

Minutes of the Meeting of the Planning Committee held on 6 June 2019 at 6.00 pm

Present: Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons, Sue Shinnick and Susan Little (Substitute) (substitute for Colin Churchman)

Steve Taylor, Campaign to Protect Rural England Representative

Apologies: Councillors Colin Churchman

In attendance:

Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection
Julian Howes, Senior Highway Engineer
Matthew Gallagher, Principal Planner
Tom Scriven, Principal Planner
Caroline Robins, Locum Solicitor
Wendy Le, 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.

1. Minutes

The minutes of the Planning Committee held on 25 April 2019 were approved as a true and correct record.

2. Item of Urgent Business

There were no items of urgent business.

However, given the number of items on the agenda that often came to Planning Committee, the Chair proposed a start time of 18.00 for future meetings. The Committee agreed to the start time of 18.00 for this municipal year.

3. Declaration of Interests

On planning applications 18/01830/OUT and 19/00247/FUL, Councillor Little declared that she was the Ward Councillor of Orsett and that these applications were within her ward.

4. 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

On behalf of the Committee, the Chair declared there had been emails sent to the Committee regarding planning application 19/00265/FUL.

Councillor Rice declared he had received emails regarding planning application 18/01830/OUT.

5. Planning Appeals

The report was presented by the Interim Assistant Director of Planning, Transport and Public Protection, Leigh Nicholson which outlined the planning appeals performance.

RESOLVED:

That the report be noted.

6. 2018/19 Planning Performance Report

The report was presented by Leigh Nicholson and provided an overview of the service's performance in the past year which had been a fantastic achievement. He drew the Committee's attention to page 30 which explained what happened beyond the consent of decisions undertaken.

Councillor Little gave praise to the Planning department, commenting how well the service had been doing and was pleased to see that there were no more cuts across the service.

RESOLVED:

That the report be noted.

7. 19/00267/FUL Silver Springs, High Road, Fobbing, SS17 9HN (DEFERRED)

The application was presented by the Principal Planner, Tom Scriven, who informed the Committee that there had been 1 update since the application had been last presented at Committee on 25 April 2019. This was a further letter received in objection and was already assessed within the report. The Officer's recommendation of the application remained for refusal for the reasons outlined on page 53 of the agenda:

- That the scale of the proposed development would result in inappropriate development in the Green Belt which was by definition harmful. In addition, the development would cause loss of openness due to the siting and substantial increase in the scale of the buildings proposed on the site. The circumstances put forward by the Applicant

did not constitute very special circumstances to justify inappropriate development in the Green Belt. The proposal was therefore contrary to Policy PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework (NPPF).

The Chair opened the item up to the Committee for questions.

(Councillors Mike Fletcher and Gary Byrne were unable to participate on this application as they had not been present when the item was first presented on 25 April 2019.)

Councillor Little queried the number of bedrooms in the proposed dwellings. Looking at the floor plans, the Principal Planner said each proposed dwelling consisted of 5 bedrooms.

Referring to paragraph 6.28 on page 39, Councillor Little did not think there was a need for anymore large houses. The proposed homes were not affordable and were not for social housing. In response, the Principal Planner said there was no identified need for large houses but it was not to say that there was no demand for these. Councillor Little went on to say that the current need was for smaller houses to which the Principal Planner confirmed was correct.

With no further questions, the Chair moved the item onto the debate which he started off by stating that the adjacent development known as Thames View Farm had undergone the correct procedure for development that had been through the site allocation process via the Local Plan. The Chair went on to mention the site visit that had taken place on 4 June 2019 and that the site of Silver Springs was just a back garden and should go through the same site allocation process. The Officer's recommendation for refusal was clear and concise which should be followed and the Chair would be voting with Officer's recommendation for refusal. He felt that if the application was approved, it would set a dangerous precedent for similar applications in the future.

Referring to the site visit, Councillor Rice commented on the spaciousness of the area. Mentioning paragraph 145(e) of the NPPF, he went on to say that the Committee could depart from an Officer's recommendation. The reasons that could be used for departing from Officer's recommendation would be:

- That Thurrock did not have the required 5 year housing supply and the housing supply was currently 2 years or under; and
- That DP World was situated within the area and there was a demand for houses from employees in DP World so the scheme would add economic value to the area.

