

Minutes of the Meeting of the Planning Committee held on 19 September 2019 at 6.00 pm

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

Steve Taylor, Campaign to Protect Rural England
Representative

Apologies: Councillors Gerard Rice and Sue Shinnick

In attendance: Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection
Jonathan Keen, Interim Strategic Lead of Development Services
Julian Howes, Senior Highway Engineer
Steven Lines, Senior Highway Engineer
Matthew Gallagher, Principal Planner (Major Applications)
Chris Purvis, Principal Planner (Major Applications)
Graeme Parker, School Capitals Programme Manager
Bob Capstick, Locum Planning Lawyer
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.

35. Minutes

On item 33 of the minutes, Councillors Lawrence and Byrne stated that they had not voted for the site visit to the George and Dragon and had voted against. This was amended to:

For: (4) Councillors Mike Fletcher (Vice-Chair), David Potter, Gerard Rice and Sue Sammons.

Against: (5) Councillors Tom Kelly (Chair), Colin Churchman, Gary Byrne, Angela Lawrence and Sue Shinnick.

Abstained: (0)

The minutes of the Planning Committee held on 15 August 2019 was approved as a true and correct record subject to the amendments.

36. Item of Urgent Business

There were no items of urgent business.

37. Declaration of Interests

The Chair declared a pecuniary interest on item 11 – planning application 19/01101/ELEC as he was an employee of DP World Development so would be unable to chair on that item and would be vacating the meeting upon the hearing of the item.

Councillor Sammons declared a non-pecuniary interest on item 9 – planning application 19/00828/FUL in that she was the Ward Councillor for East Tilbury and had made some comments prior to the site visit. However, after attending the site visit, she stated that she would be keeping an open mind on the application.

38. 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 that he had received a few emails in regards to 19/01095/FUL.

39. Planning Appeals

The report was presented by Jonathan Keen, Interim Strategic Lead for Development Services.

The Committee was satisfied with the report.

40. 19/00617/FUL Thurrock Council, Civic Offices, New Road, Grays, Essex, RM17 6SL (Deferred)

(In line with Thurrock Council's Constitution, Chapter 5, Part 3(d), 13.5, Councillors Akinbohun and Chukwu were unable to participate or vote on the application as they had not been present when the application was first heard at Committee on 15 August 2019.)

Before hearing the application, the Chair stated that Councillors Akinbohun and Councillor Chukwu would be unable to participate or vote on the application as they had not been present when the application was first heard at Committee on 15 August 2019.

Councillor Byrne felt that the application should be deferred to a later Committee date as the substitute Members would not be able to vote on the item. He said the application was important and affected all of Thurrock. The Chair reminded the Committee that the Planning Committee was an independent Committee and should not be voted along political views. He sought clarification from Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection.

Leigh Nicholson explained that the application was already published on the agenda and due to be heard at Committee that night. The application should be heard. Members could propose an alternative recommendation to defer the application to a later date if they wished to do so.

The application was presented by Chris Purvis, Principal Planner (Major Applications) who gave a brief overview of the proposal set out within pages 35 and 36 of the report. He referred the Committee to the 3 bullet points in paragraph 1.1 on page 27 of the report which were the reasons Members at the last Planning Committee had given, as they had been minded to refuse the application. The report assessed these 3 points in more detail.

There was one update to the application in which an additional letter in support of the application had been received from New River. They were the new owners of the Grays Shopping Centre and supported the application as part of the regeneration framework of Grays Town Centre.

The Chair said the concerns raised at the last Committee on the application was well researched and assessed. Referring to a past planning application at 76 High Street, Grays, he asked if it was still a live application because he had seen hoarding around the site. He went on to question whether the St Peters and Pauls Church had commented on the 76 High Street, Grays planning application at the time it was considered.

In confirmation, Chris Purvis said the 76 High Street, Grays planning application was still live and that planning permission had been granted in 2013 – 14. The development to that site would bring a benefit to that part of the High Street. St Peters and Pauls Church had objected to the 76 High Street, Grays planning application but the church had not objected to the current planning application.

