

Minutes of the Meeting of the Planning Committee held on 18 October 2018 at 6.00 pm

Present: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Andrew Jefferies, Angela Lawrence, Terry Piccolo, Gerard Rice, Sue Sammons and Sue Shinnick

Steve Taylor, Campaign to Protect Rural England Representative

In attendance: Leigh Nicholson, Strategic Lead - Development Services
Caroline Robins, Locum Solicitor
Julian Howes, Senior Engineer
Steven Lines, Senior Engineer
Genna Henry, Senior Planning Officer
Matthew Gallagher, Principal Planner
Nadia Houghton, Principal planner
Jonathan Keen, Principal Planner
Tom Scriven, Principal Planner
Tisha Sutcliffe, Democratic Service 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.

45. Minutes

The minutes of the Planning Committee meeting held on 13 September 2018 were approved as a correct record.

46. Item of Urgent Business

There were no items of urgent business

47. Declaration of Interests

There were no interests declared.

48. 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 Committee Members that he received correspondence in regards to the following applications: 18/00988/HHA, 17/00403/FUL and Councillor Rice declared that all Committee Members received correspondence in regards to 18/00994/FUL

49. Planning Appeals

The report provided information regarding Planning appeal performance.

RESOLVED:

The Committee noted the report.

The Chair praised the Planning Department at Thurrock Council for achieving the joint highest ranking for speed of determination of planning applications in the Country.

50. 18/00988/HHA - Farmhouse, Manor House Farm, Brentwood Road, Bulphan (Deferred)

This application had been considered at the previous Planning Committee on 13 September 2018 however it was deferred to allow Officers to prepare a report outlining the implications of making decisions contrary to Officers recommendations. The application sought planning permission for a two storey front extension, single storey side extension, and alterations to the roofing, basement and single storey garage block with associated hardstanding following the demolition of existing side extension and outbuilding.

The proposal constitutes inappropriate development in the green belt which is harmful by definition and further harm was identified through the size and number of the extensions. The proposal would also have an adverse impact upon the street scene and the character of the area.

The Chair made the Committee aware that due to Councillor Shinnick sending her apologies at the meeting on 13 September, she would be unable to vote on this item.

The Chair informed the Committee that this was a deferred item from 13 September's Planning Committee and it was not often Members go against Officers recommendations. Based on the conversations at last month's Committee it was evident that it was almost unanimous across the Committee that they would potentially be voting in favour of this application. He went on to state that Members and Officers ensure that all applications are assessed on their own merits.

The Principal Planner introduced the report and explained the recommendation remained one of refusal.

The Chair began the debate and felt the application should be approved.

The Chair moved a motion to approve the application against the report's recommendations and it was seconded by Councillor Rice. The reasons for this were that Members did not feel the greenbelt would be harmed due to the

extended building. He felt the extensions were more suitable than the works that could be carried out under Permitted Development rights.

Councillor Rice explained that a lot of information was provided at the last Committee regarding this particular item, however, under Permitted Development rights the applicant would be able to do a lot more than the current application and due to this he felt the application should be approved. There were no objections from members of the public against the extended building which was considered to be positive. He suggested the Permitted Development rights should be removed as part of a condition on the permission. He also noted that the site was surrounded by a number of tall buildings and it would be positive to have executive homes within the borough.

Councillor Piccolo felt the extended building would improve the area and it would still provide a reasonable amount of open space on the site after the extensions are completed.

The summarised debate and confirmed the very special circumstances identified by the Planning Committee were as follows:-

1. The building is considered to be more suitable than what could be carried out under permitted development;
2. The proposal would provide a large executive house for which there is a need for in the Borough;
3. The Council could remove Permitted Development rights if permission was granted;
4. There were no objectors to the proposed extension;
5. There would be limited harm to the Green Belt due to the presence of other buildings and developments in the vicinity;
6. The proposal is of good design.

The Strategic Lead – Development Services stated that Members views were clear and the steps have been followed in the Council's Constitution. Any conditions imposed should be agreed with the Chair if the application was approved by the Committee. The Chair was happy for this to be done, and requested for this to be confirmed following the meeting via email due to the extent of the agenda. The Strategic Lead – Development Services explained if the vote was taken and Members were to approve the application it could be subject to conditions which the wording can then be agreed by the Chair. It was advised by the Strategic Lead – Development Services that the following conditions were likely to be necessary:-

1. Time limit condition, standard condition
2. Approved plans condition to clarify the development being permitted
3. Materials condition to match the existing building
4. Removal of Permitted Development rights

The Strategic Lead – Development Services asked for the legal advisor’s opinion on the process to ensure that it had been followed. The Legal Advisor agreed the process had been followed appropriately.