Councillor Rice went on to say that there was a need for larger homes for 'Captains of the Large Industries' who would be best placed in Thurrock. He wished to make the case to depart from the Officer's recommendation as the reasons he had given were sufficient so the application could be approved.

The Chair agreed that there was substance in Councillor Rice's reasons and said that although the Local Plan was still developing, Thurrock did have an updated Core Strategy from 2011 and 2015. The recent Issues and Options Stage 2 Consultation (IO2) had identified which Green Belt sites could be released for development but the Silver Springs site was not appropriate for development at this time. The proposed development had skipped the vital steps of the site allocation process through the Local Plan and the site was considered to be a back garden at this time.

Agreeing, Councillor Little said the proposed development would result in a major change to the character of Fobbing High Road and would set a precedent for similar applications. She asked if there would be nearby school places available for the children that might live in the proposed dwellings. Answering the question herself, Councillor Little said there would be none and to enable these children to travel to their schools, the Council would have to arrange and pay for their travel.

Councillor Lawrence questioned whether anyone had noticed the industrial site within the area and on the same side of Fobbing High Road. She went on to say that although there was no development allowed on the Green Belt, some of the back gardens of Fobbing High Road did not appear to be well looked after so the proposed development would be a better fit for the area. The Principal Planner answered that if there was a change in the use of a back garden for use as a scrapyards or to store excessive amounts of waste, planning permission would likely be required. However, if this type of application was to be submitted, it would likely be considered inappropriate development on the Green Belt and refused. If a back garden was used for these purposes without permission, the Planning Enforcement Team would look into this and take enforcement action if required. There may have been historical uses for some of the back gardens but the service had no control over these. However, this reason could not be used to justify the development of other garden sites. Councillor Lawrence thought that the scrapyards and other back gardens might have been seen during the site visit.

Continuing on, Councillor Lawrence said that the proposed development's layout fitted in well with the character of the area and agreed that DP World employees were looking for houses in the area so there was a need for these houses.

Referring to Councillor Lawrence's comment on the industrial park, Steve Taylor, said that the site had been in use for over 40 years. However, the proposed development, if approved, would be a big departure from the Green Belt.

The Chair agreed that the proposed development was impressive but it still needed to go through the correct avenues.

Pointing out that there had been no objections from education, Councillor Rice said this would answer Councillor Little's earlier point regarding education. He

wished to propose an alternative recommendation that departed from the Officer's recommendation.

The Chair sought confirmation on the procedure of an alternative recommendation that departed from the Officer's recommendation from the Democratic Services Officer, Wendy Le. It was confirmed that the alternative recommendation could be proposed with reasons and provided there was a seconder to the recommendation, the Committee could take a vote on the proposed recommendation. If the proposed recommendation was rejected, the Committee would then go on to vote on the Officer's recommendation.

Councillor Rice proposed to depart from Officer's recommendation for refusal and to approve the application for the following reasons:

1. Paragraph 145 (e) of the NPPF.
2. Thurrock did not have a 5 year housing supply to which the Officer had given significant weight to within his report.
3. Thurrock had the expanding port of DP World whose employees needed homes within the area.

Councillor Rice's proposal was seconded by Councillor Lawrence so the vote on the alternative proposed recommendation for approval was undertaken.

(Councillors Mike Fletcher and Gary Byrne were unable to vote on this application as they had not been present when the item was first presented on 25 April 2019.)

For: (3) Councillors Angela Lawrence, David Potter and Gerard Rice.

Against: (4) Councillors Tom Kelly, Susan Little, Sue Sammons and Sue Shinnick.

Abstained: (0)

The proposed recommendation was rejected. The Chair proposed the Officer's recommendation for refusal and Councillor Little seconded this. Then the Committee moved on to the vote.

For: (4) Councillors Tom Kelly, Susan Little, Sue Sammons and Sue Shinnick.

Against: (2) Councillors David Potter and Gerard Rice.

Abstained: (1) Councillor Angela Lawrence.

Planning application 19/00267/FUL was refused planning permission.