Noting that the report mentioned significant benefits that would outweigh the heritage impact of the St Peters and Pauls Church, the Vice-Chair sought clarification on what the significant benefits were. He also questioned how the significant benefits would outweigh the loss of the businesses. Chris Purvis confirmed that there was no detrimental impact on the church and the proposal plan would help to open up views of the church from New Road. In addition, the plan would enable regeneration in that part of the town centre; the design of the building would not be competing with the church and it would be lower than the buildings in the surrounding area. Regarding the loss of the businesses, there would be a café in the ground floor of the building and if built, the nearby 76 High Street scheme included four commercial ground floor units as part of the plan and these could be used. The public would benefit from the facilities to be provided in the proposed Civic Offices building.

The Vice-Chair answered that 'no detrimental impact' was not a benefit and that opening up the view of the church would only bring a benefit to the church, not to the public. He questioned what the proposed plan would give to the public what they did not have already.

Chris Purvis explained that the registry office would be moved from the Thameside Theatre and into the proposed building which would be more easily accessible as it would be closer to the train station, bus station and town centre. The impact on the church would be neutral and there were no objections in terms of heritage to the church as assessed by the Heritage Officer. Therefore, a 'less than substantial harm' test for the church had been considered with the public benefits weighing in favour of the development. The Vice-Chair responded that a registry office would be gained from the plan to which Chris Purvis repeated the benefits already mentioned.

The Chair sought clarification on whether it was five buildings that they would be losing to which Chris Purvis confirmed that it was.

Councillor Lawrence questioned whether the Grays Dental Centre on the High Street would be affected. Chris Purvis answered that the Grays Dental Centre was not within the site plan so would remain where it was. Councillor Lawrence went on to ask if the benefit of the plan would be to taxpayers because the cost of the extension would be less than a refurbishment of the current civic offices. The Chair thought it was a fair point to make but was not the only benefit although the general consensus was correct.

With the Committee moving onto the debate of the application, the Chair started off by saying that the Committee had been minded to refuse the application at the last Committee meeting with the three reasons given within the report. The Church had no objections to the plan and since the last Committee meeting, Officers had also discussed with the Design Council who had also raised no objections. The site location was within the town centre that was undergoing major development and the proposed design of the building was of a modern form.

The Chair went on to note that the South East Essex College was of a larger scale than the proposed building in the application which would be of a lower built form. On the concerns on the loss of light for Pullman Court residents, the Chair understood assessments had been carried out and analysed as outlined in paragraphs 3.11 to 3.15 of the report on pages 30 and 31 of the agenda. The Chair did not think there were sufficient grounds or material considerations to go against Officer's recommendation for approval of the application.

Councillor Byrne said the proposed plans was bigger than standard plans and noted that two Members of the Committee were not in attendance and had substitutes in their place. As Substitutes were unable to participate or vote on the application as per rules, he thought that the vote should be undertaken with all Members of the Committee that had been present at the first consideration of the application last month. Therefore, he proposed to defer the application because of this.

The Chair pointed out that large scale applications were brought to Planning Committee on many occasions and Members were to be of an independent

mind to decide on planning applications following planning policies. He was concerned on pulling Members back into the Committee if it was not possible and sought clarification on Councillor Byrne's proposal regarding the number of Members. Councillor Byrne answered that it would be preferable that both Members, Councillor Rice and Councillor Shinnick were in attendance with the rest of the Committee to vote on the application.

The Vice-Chair stated that he too, wished to propose a deferral of the application but not for the same reasons as given by Councillor Byrne. The Vice-Chair referred back to Councillor Lawrence's earlier comment on the costs of the proposed plans and noted that spending more in the short term would help to save on costs in the long term. He wished to put forward a proposal to defer the application in order for Officers to bring a report back on the costs spent in the short term against long term spending and what taxpayers would save on through these.

The Chair reminded the Committee that decisions had to be made in regards to planning laws and policies and should not consider factors outside of these. He understood this could be frustrating but the Planning Committee was governed by rules.

Councillor Lawrence disagreed with the two proposed recommendations and felt the application had already been discussed in detail twice. She thought the proposed design of the plans was good and would be cost effective as she had already mentioned earlier.