The Chair asked for the reasons for approval to be added in the minutes and that it be noted that all the applications are based on their own merits.

It was proposed by the Chair and seconded by Councillor Rice that the application be approved against Officers recommendations, subject to conditions to be agreed by the Chair.

For: (7) Councillors Tom Kelly (Chair), Colin Churchman, Angela Lawrence, Andrew Jefferies, Terry Piccolo, Sue Sammons and Gerard Rice

Against: (0)

Abstain: (1) Steve Liddiard (Vice-Chair),

RESOLVED:

That the application be approved, subject to conditions to be approved by the Chair.

51. 18/00811/OUT: Land Adjacent Gunning Road, Newburgh Road and Globe Industrial Estate, Towers Road

The Chair pointed out that this item had been withdrawn from the agenda and will be heard at a following Committee.

52. 18/00887/FUL: Land to East of Euclid Way and South of West Thurrock Way

The Application sought permission for the redevelopment of the site to provide 256 dwellings, with associated private and public amenity space, means of enclosure, parking, vehicle and pedestrian accesses and drainage. The application site comprises the former Gala Bingo, Frankie and Bennies, KFC and the parking areas to the north and disused land to the south.

The original hybrid application submitted in 2013 was for the wider site and full permission was granted for commercial development with outline permission granted for residential development (ref. 13/01231/FUL). Reserved matters approval pursuant to the outline was granted in 2017 and Bellway Homes are developing this first phase which is under construction (ref. 17/00548/REM). The full permission for commercial development (13/01231/FUL) has not been implemented which has resulted in the current proposal for residential development.

The proposed development includes two storey houses and three and four storey blocks of flats. Three blocks of flats are proposed to the front of West

Thurrock Way, which would include a four storey high positioned horizontally to the road and would have double gabled roofing. The proposed dwellings are a short distance to Chafford Hundred station and Lakeside Shopping centre. There would be no provision for affordable homes or any other financial contribution for Education and Health Care due to the costs associated with remediation for contamination of the site. The applicant had produced a Viability Assessment which has stated they cannot provide affordable housing. This assessment had been independently verified on behalf of the Council.

There had been no objections made although there is a risk that the dwellings will be developed on flood risk zone 3 according to a Flood Risk Assessment which was submitted.

The Principal Planner highlighted an error on the report on page 91 conditions nos. 16 and 18 "Sound proofing/Noise Insulation" as the condition was included twice. Condition no. 18 should therefore be deleted. It was also advised that the recommendation at para. 8.1 (i) of the report should include additional wording such that if a viability review is undertaken and that review concludes that financial contributions can be supported then those contributions would be considered in light of the consultation responses referred to in the report and priorities applying at the time of the review.

Councillor Rice agreed Thurrock is in need of newly built homes, however he felt it would be important for a charging point for electric cars to be explored, as this will prevent and reduce the pollution in the Borough. There were concerns with no affordable housing being offered within the 256 dwellings. The Principal Planner referred back to the question about charging points for electric cars as it was not included in the report on condition 9, page 89, "travel plan". However the measures which conclude were not yet confirmed and this could be explored with the applicant to ensure something is put in place for this.

Mr Taylor sought further information with regards to the Viability Review as the applicant had advised they were unable to make any contributions towards affordable housing, Health Care and Education. He asked would there be a review when the scheme was completed. The Principal Planner explained that the advice had been received from the Consultant and to a degree, on a very large proposal there would be a series of reviews. However as the proposal was for 242 units the timescale for review recommended by the Council's consultant seemed reasonable. The applicant would already be on site and would most likely want to progress with the building as soon as any decision was made to approve the application at Committee.

Councillor Churchman wanted clarification from the objections received on page 75. The Principal Planner referred to page 88 of the agenda and despite any objectors there had been slight difficulty gathering information from the flood risk management consultant. However, a planning condition could address the issues of surface water drainage.

Councillor Piccolo requested for more information regarding the figures from the Viability Assessment review as it stated there were 20 plots proposed over 2 years. The Principal Planner confirmed that this information was provided by the assessor of the Viability review. There had been a significant amount of funds spent on the proposed site which the applicant/agent may share with the Committee during their speaker's statement. There had been a substantial amount of engineering work down on the site and it was currently a brownfield site which the applicant was trying to get full use out of. Councillor Piccolo went on to say that the costing was not the concern it was the type of development and the house prices which will increase.