8. **19/00379/FUL Montrose, 168 Branksome Avenue, Stanford le Hope, SS17 8DE**

Presented by the Principal Planner, Tom Scriven, the application sought planning permission to demolish the bungalow at no. 168 Branksome Avenue. In its place, the construction of a cul-de-sac of five detached dwellings was proposed which would be 4 x four bedroom and 1 x three bedroom properties.

The report outlined an earlier application (18/00316/FUL) that had been brought to Planning Committee in June 2018 which had been refused. Since the report, there had been a letter in support and a letter in objection to the application which was already covered in the Officer's report. The letter in support outlined the contribution the proposal would make towards housing need and the relevance of Annex A9. However, it was not enough to outweigh the harm the proposed development would cause to the character of the area and that Annex A9 was still relevant to the determination of the application.

Officer's recommendation was for refusal for the reason outlined on page 66 of the agenda:

- That the proposed development would undermine the open character of the area, contrary to policies PMD2, CSTP22 and CSTP23 of the Core Strategy and guidance in the NPPF.

The Chair opened the item up to the Committee for questions in which there was none asked. The Chair invited the registered speakers to address the Committee.

Ward Councillor, Councillor Halden presented his statement in objection to the application.

Ian Coward, Agent representative of the Applicant, presented his statement in support of the application.

The Chair moved the item onto debate and started it off by saying that the Homesteads ward was protected by policy and referred to one of the first planning applications within that ward concerning Foxfield Drive that had been refused planning permission. He went on to state that the Homesteads ward would continue to be protected from developments that would harm the character of the area.

Councillor Little commented that the site plans and layout proposals looked appealing but it would result in too many houses on the site and cause over development. She confirmed that she would not be supporting the application.

The Chair proposed the Officer's recommendation which was seconded by Councillor Little and the Committee moved on to the vote.

For: (8) Councillors Gary Byrne, Mike Fletcher, Tom Kelly, Angela Lawrence, Susan Little, David Potter, Sue Sammons and Sue Shinnick.

Against: (0)

Abstained: (1) Councillor Gerard Rice

Application 19/00379/FUL was refused planning permission.

9. 19/00269/FUL 53-55 Third Avenue, Stanford le Hope, Essex

The application was presented by the Principal Planner, Tom Scriven, which sought planning permission for nine detached dwellings with an associated access road, hardstanding, landscaping and bike stores, following the demolition of the two existing detached bungalows. This scheme was amended from the withdrawal of a previous application (18/01228/FUL) which originally proposed ten detached dwellings. There had been a further letter of objection which had already been considered within the report. Officer's recommendation was for refusal for the reason stated on page 82 of the agenda:

- That the proposal was considered an overdevelopment in the Homesteads Ward which was an area with spacious gardens that was considered a valuable character trait, therefore conflicted with the aims and intentions of policies CSTP22, CSTP23 and PMD2 of the Core Strategy 2015.

The Chair opened the item up to the Committee for questions to which there were none asked. The Chair invited the registered speakers to address the Committee.

Ward Councillor, Councillor Halden, presented his statement in objection to the application.

Lewis Cook, Agent representative for the Applicant, presented his statement in support of the application.

The Chair moved the item onto debate which he started off by noting that the application was similar to the previous one heard – 19/00379/FUL. He went on to reiterate that the Homesteads ward was protected by policy.

Referring to page 75 of the agenda, Councillor Rice noted that policy H11 was in the Local Plan of 1997 and was not saved. He queried whether this policy would be stricken out and no longer applicable. Leigh Nicholson explained that the H11 policy was not saved but annex 9 was saved and linked to CSTP23. He highlighted the importance of annex 9 which set out the character and landscape of the Homesteads ward.

Councillor Lawrence stated that building one less housing development made no difference and agreed with the Officer's recommendation for refusal.

The Officer's recommendation for refusal was proposed by the Chair and seconded by Councillor Byrne. The Committee moved onto the vote.

For: (9) Councillors Gary Byrne, Mike Fletcher, Tom Kelly, Angela Lawrence, Susan Little, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

Against: (0)

Abstained: (0)

Planning application 19/00269/FUL was refused planning permission.

10. 18/01830/OUT Land Adj Bulphan By-Pass and Church Road, Bulphan, Essex

Presented by the Principal Planner, Matthew Gallagher, the application had one update which was a consultation response from Education regarding the two catchment schools (William Edwards Secondary School and Bulphan Primary School) in the site area. The response was that the schools were full so had no available school placements and would be under pressure for placements. If the application was to be approved, a financial contribution would be required for nursery, primary and secondary school places.

