown to be located in Flood Zone 3A, which was the highest risk flood zone.

Councillor Rice questioned whether revised accommodation within the footprint or nearer to the wellness centre would be preferable. He didn't want

to see a business fail and staff security was important. A separate dwelling would still impact upon the Green Belt and the approved building was already bigger than previous development on the site. The proposal would add significantly to the footprint. Officers reiterated that there may be an opportunity to redesign the approved wellness centre internally so as to not impact upon the Green Belt further.

Councillor Hamilton sought clarification that 6.31 of the application report identified no risk of reduced security and that 6.33 gave the impression of a large mansion. He sought to be clear that no weight should be given to these circumstances, as outlined in 6.35.

The Campaign to Protect Rural Essex Representative noted that there would be client bedrooms within the wellness centre, therefore the building would be occupied 24 hours. He expected the doors to be monitored by security and asked officers to clarify whether that was the case. The first floor flat provided on-site staff 24 hours a day and there was a ground floor reception area too where it would be expected that staff would be on hand.

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

Councillor Rice felt that an exception could be made given the Health and Safety concerns. The Chair asked officers to clarify these concerns. Staff facilities were not provided at the time of the wellness centre approval, but should be within the footprint of the centre rather than in a detached house.

Councillor Piccolo sought clarity and asked whether, had this been included within the original application, the recommendation would have differed. The Committee was advised that the recommendation for the wellness centre would have been refusal, had the application included this separate dwelling.

The Chair noted that at first the wellness centre had been received as a good news story, which would be unique to Thurrock. He expressed sympathy with the applicant however the site was within the Green Belt and there were strict rules around why applications would be refused. He was minded to see if a potential exception could be made but was interested to see the views of other Members.

The Vice-Chair had some sympathy with the applicant but expressed two key concerns. Firstly there had been at least two other cases of businesses within the Green Belt who had asked for substantial accommodation and been refused, which he was worried could cause an issue. Secondly, the size of the dwelling with a four car garage seemed excessive; had the applicant considered amendments within the main building he would have been more sympathetic.

Councillor Rice urged Members to think long and hard given that the Committee had approved the wellness centre and now the operator had returned to seek permission for something they needed to ensure a

successful business. The applicant was prepared to include a condition tying the dwelling to the wellness centre, as they could not operate without it, and he felt it was a unique opportunity.

The Assistant Director of Planning, Transport and Public Protection reiterated that the business already had accommodation. He asked officers to shed light on allegations of a Health and Safety imperative. Officers had received an email from Health and Safety officers which advised that the proposed dwelling was mainly a house and garage rather than to do with the business as it was separate and first aiders, fire marshals etc. would need to be within the wellness centre itself.

Councillor Snell felt the original application had been approved for all the right reasons however it was unreasonable to expect the committee to approve a 3-bedroom house on the basis that the applicant had forgotten to accommodate rest areas for staff in the original plans. He did not feel security should be used as an excuse to develop a house within the grounds of the wellness centre and that the applicant should reconsider looking within the approved footprint.

Councillor Piccolo agreed he had been very pleased with the original application. He accepted that there may have been oversight and questioned whether the condition tying the dwelling to the wellness centre was feasible. The Assistant Director of Planning, Transport and Public Protection did not think such a condition would be enforceable and even so would not overcome planning concerns. There was a question of 'need versus desire' and the application was far from meeting the 'essential test'.

The Interim Deputy Head of Law (Regeneration) advised that there were a number of issues if the Committee were minded to approve the application, contrary to the Officer's recommendation. Regarding the proposed condition, a s.106 agreement would be more suitable which would restrict occupation but this would have to specify demolition if the house was not used as specified and there would be a question as to whether that would be an appropriate solution. Members were advised that their first consideration should be whether the house should be built within the Green Belt. There were clearly a number of uncertainties and it appeared that there might be a need for further information in relation to flood risk and health and safety. Accordingly, a deferral might be in order so that further work could be undertaken. If Members were to be minded to approve, then because there were a number of sensitive issues such as Green Belt, case law required that Members would need to clearly justify their decision to approve the scheme contrary to Officer's recommendation, by addressing the reasons for refusal and giving reasons for approval.

Councillor Hamilton expressed concern regarding precedent and reminded Members that, had this formed part of the original application the recommendation would have been refusal. Paired with the apparent lack of Health and Safety imperative he could not support the application.

Councillor Rice felt there would be no issue of precedent, given that each application was determined on its own merit. The Committee heard that, while cases were determined on their own merit, given the lack of evidence of necessity and the fact that the wellness centre already benefitted from accommodation it was right to be mindful of precedent.

The Chair felt the decision was difficult and there were a number of issues raising concern, conditions, the flood risk assessment and the Health and Safety imperative.

It was proposed by Councillor Rice and seconded by the Chair that the application be deferred to allow for clarification of information in relation to flood risk and health and safety

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Terry Piccolo and Gerard Rice

Against: Councillors Graham Hamilton, Graham Snell and David Potter

Abstain: (0)

Councillor Piccolo noted that, if the application were to be refused, there would still be 30 staff without a rest area so urged the applicant to look at possible alternatives. Any decision would need to be linked to the Health and Safety implications so there was a need to demonstrate:

1. Are there Health and Safety implications?
2. Can they be overcome within the existing footprint of the wellness centre?
3. Is the separate dwelling necessary?

The Vice-Chair also noted that Health and Safety requirements would cover toilets and a break area but not all 30 staff would need to be accommodated at one time so staff would need to be timetabled according to the facilities and space available.

RESOLVED:

That the application be deferred to allow for clarification of information in relation to flood risk and health and safety.

68. 17/01527/HHA: 2 Oval Gardens, Grays, Essex, RM17 5NR

This item was withdrawn from the agenda, to be determined at a later date.

The meeting finished at 9.07 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**