(Councillor Akinbohun arrived 18.41.)

Steve Taylor commented that he was a resident of Grays so was familiar with the town and had noted that it had grown over the years. He remembered the number of council buildings around Thurrock and the costs and effort to operate the different buildings. He felt it was better to extend the current Civic Offices building rather than have the chaos of managing other buildings in different locations as was the case in the 1960s.

The Chair asked Leigh Nicholson to clarify the position of the two proposed recommendations. Leigh Nicholson stated that two motions for deferral of the application had been suggested but not as formal recommendations nor had they been seconded yet. He reminded the Committee of Chapter 5, Part 3(b), 6.5 of Thurrock Council's Constitution and said that both of the reasons put forward were not clear planning reasons. Finances and costs of the proposed plan and waiting for the full Planning Committee to be in attendance were not planning reasons. If reasons were based planning reasons, for instance based around amended plans, this would be considered a planning reason for the application to be deferred to a later date. However, the Vice-Chair and Councillor Byrne's reasons for deferral failed to meet the test as set out in the Constitution.

Regarding the benefits of the proposed plans, the Vice-Chair asked for more detail on the benefits. He pointed out that it was one of the main criteria for

him to approve the application. Chris Purvis replied that the new purpose built form would cater to more needs and be more energy efficient. There would be a positive impact on the church with an opening up of its view; easier access to the new building; and services would be brought together such as the registry office and an improved council chamber along with committee rooms.

Leigh Nicholson reminded the Committee that a seconder would be needed to support an alternative recommendation. He went on to say that for the Vice-Chair's reason for recommendation to be accepted, it would need to be re-worded based upon material planning grounds. For example, if the benefits were to be balanced against the historic build of the environment. Regarding Councillor Byrne's reason for recommendation, it could not be accepted on planning grounds.

The Vice-Chair withdrew his reason for an alternative recommendation.

With this, the Chair proposed the Officer's recommendation and was seconded by Councillor Churchman. The Committee moved onto the vote.

(In line with Thurrock Council's Constitution, Chapter 5, Part 3(d), 13.5, Councillors Akinbohun and Chukwu were unable to participate or vote on the application as they had not been present when the application was first heard at Committee on 15 August 2019.)

For: (4) Councillors Tom Kelly (Chair), Colin Churchman, Angela Lawrence and Sue Sammons.

Against: (3) Councillors Mike Fletcher (Vice-Chair), Gary Byrne and David Potter.

Abstained: (0)

Planning application 19/00617/FUL was approved subject to conditions following Officer's recommendation.

41. 19/00828/FUL Land Adjacent George And Dragon, East Tilbury Road, Linford, Essex (Deferred)

(In line with Thurrock Council's Constitution, Chapter 5, Part 3(d), 13.5, Councillors Akinbohun and Chukwu were unable to participate or vote on the application as they had not been present when the application was first heard at Committee on 15 August 2019.)

The report was introduced by Chris Purvis who gave a brief recap of the application. He reminded the Committee that trees had been removed from the site at the end of July and after the last Committee meeting, all trees and shrubbery had been removed. This now opened up the landscape of the site.

A new site plan had been received following the last Committee meeting and in light of this, reason two for recommendation of refusal of the application was removed. However, the other two recommendations for refusal remained.

Noting the new site plan, Steve Taylor sought clarification on the number of trees that was currently on the site. Chris Purvis replied that one tree had been retained at the site and the site plan proposed other trees to be planted.

Councillor Sammons noted the landscaping to the front of the site on the site plan and was that it would obscure the view of the road upon exiting the site. The road itself was often heavily congested and busy. Chris Purvis explained that the plan was indicative and if the application was to be approved, then there would be conditions attached to this which would be requested from the Highways Team in relation to access and site splays.

The Vice-Chair thought the reason for the site visit at the last Committee had been to view the road where the site was situated by. He queried if there was weight attached to this concern. Chris Purvis answered that if the application was to be approved, it would be subject to Highways conditions regarding sight lines and visibility splays.