The application sought planning permission with all matters reserved (apart from access) for development that would comprise of 116 residential units with associated amenity space and parking, three retail units, public house, strategic landscaping and a noise attenuation buffer. From Church Road in between numbers 4 and 5 Manor Cottages, a single access road into the development was proposed. The indicative masterplan suggested a layout incorporating detached, semi-detached and short terraces of dwellings that were two-storey or two-storey with roof space accommodation.

The Applicant had put forward a case of very special circumstances that relied on the following factors:

1. That the proposed development would contribute towards the Council's 5 year housing land supply. Significant weight could be attributed to this factor but on its own, this factor would not clearly outweigh harm to the Green Belt;
2. That the proposed development was offering 40% affordable housing on-site. The Council's Core Strategy policy required a minimum of 35% for housing provision. Due to the current under-supply of housing, significant weight could be attributed to this factor;
3. That the proposed dwellings would be built to a high sustainability standard. As this was not evidenced and was also partly addressed by policy, no weight should be given to this factor;
4. That the proposed development would provide an increase in ecological value. The site had little existing value and it was queried what measures could be genuine gain or simply mitigation. This factor attracted very limited weight;
5. That the proposals would provide community facilities to Bulphan but no weight was afforded as there was no demand in Bulphan for facilities; and

6. That Bulphan village had been identified in IO2 as a potential expansion site but no weight could be afforded to this because IO2 was still in the early stages.

Therefore, the application conflicted with the NPPF and the Development Plan Policy. Officer's recommendation was for refusal for the three reasons outlined on page 109 of the agenda:

1. That the proposals were considered to be inappropriate development with reference to policy and therefore cause harm to the Green Belt and its openness.
2. That the proposal, due to its remote location, would fail to meet the environmental dimension of sustainable development.
3. That the indicative masterplan suggested a significant effect on the character of the landscape.

The Chair opened the item up to the Committee for questions.

Regarding housing provision, Councillor Rice queried whether the Council would have nomination rights to the affordable homes if the application was granted planning permission. The Principal Planner answered that the housing officer had no objections to the application and if the scheme was supported by Committee, and not called-in by the Secretary of State following referral then the s106 agreement could include nomination rights. In short, the Council would have nomination rights.

Councillor Rice questioned why highways had recommended refusal of the application. Senior Highway Engineer, Julian Howes, answered that there was concern on the access paths regarding walking and cycling routes onto the site. The proximity of the proposed access road onto Brentwood Road was not acceptable because of its strategic nature and was too close to the A128 so there had been concerns on the interaction between the two junctions.

Regarding the traffic going onto the proposed access road that linked to the A128, Councillor Rice sought clarification on how traffic would join onto the A128. Julian Howes explained that this formed some of the concerns expressed from highways because at peak times, traffic would trail back along the current roads waiting to get onto the A128. With the proposed access road, this would cause more issues and concern on the interaction between the junctions due to its proximity. Councillor Rice asked whether a roundabout might be installed as a solution if the application was to be approved.

Julian Howes explained that Brentwood Road and the surrounding area consisted of a staggered crossroad and installing a roundabout would prove to be difficult in terms of size and the link up of the 5 arms of the roads. Church Road to Bulphan and the other end of Church Road would require a large plot of land to link these to the roundabout.

Adding on, the Principal Planner explained that the consultation response from highways was based on the Core Strategy policy PMD9 which was an

objection in principle to the formation of new accesses onto this category of road. The Applicant's transport assessment had been considered which provided some information on trip generation and analysis of junctions. If the application was to be refused planning permission based on the highways response, it had to be potentially defended if it went to appeal and Officers considered that there was not enough information to enable the planning authority to defend the refusal through policy PMD9.

Continuing on, the Principal Planner referred to an appeal case that went through public inquiry where the in principle policy PMD9 objection had been raised and the Planning Inspector had used a higher test from the NPPF (instead of policy PMD9) in which traffic impacts had to be 'severe' for an application to be refused on highways ground. Hence, the highways consultation response was not enough to form a reason for refusal but the response was covered in paragraph 6.45 of the report.