Councillor Lawrence wanted confirmation that there would be no affordable homes within the new dwellings. It was confirmed by Officers that there would be none. As stated in the report this was due to the heavily contaminated site. Councillor Lawrence felt this was unacceptable as residents in Thurrock were in need of affordable homes.

The Agent, Mr Kieran Wheeler, was invited to the Committee to present his statement of support.

During his statement Mr Wheeler confirmed that Bellway Homes would be willing to include electric charger ports in the new dwellings.

The Chair started the debate and agreed that the above application should be approved although there were slight concerns with there being no affordable homes.

Councillor Lawrence expressed how unhappy she was with the application and there being no affordable homes for residents. She put forward a motion for the item to be deferred to allow officers more time to gather information and confirm at the following meeting.

Councillor Rice said he was advised that the costing of the site would be around £6 million worth of works, he wanted clarity on whether this would have an impacted on the Viability Review. He felt that Members and Officers should insist on at least 3% of affordable homes, although Thurrock residents are in need of homes and it was positive the site's located near Lakeside shopping centre. Councillor Rice said he would be mindful to support the application and it would be positive if electric charger ports were installed as part of the travel plan.

Councillor Jefferies stated that it would be positive for the site to propose affordable housing, however the site would be used for new dwellings which would be better than a brownfield site not being used.

Mr Taylor pointed out that the core question was how much the site was being sold for when bought and this should have all been taken into account.

Councillor Lawrence put forward a motion to defer the item and it was seconded by Councillor Shinnick, although they were the only Members to vote on this and it was not progressed.

It was proposed by Councillor Rice and seconded by the Chair Councillor Kelly that the application be approved, subject to the above amendments and a new condition addressing provision of electric vehicle charging points.

For: (7) Councillors Tom Kelly (Chair), Steve Liddiard, Colin Churchman, Angela Lawrence, Andrew Jefferies, Terry Piccolo, Sue Sammons and Gerard Rice

Against: (1) Sue Shinnick

Abstain: (1) Angela Lawrence

RESOLVED:

That the application be approved, subject to conditions and s106 agreement.

53. 17/00403/FUL: Land to rear of Caldwell Road, Kingsman Road and Adjacent to A1013 Stanford Road

The application sought planning permission for the development of 127 homes which comprise one, two and three bedroom homes and apartments. The access to the site would be taken from a similar location which serves the existing field, but would be upgraded to form a bellmouth junction onto the Stanford Road. This will lead into the associated internal roads serving the development. To the North and North West of the site on Stanford Road a cycleway and footpath will be formed. The proposed development would comprise with a mix of houses and three apartment blocks and a play area for children. The layout of the site and the open areas to the South East are defined by the requirements of the flood zones and drainage strategy for the site. The applicant has spent a significant amount of time since the application was first received working with officers on the design of the scheme and has worked with CABE to amend the scheme. The parking provision would be within the Council's required standards. The application proposes a policy compliant 35% of the development for affordable housing.

Councillor Rice noted that there would be 35% of affordable homes, however he felt it would be positive to take contributions off site and build on the Council's own land for houses instead of flats. There had been no reference in the report regarding electric charging ports which should be essential on all new dwellings. Councillor Rice recommended as part of the conditions this should be included.

The Principal Planner confirmed that Housing Officers were in agreement with the proposed provision of affordable dwellings, and their type. The applicant was attempting to build a balanced community. Councillor Rice disagreed and

felt that the Local Authority should be allowed to build houses instead of flats as families would need houses and not flats.

Councillor Piccolo understood what was being said by Councillor Rice, however he felt that the majority of applications do not provide affordable homes therefore this application should be accepted as they are willing to provide affordable housing although it may not be for families it will give youngsters the opportunity to get onto the housing ladder, which is already a difficult challenge for them.

The Agent, Mr James Bompas, was invited to the Committee to present his statement of support.

The Chair was in favour of the application as the applicant was willing to provide affordable housing. He agreed that the electric charger points should be included and suggested this should be added to the conditions.

Councillor Rice did not agree with the application, due to the affordable housing provision as the applicant was offering flats and not houses. Although they were proposing 1, 2 and 3 bedroom properties for the private market he felt a contribution should be made offsite which could provide a mix of houses. He felt as the proposed dwellings were not fit for families and there was a considerable amount of families on the housing waiting list.