Steven Lines, Senior Highway Engineer, explained the conditions included a keep clear marking that should be implemented across the entrance to ensure the road was kept clear at times of congestion and when the level crossing barriers were down. The Highways Team were aware of the proximity of the site to the level crossing and the Applicant had worked with the Highways Team to ensure the safest option.

Councillor Sammons understood the purpose of the keep clear box but was still concerned. She said that when the level crossing barriers for the railway was shut and traffic was queuing, vehicles often turned around thus ending up on the wrong side of the road and continued along on the wrong side of the road to overtake queuing traffic and vehicles that would exit the proposed exit of the site would not be able to see vehicles on the wrong side of the road. Steven Lines pointed out that the vehicles performing this move was illegal and was not aware of this as it had not been picked up in the surveys that had been undertaken.

Referring to the site visit that took place on 5 September at 10am, Steve Taylor mentioned that there had been a number of vehicles on the road that morning and most of those were large trucks that had little consideration for road safety. He found the road to be horrifically dangerous. Steven Lines explained that the Applicant had considered the road within the site boundary and the road was to be slightly widened to allow room for larger vehicles. Steve Taylor pointed out that the location of the site was still dangerous and there was a limit to what could be done at the site.

Councillor Sammons pointed out that large vehicles did not tend to slow down along the road and tended to mount the pavement. Steven Lines answered

that the road would be widened and as part of the investigation, accident statistics had been checked which had shown none.

Councillor Sammons queried which side of the road would the widening take place and whether a section of the pavement would be taken off for the widening. Steven Lines replied that the pavement would not be affected as the widening of the road would be on the Applicant' side of the road.

The Committee went into debate on the application which Councillor Churchman started by saying that he knew the road well which was often busy with large tipper trucks in the day time. His concerns were regarding the amount of traffic frequenting the road and access to the site.

Steve Taylor said the site was located in the Green Belt and was not a brownfield site. The site was not isolated and there were houses opposite and a pub next door. Considering the proximity of the junction, he was surprised there were no accidents and hoped there would be none but the road was still dangerous regardless.

The Chair thought the architecture of the proposed plans were unique but the issue of the road raised concerns. He proposed the Officer's recommendation which was seconded by the Vice-Chair. The Committee moved onto the vote.

(In line with Thurrock Council's Constitution, Chapter 5, Part 3(d), 13.5, Councillors Akinbohun and Chukwu were unable to participate or vote on the application as they had not been present when the application was first heard at Committee on 15 August 2019.)

For: (7) Councillors Tom Kelly (Chair), Councillors Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman, Angela Lawrence, David Potter and Sue Sammons.

Against: (0)

Abstained: (0)

Planning application 19/00828/FUL was refused following Officer's recommendation.

42. 19/01095/FUL Treetops School, Buxton Road, Grays, Essex, RM16 2WU

The report was introduced by Matthew Gallagher, Principal Planner (Major Applications). The application proposed temporary permission for the siting of a double demountable classroom unit to the rear of the school site for a duration of 1 year in order to allow the school to accommodate pupils with Special Educational Needs and Disabilities (SEND). A current planning application for the construction of the new Treetops Free School (ref. 19/00725/FUL) was scheduled to be determined during this time and if approved, would give time for the construction to take place. Recommendation 8.1A no longer applied because the impact of the proposal

was not considered to be so significant on the openness of the Green Belt that it would need referral to the Secretary of the State given the size of the proposed demountable unit. The date given for temporary permission to be granted until in recommendation 8.1B would also be changed to 30 September 2020 as opposed to 15 August 2020 as the Applicant had asked for a full year temporary permission.

Steve Taylor agreed with giving the Applicant a full year for the temporary classroom units and that an extra year to make it two years would not affect anything. Matthew Gallagher explained that it was within the gift of the Planning Committee to grant longer than a year if they wished to do so. The Applicant had sought 12 months temporary permission but if they needed this to be extended, they would need to apply again.

Picking up on Steve Taylor's point, Councillor Churchman queried whether the Committee could give temporary permission for a longer time until the units were no longer needed, once the construction of the Treetops Free School was in place. Matthew Gallagher said that the Treetops Free School (19/00725/FUL) application was still live and under consideration so the application could not be pre-judged. The recommendation was to stick with the given time limit.