Mentioning the Council's low 5 year housing supply, Councillor Rice asked whether the Planning Inspector would be mindful to approve the planning application (if it went to appeal following refusal of planning permission). Referring to the referenced Little Thurrock Marshes appeal within the report, the Principal Planner explained that the Planning Inspector had to balance a range of factors in an appeal. The 5 year housing supply on its own would not clearly outweigh the harm the proposed development would cause to the Green Belt. The added factors mentioned within the report were also not enough to outweigh the harm to the Green Belt.

Pointing out an open-sided building shown in the photos of the presentation, Councillor Little questioned whether this building counted as a footprint on the application. The Principal Planner answered that open-sided buildings did not usually create volume but that interpretation was open to debate. What had to be considered about the application was the potential harm the proposed development would cause to the Green Belt.

Stating that Brentwood Road was a known 'black spot' due to the number of accidents that happened there, Councillor Little said traffic would trail back to Church Road which was another 'black spot'. With the proposed access road, she asked where traffic would disperse to then because the other roads were lanes. She explained that on Church Road, turning right would go onto the A128 and turning left would be entering small lanes. The Principal Planner replied that the majority of traffic would be expected to move right onto Church Road and then go north or south to go onto the A128.

Adding on, Julian Howes said traffic would most likely turn right to go onto the A128. He agreed that Brentwood Road and Church Road had a high accident rate and that the majority of traffic would stick to Brentwood Road.

On the potential instalment of a roundabout, Councillor Little commented that there would be no pavements to walk on. Regarding the proposal of a shop and a pub, she stated that the area already had a shop and the pub was currently under construction following planning permission. Referring to the

extra housing for the community, she asked a rhetorical question of how many houses did a village need to be a village considering Bulphan was already called a village. She went on to say that the proposed development was on the boundary of Bulphan and the proposed development would be building on the Green Belt.

Councillor Byrne questioned whether the proposals would affect the village hall and if there was a history of building pubs on the Green Belt. The Principal Planner said that the site was adjacent to the village hall but would not be affected by construction. He was unable to provide a history of pubs built on the Green Belt. Councillor Rice pointed out that Chafford Hundred was once Green Belt and that there were now pubs on the site.

The Chair invited the registered speakers to address the Committee.

Janet McCheyne, a resident, presented her statement in objection to the application.

Ward Councillor, Councillor Johnson, presented his statement in objection to the application.

Kieron Lilley, an Agent representative on behalf of the Applicant, presented his statement in support of the application.

The Committee moved on to debate the application.

Moving back onto the proposed pub, Councillor Little reiterated the fact that Bulphan already had a pub and that the proposal of 116 dwellings was proposed on a site that was on the Green Belt. This would change the character of Bulphan and these types of proposed developments had been brought to Bulphan in the past where affordable housing had been proposed and developers had withdrawn proposals due to financial concerns. Councillor Little further expressed her concerns again on the proposed access road and current road structure of the area which was dangerous as there were issues of traffic moving onto the A128 safely. She stated that she would not be supporting the application.

Steve Taylor mentioned that he had been part of a speed watch programme which monitored the volume of traffic on the A128 and noted that traffic did have difficulty moving from other roads onto the A128 due to the speeds that vehicles travelled on the A128. The roads in the area were already busy and with the proposed development, traffic may eventually use the surrounding smaller lanes that would result in congestion.

Although the proposed scheme sounded good, Councillor Rice agreed that the issue was around the proposed access road and current road situation. On the affordable homes factor, the proposed 40% of affordable homes gave the application validity and Councillor Rice suggested a site visit to view the structure of the roads and area. He went on to say that the Applicant would need to improve the proposal on the access road as it was dangerous.

Councillor Lawrence mentioned that she had travelled along the A128 and surrounding roads on several occasions and highlighted the further dangers of the roads when it was dark. Although the affordable homes aspect of the application was appealing, the highways aspect was too dangerous so she would not be supporting the application.