Councillor Rice put forward a motion to defer the item to seek off site contributions

The Chair agreed there was substance to Councillor Rice's comments, The Chair sought advice from Strategic Lead – Development Services in regards to the conditions and Councillor Rice's previous comments could be added.

The Strategic Lead – Development Services explained that under the policy CSTP2, part 5, it says the council will seek to achieve, where viable 35% affordable housing on all new housing developments capable of accommodating 10 or more dwellings or site of 0.5 hectare or more irrespective of the number of dwellings, sites below the threshold will make an financial contribution equivalent towards of site provision.

In this case the developer was putting forward 35% affordable housing and in compliance with this policy.

Officers had consulted with Housing Officers and the proposal meets the policy so there would be no reason for refusal. To introduce offsite contributions it would require a deferral and it would not be possible to put in the conditions. It would then need to be discussed with the developer to work out the costing and then be factored in to a viability review which may have implication on timing and the delivery of the dwellings.

Councillor Lawrence agreed with the comments made by Councillor Rice as she considered the Borough is in need of two bed houses and she had

concerns with the comments made by the Housing Officers. She said that all Officers and Members need to work together and start refusing applications like this to receive the outcome that is needed for the residents in Thurrock.

Mr Taylor made a point that the floorspace and volume of a 2 or 3 bedroom house would only provide accommodation for one family, whereas a flat block of equivalent space will accommodate a number of residents who are in need of homes.

Councillor Jefferies said it needed to be clear that the affordable housing was not being mixed with housing association, and he felt credit was due to the developers of this application as some residents will be happy with the development and will welcome it.

Councillor Rice suggested for a deferral on this application to allow Planning Officers time to discuss housing contributions with the Housing Officers. Councillor Shinnick seconded this. It was also agreed by Councillor Sammons.

Councillor Piccolo explained that the proposed dwellings are affordable homes which will be up for sale at an affordable price and will allow youngsters the chance to buy their first properties.

The Vice-Chair said that the Housing Team indicated that 49% of the identified need was for 1 bedroom properties which would suggest there is either two adults or one adult needing this and the units proposed for affordable housing would address this.

It was proposed by the Chair Councillor Kelly and seconded by Councillor Jefferies that the application be approved subject to conditions and a s106 agreement.

For: (6) Councillors Tom Kelly (Chair), Steve Liddiard, Colin Churchman, Angela Lawrence, Andrew Jefferies and Terry Piccolo

Against: (3) Councillors Sue Sammons, Sue Shinnick and Gerard Rice

Abstain: (0)

RESOLVED:

That the application be approved, subject to conditions and s106 agreement.

54. 18/00571/CV: Former Mucking Landfil Site, Mucking Wharf Road, Stanford Le Hope

The application sought permission for variation of planning conditions associated with the restoration of the site which was originally granted in 1986

and have been subject to subsequent change. The current planning permission is for the restoration and re-use of the site which was approved in March 2013 and this consent was issued as part of the s.73 of the Town and Country Planning Act 1990. The restoration materials would be delivered via the river as HGV movements as ceased in 2016. The current permission required restoration of the site by June 2018, the applicant is now seeking a further 5 years for completion and to allow the aftercare of the site.

The applicant is required to re-profile the land as there are concerns with differential settlement and ponding which would require additional soil. On the northern part of the site the Essex Wildlife Trust is in full use, and there is a footpath along the site which is open to the public as a nature park. Due to the poor drainage the footpath to the south of the site is currently flooded. The applicant is looking to revise surface drainage arrangements to address this issue.

The site is located in the green belt, although the proposed engineering operations can be considered as appropriate development. There had been no objections received and Officers agree it would be the best timing to progress with the site. The representation from Mucking Charitable Trust expressed their concerns with the length of time the restoration has taken to complete. There is an existing 106 agreement in place with relevant planning conditions.

Mr Taylor sought clarification on the application and what they were requesting to complete. The Principal Planner confirmed that the applicant is requesting an extra 5 years to complete site restoration. He referred to common issues of differential settlement, such as at Belhus landfill site which is undergoing restoration before it opens to the public as a country park.

Councillor Sammons asked what guarantees would there be in place to ensure that this application was completed in 5 years as the site was still ongoing. The Principal Planner agreed and advised that the applicant was intending to be completed by Summer 2018 however there are parts of the site which are currently available to the public.

The Principal Planner advised that there were no firm guarantees that restoration would be completed in 5 years, although the applicant has completed an assessment on the amount of material required to complete the restoration and this indicates that the material could be imported in 5 years. When the application was approved in 2013 by the Planning Committee legal advice indicated that options for enforcing a time limit for completion were limited. Councillor Sammons referred to an email she had received stating that the footpath was not accessible as there were trees blocking the pathway.