The Chair noted some of the comments from neighbouring properties referred to within the report and questioned how construction work would be managed around the area as he was aware of a road that backed around the site. Referring the Committee to condition 4 on page 101 of the agenda, Matthew Gallagher said that the vehicles accessing the site for the construction phase would be required to travel via Stanford Road and not Buxton Road. Drop off and pick up points for pupils arriving on mini-buses would be subject to recommended condition no. 3 (car park management plan). Subject to these recommended conditions there were no significant concerns raised from Highways as the construction was relatively small in size.

The Chair noted earlier comments regarding extending the proposed temporary planning permission for up to 24 months and questioned the process. Matthew Gallagher explained that the national guidance was to not grant a succession of temporary permission. However if the Committee wished to grant a longer time period of 24 months, this could be allowed. If Treetops School required a further extension, they would need to apply again.

Councillor Chukwu noted the site location was within the Green Belt and questioned why temporary permission should be granted. Matthew Gallagher confirmed the site was within the Green Belt and that a new building for a school would be deemed to be inappropriate development on the Green Belt. He went on to explain that Members should consider harm to the Green Belt on one hand and on the other hand if there were very special circumstances to outweigh the harm. In this case, there was a need for SEND places in Thurrock and there was strong support from national and planning guidance for new schools so the harm to the Green Belt was clearly outweighed.

With the Committee moving into debate, the Chair started by saying that granting temporary permission for 12 months was reasonable but would agree to extend for a longer period of time if there were good reasons to do so.

Steve Taylor said that although the site was on Green Belt, the need for school places was very special circumstances so outweighed the harm to the Green Belt. Councillor Byrne agreed with this and would support the application.

The Vice-Chair wished to propose an alternative recommendation which was to grant temporary permission for 24 months instead of the 12 months with the reason given as 'to prevent a problem arising in the event of any delay to the permanent building'. This was seconded by Councillor Byrne.

The alternative recommendation met the test set out in the Constitution, Chapter 5, Part 3(b), 6.5 and the Committee moved on to the vote.

For: (9) Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman, Angela Lawrence, David Potter, Sue Sammons, Abbie Akinbohun and Daniel Chukwu

Against: (0)

Abstained: (0)

Planning application 19/01095/FUL was approved with an extended time period (condition no. 1) of 24 months (expiring on 30.09.2021) and subject to the other conditions set out in the report.

43. 19/01101/ELEC Land at London Gateway, The Manorway, Stanford le Hope

The Chair excused himself due to his declared pecuniary interest on this application. The Vice-Chair took over as Chair for this item.

The report was introduced by Matthew Gallagher who reminded the Committee of a similar application that had been heard in June's Planning Committee. The Applicant proposed a variation of the s36 Electricity Act consent and associated deemed planning permission for the construction and operation of Gateway Energy Centre (a gas-fired power station). Electricity Act consent and deemed planning permission had already been granted to the Applicant by the Secretary of State originally in 2011. These approvals were subject to minor amendments in 2014 and 2016. The applicant sought further amendments from the Secretary of State and Thurrock Council were a part of a group of consultees in the proposed variation to the s36 consent and deemed planning permission. The Applicant's proposed changes comprised (in summary):

- Introduction of battery storage within the consented generation capacity
- A smaller and different area set aside for carbon capture
- Extension to the time limit for implementation
- Amendment to allow for easier phasing of the development.

It was considered that the Applicant's proposed amendments were minor and there were no significant planning issues raised.

The Committee was satisfied with the application and detail provided within the report.

Councillor Churchman proposed the Officer's recommendation and was seconded by Councillor Byrne. With this, the Committee moved on to the vote.

For: (8) Councillors Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman, Angela Lawrence, David Potter, Sue Sammons, Abbie Akinbohun and Daniel Chukwu

Against: (0)

Abstained: (0)

The suggested consultation response to the Secretary of State was agreed as per Officer's recommendation.

The meeting finished at 7.46 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**