Agreeing on the affordable homes aspect of the application, the Chair reminded the Committee of the NPPF regarding inappropriate development on the Green Belt. On the highways issue, the Chair said the introduction of a roundabout would likely result in congestion in the area. He went on to say that through the Local Plan, applications could go through the site allocations process where it would be assessed which Green Belt sites could be released. The Chair then went on to refer to the past proposed development within Little Thurrock Marshes as mentioned earlier and said that the proposal had been rejected by Committee and later when it had gone to appeal; it had also been rejected on Green Belt grounds. The Chair stated that he would not be supporting the application.

Going back to the suggestion of a site visit, Councillor Rice proposed this and was seconded by Councillor Shinnick. The Committee moved onto the vote for a site visit.

For: (2) Councillors Gerard Rice and Sue Shinnick.

Against: (5) Councillors Gary Byrne, Tom Kelly, Susan Little, David Potter and Sue Sammons.

Abstained: (2) Councillors Mike Fletcher and Angela Lawrence.

The site visit was rejected.

The Chair proposed the Officer's recommendation for refusal of the application and was seconded by the Vice-Chair. The Committee then moved onto the vote on the application.

For: (9) Councillors Gary Byrne, Mike Fletcher, Tom Kelly, Angela Lawrence, Susan Little, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

Against: (0)

Abstained: (0)

Planning application 18/01830/OUT was refused planning permission.

(The meeting was adjourned for a short break at 19.59 and reconvened at 20.02.)

11. **19/00265/FUL Ivy Wall House, Billet Lane, Stanford le Hope, Essex, SS17 0AR**

Presented by the Principal Planner, Matthew Gallagher, the application had received 2 updates since publication of the agenda which were:

- An email from the Applicant that now proposed 7 affordable dwellings which met the minimum level of affordable housing provision required as outlined by the Council's planning policy. This now removed reason number 4 from the recommended reasons for refusal within the report.
- A late consultation response from the Flood Risk Manager stating there were no objections which now removed reason number 3 from the recommended reasons for refusal within the report.

The application sought planning permission for the demolition of all existing buildings on site. The proposed development in its place was short rows of terrace style houses and a single apartment block of 19 residential units consisting of 2, 3 and 4 bedroom units along with associated development. Each dwelling would have either private off street parking or garages and parking.

The Applicant had put forward a case for very special circumstances to justify the inappropriate development as follows:

1. That Thurrock's Local Plan was not updated from 1997 but no weight had been afforded to this as Thurrock's Core Strategy was last updated in 2015;
2. That the proposed development would contribute towards the Council's housing land supply. Significant weight should be attached to this;
3. That the scheme met the 3 dimensions of sustainable development within the NPPF. However, the scheme failed the environmental aspects and attracted only limited weight;
4. That the site was previously developed land but no weight could be given to this factor;
5. That the harm to the Green Belt was limited but Officers considered that there was definitional harm, harm to openness and harm to Green Belt purposes. No weight should be afforded to this factor;
6. That the NPPF presumption was in favour of sustainable development but as set out in the report, the 'tilted balance' did not engage in the Green Belt so weight could be attributed to this factor; and
7. That the scheme would now meet the minimum provision of affordable housing so significant weight should be given to this factor.

There were initially 4 reasons given for the Officer's recommendation for refusal stated on page 134 but as mentioned, reasons 3 and 4 were no longer relevant. The reasons now for refusal were:

1. That the application for the site was located within the Green Belt and the proposals were considered inappropriate development on the Green Belt in line with policy so would cause harm to it.

2. That the proposed development would result in a cramped layout with little consideration to landscaping which would be visually intrusive and fail to contribute positively to the character of the area.

The Chair opened the item up to the Committee for questions.

Referring to the photographs shown in the presentation, Steve Taylor noted an area on the site that was identified as a car park and asked how the area was accessed. The Principal Planner answered that the car park was not within the boundary of the site and served the use of the adjacent Crooked Billet pub.

With no more questions from the Committee, the Chair invited the registered speaker to address the Committee.

Councillor Piccolo, Ward Councillor, presented his statement in objection to the application.

The Chair questioned whether the car park at the Crooked Billet was relevant to the application. In answer, the Principal Planner said that the application did not rely on parking outside of its site boundary. The application proposed 34 draft standard parking spaces which were slightly short of the Council's draft policy of 39 parking spaces so had to consider if this would form a reason for refusal of the application. At certain times, there would be a pressure on parking spaces on the proposed development and could result in an overspill into the Crooked Billet's car park. However, it was considered that this impact would not be severe.