The Agent, Ms Sarah Holland, was invited to the Committee to present her statement of support.

The Chair felt the application was a fantastic opportunity to bring employment to the area, although there were slight concerns with the previous comments made by Councillor Sammons. In 2006 the application was brought to Committee and had been brought back for a second time requesting for an extra time, the applicant would need to ensure that if the application was approved at October's Committee they would not need to bring the application back for more time. There should be plans in place to ensure that the process is being followed and they progress.

The Chair proposed a condition to be added to the application to ensure Officers were monitoring the site on a 12 month basis.

The Strategic Lead – Development Services explained to the Committee that Officers were limited with what additional conditions could lawfully be attached to permission pursuant to s.73 of the Act. However, it was advised that it would be possible to have an informative on any decision granted which would then remind the applicant of the terms of this consent and a further consent had been granted and to set out the expectations of the final timing.

The Strategic Lead – Development Services advised that the wording of an informative could be agreed by the Chair, which he agreed to and it was seconded by Councillor Rice.

Councillor Rice referred the Committee to the report as it stated the site would be completed by 2020.

Mr Taylor voiced that the application had already taken some time to get to where it is now, however it would be imperative to ensure the water was drained correctly to prevent leaching occurring in the future.

It was proposed by the Vice-Chair and seconded by Councillor Churchman that the application be approved, subject to deed of variation under Section 106 of the Town and Country Planning Act 1990 and planning conditions.

For: (9) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Andrew Jefferies, Angela Lawrence, Terry Piccolo, Gerard Rice, Sue Sammons and Sue Shinnick.

Against: (0)

Abstain: (0)

RESOLVED:

That the application be approved subject to deed of variation under Section 106 of the Town and Country Planning Act 1990 and planning conditions.

55. 18/01041/FUL - Dahlia Cottage, Kirkham Shaw, Horndon on the Hill

The application sought planning permission for the construction of a 2 bedroom bungalow with amenity space together with hard surfacing to allow for 2 parking spaces. Access would be taken from Kirkham Shaw.

The wider application site had significant planning history for residential use back from 2006. In 2011 an application was approved for the cessation of the site for dog breeding purposes, with demolition of 3 buildings and conversion of 3 buildings to residential properties with associated, parking, gardens and landscaping (subsequent application to amend this scheme were made).

In 2016 planning permission was also granted for the replacement chalet bungalow at Dahlia Cottage, the permission sought a revised design from an earlier application in 2008 which was approved.

The site where the proposed dwelling is being requested was an area in which was to be left as open space and landscaped under the previous approvals.

The site is located within the Green Belt and the construction of a new residential property is inappropriate development and therefore unacceptable in principle.

The agent had not provided any very special circumstance for the application, however the contents of the Design and Access statement made a reference to the floorspace from the replacement Dahlia Cottage dwelling. The applicant based their case on the reduction in floor space between the two applications for Dahlia Cottage, the application approved in 2008 and the amended plan approved in 2016. The applicant stated the approved application in 2008 had a total floor area of 177.8sq.m and the area of the approved application in 2016 was 103.2 sq.m leaving 74.6 sq.m which the applicant said could be used for the new dwelling.

The Chair asked if there was a clear Google Earth image of the site to provide the Committee. The Principal Planner advised that the only images they could provide were the ones being shown.

The Applicant, Ms Jennifer Eaton, was invited to the Committee to present her statement of support.

The Chair began the debate and felt this was a unique application. He considered that there do not appear to be enough bungalows being built within Thurrock and they are being knocked down to building other dwellings. He disagreed with the comments made that the dwelling would impact on the openness and Green Belt, and stated there had only been one complaint received regarding the parking.

Councillor Rice proposed a site visit to the site to gather more insight on the application.

It was proposed by Councillor Rice and seconded by Councillor Shinnick that a site visit be arranged for the Committee. The planning application would be deferred until after the site visit had taken place.

Site visit:

For: (8) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Andrew Jefferies, Terry Piccolo, Gerard Rice, Sue Sammons and Sue Shinnick.

Against: (0)

Abstain: (1) Councillor Angela Lawrence,

DEFERRED:

Until after a site visit

56. 18/00984/FUL: Land to North East of St Cleres Hall, Stanford Road, Stanford Le Hope

The application sought planning permission for the erection of a terrace of 4 residential dwellings following the demolition of existing buildings on the site and associated hardstanding and landscaping. The site is currently under development which was approved through two previous planning applications. The terrace would propose a pitched roof design and with a parking area and new access road through the site. The accommodation within the terrace would be set over 3 floors. This site itself is located on the south side of Stanford Road and was previously a redundant farmyard.