(The Committee agreed to suspend standing orders at 20.25 to allow the rest of the items on the agenda to be heard and discussed.)

Referring to the site plan layout, Steve Taylor said that he had counted the car park spaces laid out within the plan and had counted 28 car park spaces. He sought clarification on the number of proposed car park spaces. Referring to paragraph 6.22, the Principal Planner confirmed that it was 34 car park spaces and from the site layout plan, some of the car park spaces proposed required in-tandem parking.

Councillor Little thought that there was a likely chance of overspill from the proposed development into the Crooked Billet's car park. She did not think that in-tandem parking was ideal and that the proposed plan was dense and was not in character with the area, not to mention the fact that the proposed development was on the Green Belt.

Noting that the current building was on the Green Belt and had been there for over 200 years, Councillor Lawrence asked whether there had been planning permission sought for the swimming pool that was currently on the site. She mentioned that she had also seen another house behind the main building. The Principal Planner was not familiar with the early history of the site but

replied that planning laws had not come into effect until 1948 so pre-existing buildings may have already been on the site before then. The conservatory at the back of the building may have benefitted from permitted planning development rights along with the swimming pool and other related outbuildings. The site was a large plot and permitted development rights would allow for a number of outbuildings. However, overall, the building would be considered as one dwelling on the Green Belt.

Noting the planning history of the site within the report, Councillor Rice mentioned that there had been a change on the use of the main dwelling to a rest home. He questioned the size of the dwelling at the time of this change. The Principal Planner explained that the change of use in the dwelling did not imply building works and from looking at the photographs of the site, the dwelling did not appear to have a side extension. The current use of the dwelling was for a single dwelling use so the rest home change may not have been implemented.

Councillor Rice sought clarification on how many of the units proposed would be for affordable homes. The Principal Planner answered that it would be 7 out of the 19 proposed dwellings which would equate to roughly 36% for affordable homes.

With no further questions, the Committee moved on to debate the item.

Noting the number of affordable homes, Councillor Rice thought this was a good amount and suggested that a site visit might be ideal to view the size and examine what would be proposed on the site.

The Chair noted the clear and concise reasons for refusal given within the Officer's report and that the site was on the Green Belt. Referring to the 34 proposed car park spaces, he felt this would most likely result in an overspill into the Crooked Billet's car park and that the proposed plan itself was dense.

Adding to this, Councillor Little said the development would require hardstanding which would take up a lot of the Green Belt and she also did not think in-tandem parking was a good idea. The proposed plan was dense and the development would not be a happy place for people to live in.

With Councillor Rice proposing the site visit and Councillor Lawrence seconding it, the Committee moved on to the vote.

For: (5) Councillors Mike Fletcher, Angela Lawrence, David Potter, Gerard Rice and Sue Shinnick.

Against: (4) Councillors Gary Byrne, Tom Kelly, Susan Little and Sue Sammons.

Abstained: (0)

With the results of the vote on the site visit, planning application 19/00265/FUL was deferred to a later Committee meeting to enable the site visit to take place.

12. 19/00247/FUL Judds Farm, Harrow Lane, Bulphan, Essex, RM14 3RE

This planning application was withdrawn from the agenda and deferred to a later Committee meeting.

13. 19/00499/ELEC Tilbury Green Power, Tilbury Freeport, Tilbury, RM18 7NU

Presented by the Principal Planner, Matthew Gallagher, the application sought the agreement of the Planning Committee on the contents of paragraphs 6.30 to 6.40 which would form the consultation response of the planning authority to the Department for Business, Energy and Industrial Strategy. The Principal Planner referred to late consultation responses to the Secretary of State from Highways England, Natural England and the Defence Infrastructure Organisation.

The application sought to amend a s36 Electricity Act consent and associated deemed planning permission to increase Tilbury Green Power's electrical power by 20 megawatts which would take them up to 80 megawatts and to vary a number of planning conditions referring to phase 2 of the development. The majority of proposed changes to conditions were not considered controversial.

The Principal Planner pointed out condition number 11 which addressed the design and layout of the power station may impact on the nearby receptors – residents and businesses. Attention was also drawn to the proposed amendments to condition numbers 55 and 56 and it was recommended that comments and queries were raised on these items. Thurrock Council was a consultee in the application and the decision was for the Secretary of State to make. The Committee was recommended to agree on the proposed consultation response at paragraphs 6.3 – 6.40 of the agenda.

The Chair opened the item up to the Committee for questions.

Councillor Little questioned whether the proposal would affect the volume of traffic on the A1089. As the Applicant was requesting flexibility to potentially allow all feedstock to be delivered by road, the Principal Planner said this would result in an increase in HGV movements. Councillor Little went on to express her concerns on the amount of food waste that regularly occurred on the A1089 which attracted a lot of pests. The Principal Planner replied that there were some existing controls in place that checked the contents of vehicles and to ensure the appropriate sheeting was installed within vehicles on-site but this did not extend to the road network. There would be an increase in HGV movements but as the A1089 was part of the strategic road network, it was for Highways England (HE) to make this case in their consultation response to the Government department. If HE and Thurrock

Council were to maintain objections to the application, it could result in a public enquiry.

With sheeting requirements in vehicles, Councillor Little asked if this was 'policed' and also asked if the Committee could request that controls were also put in place to ensure waste was not spilled. The Principal Planner explained that it was not within the planning authority's right to suggest new planning conditions and could only comment on the proposed amendments contained within the report. However, there was already an existing condition on pest/vermin controls and planning conditions would not cover what may or may not happen on vehicles on route to the site.

The Vice-Chair mentioned that there had been past concerns over dust particles in Tilbury and asked whether there was an opportunity for the Committee to make a recommendation on air quality. The Principal Planner replied that planning condition number 64 would require the Applicant to submit a monitoring report on air quality during the operation of phase 2 of the power station. He went on to say that the application would be subject to separate environmental permits issued by the Environment Agency and that air quality had already been covered.

On the A1089, Councillor Rice agreed that a condition should be proposed to prevent spillage on the road and pointed to condition 57 in appendix 1. The area surrounding the site was large and the A1089 was also used by Tilbury 2 so a representation should be made to HE to put the case forward regarding a condition on the A1089. Councillor Rice went on to say that there was scant attention paid to the residents of Orsett Heath and that there needed to be more trees planted around the area along with more bunds to protect the surrounding residents. This should also be included in the case to HE. The A1089 would also gain an increase in vehicle movements with the proposed change of the power station and result in an increase in pollution to the area.

On conditions 57 – 60 in appendix 1, the Principal Planner explained that these existing conditions had been based on the former East of England Plan catchment areas which had been revoked so the relevance of those catchments was no longer valid. The Applicant sought to remove these conditions and source material elsewhere based on the proximity principle. The planning authority was not objecting to these conditions falling away because these had been based on the old East of England plan's catchment areas. Tilbury 2 had given their Development Consent Order and the associated increase in the volume of traffic had been factored into the transport assessment but it was up to HE to highlight this factor in their consultation response. HE was also a consultee in the application and the decision was ultimately for the Secretary of State to make. The Principal Planner went on to say that the planning authority could include in their consultation response an informative that they were aware of the information provided from HE and could ask the Secretary of State to consider any implications there may be from the increase of vehicle movements. However, the planning authority would not be able to propose any new conditions as they were only a consultee to the application.

In response, Councillor Rice said a representation could be made to the Secretary of State regarding the residents' health and put in a request for extra trees to be planted to screen out the pollution. The Principal Planner replied that the air quality had been satisfied through the environmental permit and reiterated that the planning authority was only able to comment on the proposed amendments to conditions. Councillor Little answered that the planning authority could put questions forward and consider sending a letter with the suggestions.

Leigh Nicholson stated that it was not possible to impose conditions on the application but an informative could be added referring to the Highways England response and asking the Secretary of State to consider impacts on the strategic road network. Officers could agree the informative to be provided through the Chair and incorporate into the planning authority's consultation response to the Secretary of State.

With this the Committee moved on to the vote on the agreement of the proposed amendments.

For: (9) Councillors Gary Byrne, Mike Fletcher, Tom Kelly, Angela Lawrence, Susan Little, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

Against: (0)

Abstained: (0)

Planning application 19/00499/ELEC was agreed on.

The meeting finished at 9.13 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**