The proposed 4 dwellings would be located in the Green Belt and would constitute inappropriate development unless it was to fall within one of the exceptions set out in the NPPF. The development relied upon the pre-existing buildings on the site to justify this development in the Green Belt. These buildings are required to be removed under conditions imposed on the previous permission. As a result the proposal constitutes inappropriate development in the Green Belt. The terrace would be located in close proximity to Stanford Road and result in a significant adverse impact upon the street scene and general character of the area.

The site is located adjacent to the Grade II* Listed Building at St Cleres Hall. The proposed terrace is located in close proximity to the boundary with the listed building and would result in a significant adverse impact upon its setting.

The Principal Planner highlighted two amendments on the report as Historic England had responded and advised they do not have any comments to add. Officers should rely upon their own Historic Building Advisor. The second amendment was on page 196, reasons for refusal point 3, and is to reflect the wording within the NPPF and should state "substantial harm to" instead of "significant adverse impact upon".

Councillor Jefferies sought clarification on whether the dwellings would be seen from the road and from the maps shown during Committee. The Principal Planner advised that it would not be immediately in front of the road view, it would block the view of the grade II* listed building from Stanford Road.

The Chair opened the Committee to debate the item.

The Chair began the debate and explained the building would dominate the area and he would not be willing to support the application.

Councillor Rice proposed for a site visit to gather more information and understanding of the site in person.

Councillor Piccolo expressed the concerns with this application as it had been the 3rd application on the site. The application should have brought the whole site as one application. The proposed dwellings would be dominant from Stanford Road and it would sit very close to St Cleres Hall. The local residents have also made it clear they would not be happy with the proposed dwellings.

Councillor Lawrence explained that there was already a new building on the site which is accessed via the road to the rear of St Cleres Hall.

Mr Taylor remembered a debate on this item when the previous application was brought to Committee. He agreed with Councillor Piccolo that the applicant should have done it as a whole.

Councillor Rice proposed for a site visit to the site to gather more insight on the application.

A site visit by the Committee Members was proposed by Councillor Rice and seconded by Councillor Shinnick. The planning application would be deferred until after the site visit had taken place.

Site visit:

For: (6) Councillors Steve Liddiard (Vice-Chair), Andrew Jefferies, Angela Lawrence, Gerard Rice, Sue Sammons and Sue Shinnick.

Against: (3) Councillors Tom Kelly (Chair), Colin Churchman and Terry Piccolo

Abstain: (0)

DEFERRED:

Until after a site visit

57. 18/00986/CV: Former Harrow Inn, Harrow Lane, Bulphan, Essex RM14 3RL

The application sought a condition variation to the previous planning permission for a weight loss and wellness centre providing 21 rooms, with the demolition of the former public house and restaurant. The proposal sought changes to the previously approved plans to allow the main building to benefit from room layout changes and alterations. These changes would also result in amendments to the window and door design of the building. The site is located in the Metropolitan Green Belt and is surrounded by open space although there would be no greater harm to the Green Belt. Majority of the site is located within the highest Flood Risk Zone 3 as identified on the Environment Agency flood map.

Councillor Rice felt positively about the application as the site was previously a redundant pub out of use for around 20 years.

It was proposed by the Vice-Chair Councillor Liddiard and seconded by Councillor Shinnick that the application be approved.

For: (6) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Andrew Jefferies, Angela Lawrence, Terry Piccolo, Gerard Rice, Sue Sammons and Sue Shinnick.

Against: (0)

Abstain: (0)

RESOLVED:

That the application be approved.

58. 18/00994/FUL : Former Harrow Inn, Harrow Lane, Bulphan, Essex RM14 3RL

The application sought planning permission for the proposed an additional Manager's accommodation with a double garage to the approved Wellness Centre on the site. The internal layout is separated into two and the ground floor will provide two entrances. One entrance would be for the Manger's work space which will include a meeting training room and mangers office with an en-suite bedroom towards the rear with a kitchen area for the Duty Manager when covering the Wellness Centre. The second entrance would lead to the residential part of the property. The dwelling proposed would be two storeys high with a flat roof and include a detached double garage and store, substantial rear private garden area and hardstanding to the frontage. The new development would also be enclosed with a 3m high boundary fence.

The site is located in the Metropolitan Green Belt and is surrounded by open land and the majority of the site is located within the highest Flood Risk Zone 3.

The Chair asked if there were any complaints received, and he wanted clarity on the height of the fencing around the building. The Principal Planner confirmed that there had been no complaints received and there was no clarity on why the fencing was 3 metres.

Councillor Rice had some sympathy for the applicant, he referred to the Lower Thames Crossing which will potentially be built and therefore should allow the applicant to have a 3 metres fence around the wellness centre. There were no objections received from the Flood Risk Manager.

The Principal Planner advised that there were no objections from both Environment Agency and Flood Risk Management subject to the proposal complying with sequential and exceptions tests as required by both the Environment Agency and national planning guidance. The vast majority of the site will be in high flood risk zone 3. The use of the building as predominantly a dwelling puts it in a more vulnerable use when compared to the use of the Wellness Centre.

Councillor Rice stated that this would be the finishing touches to the Wellness Centre. The Principal Planner advised that the site area falls upon land which would form part of the landscaping for the Wellness Centre. The proposed dwelling would be contrary to both local and national Green Belt policy.

The Applicant, Joy Jarvis, was invited to the Committee to present her statement of support. She confirmed that the fence was in fact 2 metres and not 3 metres and the plans, as submitted, were incorrect.

The Chair informed that the above statement from the applicant would need to be amended on the application.

Councillor Churchman asked if the flood risk assessment was generic on the site or if it was one that had been paid for by the applicant. The Chair agreed with what was being shared by the applicant. The Strategic Lead – Development Services explained to the Committee that the map shared was sent from the Environment Agency shows the majority of the site in high risk flood zone 3. The Principal Planner showed Members the live map of the site taken from the Environment Agency maps which indicated that the site was in the high flood risk zone 3, and a site which benefitted from flood defences.

The Principal Planner advised that, as with the previous planning application for the Wellness Centre, a Flood Risk Assessment would be required for this application. The applicant had provided a Flood Risk Assessment. The Environment Agency did not object to the dwelling in principle, subject to the proposal complying with certain tests as required by both the Environment Agency and national planning guidance as the proposed dwelling would be classified as a more vulnerable use. No evidence had been submitted by the

applicant to demonstrate that the dwelling could not be provided in a less high risk flood zone and so the sequential test had not been met in full. For the exceptions test to be met the development would need to demonstrate that the proposal would provide wider sustainable benefits to the community. The applicant has not demonstrated that the dwelling would provide wider sustainable benefits. Given the proposal has not met both the sequential and exceptions tests the proposal is considered to be contrary to local and national flood risk policies.

The Chair asked if the original application for the Wellness Centre was also in the highest flood risk zone 3, which it was confirmed as in flood risk zone 3, 2 and 1. There is a potential risk for the flooding of the Wellness Centre and the planning approval for the Centre included a number of planning conditions relating to drainage and flood risk. The applicant has submitted drainage and flood risk details for discharge for the Wellness Centre and these details have been agreed.

The legal advisor commented that it was not just the Council's test it was something required by the NPPF.

Councillor Rice said it was clear on page 217 that the dwelling would be located on the edge of the flood risk zone 3 and there had been no objections against the application. It is evident that the applicant has spent a significant amount of money on providing a flood risk examination on the site.

The Principal Planner explained that the dwelling would be in flood risk zone 3 with the far end of the rear garden being located in flood zone 2. It would be an area that could be affected by flood risk.

Councillor Rice advised that this could be conditioned as it had been done in the past.

The Principal Planner explained the flood risk concerns to the Committee in relation to the proposed dwelling and that there had been no further evidence provided by the applicant.

The Chair said if the Wellness Centre was a smaller size, there would be enough space to have a Manager's area on site, would this be accepted as one with the dwelling. The Principal Planner explained that the original proposal considered the Wellness Centre as one main building which included a 2 bedroom manager's flat. This proposal is for a separate building which is contrary to Green Belt policy and for which there has been no justification to allow an exception to that policy.

The Chair began the debate and said the application was interesting, although he could understand the concerns from both parties. The original building was a pub and the borough is lucky enough to have a developer willing to build something useful for the area. The Chair was minded to support the application, although he shared his concerns with the 3 metre fence that was

proposed. There had been no objections received from members of the public and the Wellness Centre would be a chance of success for the site.

Councillor Rice said it was evident that the applicant needed a separate living accommodation and if it was an individual application for one dwelling then it would have been refused. The site was an out of use pub for around 20 years and there were never any concerns of flood risk zones at this point. This application had been ongoing since February 2018 and had only just been presented at Committee. Councillor Rice was mindful to support the application as a business.

Councillor Lawrence agreed that the application should be supported as the dwelling would be necessary to keep the wellness centre open.

Councillor Shinnick said she would be in support of the application.

Mr Taylor explained that the building of the Wellness Centre is going ahead but the site does flood and referring back to the comment made from Councillor Rice in relation to the Lower Thames Crossing, stating the crossing would have no relevance to this application as it would be about 1 mile away from the site. There are concerns with the ongoing change of the dwelling as it was always going to be a part of the business they should have sought planning permission originally as one whole application. He was opposed to this application as it was also in the Green Belt and in flood zone 3 which would be a concern.

The Vice Chair echoed Mr Taylor's comments explaining that he felt the same as there is harm to the Green Belt and flood risk concerns.

Councillor Piccolo said he was concerned about the professionalism of the applicant. How did they not know they needed a certain level of staff facilities, the dwelling is large and has other business uses within it. These rooms could easily be modified and change the scheme overall. He felt the applicant was taking advantage of the planning permission as the dwelling could be used within the wellness centre.

Councillor Rice proposed for this application to be approved against Officers recommendations, as it will be beneficial for the senior members of staff. He agreed the Green Belt needed to be protected but the reality is we are going to be building in the Green Belt. This is one dwelling and it will make the business viable.

It was proposed by Councillor Rice and seconded by The Chair, Councillor Kelly to approve the application, against Officers recommendations.

The Strategic Lead – Development Services referred the Committee to the Constitution on page 133 points 7.2 *“The mover of the motion should clearly specify or write down the motion including the reason for departing from the Officers recommendation. Both the reasons and the motion should be put to the Committee orally and in public even if the reasons are tentative. Any such*

motion must be seconded". "The Planning Officer should always be given the opportunity to explain the implications of what has been proposed to the planning committee in public before any vote is taken"

The Strategic Lead – Development Services advised the Chair that the Committee would need to clearly address each of the 3 reasons for refusal.

The Chair summarised the debate and offered the following reasons for Members going against Officer's recommendations:

1. Is a need for the business to have a Senior Manager on site;
2. Without Senior Manager being onsite they cannot obtain insurance;
3. The Council needs to provide lots of homes in the Green Belt in the future, and this will just be one home;
4. Planning conditions could be used to link the use of the dwelling to the use of the business;
5. No loss of openness to the Green Belt by the development.

The Strategic Lead – Development Services advised that the item should be deferred to allow Officers to consider the reasons in detail and the implications of such a decision. The Strategic Lead – Development Services reminded the Committee that there are 3 reasons for refusal which must be addressed; in deferring the item, Officers would also provide clarity around the flood risk issues discussed.

Councillor Rice requested for the applicant to supply the flood risk management report to Officers as it actually showed the work which was completed.

The Chair also added that as 4.4 in the report, it was evident that there were no objections given on this application.

The Strategic Lead – Development Services said in bringing back a report this would explore all issues raised, and it would need to be clear on the flood risk position.

The Council's legal representative stated that the Strategic Lead – Development Services had adopted the correct approach in this instance.

Deferring the application:

For: (7) Councillors Tom Kelly (Chair), Colin Churchman, Angela Lawrence, Terry Piccolo, Gerard Rice, Sue Sammons and Sue Shinnick.

Against: (2) Councillors Steve Liddiard (Vice-Chair) and Andrew Jefferies

Abstain: (0)

RESOLVED:

That the application be deferred to allow Officers to prepare a report outlining the implications of making a decision contrary to the Planning Officer's recommendation and to provide clarification on the flood risk zone.

59. 18/01035/TBC - East Tilbury Library Princess Avenue East Tilbury Essex RM18 8ST

The application sought planning permission for the refurbishment of the library including a new entrance ramp, changes to fenestration, external draught lobby and accessible parking spaces. The site is located to the rear of Stanford House in East Tilbury.

It was proposed by the Vice-Chair, Councillor Liddiard and seconded by Councillor Churchman that the application be approved, subject to conditions.

For: (9) Councillors Tom Kelly (Chair), Councillors Steve Liddiard (Vice-Chair) Colin Churchman, Andrew Jefferies, Angela Lawrence, Terry Piccolo, Gerard Rice, Sue Sammons and Sue Shinnick.

Against: (0)

Abstain: (0)

RESOLVED:

That the application be approved subject to conditions.

The meeting finished at 9.47 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