

Minutes of the Meeting of the Planning Committee held on 23 September 2021 at 6.00 pm

Present: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Mike Fletcher, James Halden, Terry Piccolo, Georgette Polley, Lee Watson and Abbie Akinbohun (Substitute) (substitute for Colin Churchman)

Apologies: Councillors Gary Byrne and Colin Churchman.
Steve Taylor, Campaign for Rural England Representative

In attendance:
Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection
Louise Reid, Strategic Lead - Development Services
Matthew Gallagher, Major Applications Manager
Ian Harrison, Principal Planner
Nadia Houghton, Principal Planner
Genna Henry, Senior Planning Officer
Lucy Mannion, Senior Planning Officer
Julian Howes, Senior Highway Engineer
Caroline Robins, Locum Solicitor
Grace Le, Senior 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.

34. Minutes

The Chair stated that there was a time limit for the use of South Essex College venue which was until 9.30pm. He said that if the items on the agenda were not concluded by 9.30pm, the meeting would be adjourned and would recommence at the next Planning Committee meeting on 28 October.

The minutes of the meeting held on 19 August 2021 were approved as a true and correct record.

35. Item of Urgent Business

There were no items of urgent business.

36. Declaration of Interests

In relation to 20/01777/FUL, Councillor Watson declared that her property was close to the site and would be affected by the proposal. She stated that she had campaigned against the proposals before and would not be participating in the item.

In relation to 21/01061/OUT, Councillor Polley declared that the applicants were related to a colleague of hers but had not discussed the application or any planning related matters. She stated that she had sought advice from the Council's Monitoring Officer which would not require her to remove herself from participating the application.

In relation to 20/01777/FUL, Councillor Fletcher declared that he had been involved in the consultation process of this application and would make a decision on the application based on its merits.

In relation to 20/00064/FUL, Councillor Piccolo declared that he had commented on the proposals on behalf of his constituents but was not predetermined on the application. He stated that he would make a decision on the submissions of the application.

37. 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

Members declared that they had received emails from Nick Westlake in relation to 21/00698/FUL.

38. Planning Appeals

The Committee was satisfied with the report.

RESOLVED:

That the report be noted.

39. 21/00077/FUL Land adjacent Fen Farm Judds Farm and part of Bulphan Fen, Harrow Lane, Bulphan, Essex (deferred)

(Following the Constitution, Chapter 5, Part 3(d), 13.5, Councillor Halden did not participate in this item.)

The report was presented by Lucy Mannion.

The Chair stated that he was concerned with the battery storage on site and questioned what the minimum acceptable level of safety was as highlighted in paragraph 3.6 of the report. He also asked if the Essex Fire Brigade had been consulted in the application process. Lucy Mannion answered that it would be highly unlikely that there would be battery storage issues. She said that the batteries would be connected to the national grid and the batteries would need to comply with a certain level of safety to connect into the national grid.

She stated that the Essex Fire Brigade had not been consulted. Matthew Gallagher explained that the fire brigade were consulted on fire escape route in development proposals of buildings and not on energy farms. He said that the Local Planning Authority (LPA) were satisfied with the safety procedures in place. He commented that the rules on battery storage facilities had changed and the government was encouraging these.

Councillor Piccolo sought clarification on whether the land would revert back to Green Belt (GB) use at the end of the five year term. He also asked if a developer could build on the site after the five year term if it had been used for battery storage. Officers explained that the land would revert back to open GB and the designation of this site would not change.

Councillor Watson sought clarification on the responsible department to look into the detail of the safety management plan once it was received. Officers said that the Council's Environmental Health Team would look into the detail of this and check that it complied with policies. If required, the service would look for a specialist to look into the details of the plan. This detail would also be referred to the Fire Brigade for their comments,

The Chair commented that approving the proposal would mean that a part of the Fens would be lost but noted that renewable energy was needed particularly in the circumstances with the energy issues. He stated that he was still concerned about the safety of the battery storage facilities. Councillor Piccolo pointed out that the government would put safety measures in place if there were future issues on battery storage. Councillor Polley stated that she was uncomfortable with the size of the proposal and that she had not seen a battery storage facility site stored on flood plains similar to this site. She highlighted concerns of electrics being stored on this site and that there was nothing in the update report that had given reassurance on the safety of battery storage.

The Vice-Chair proposed the officer's recommendation and was seconded by Councillor Piccolo.

For: (4) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Terry Piccolo and Abbie Akinbohun

Against: (3) Councillors Mike Fletcher, Georgette Polley and Lee Watson

40. 20/00064/FUL Town Centre Car Park, King Street, SLH, Essex

The report was presented by Nadia Houghton.

Councillor Halden noted that the health contribution from the applicants were £12,500 and queried what the contribution was for. He said that the amount was little and was aware that local practices did not have enough resources to meet the extra demands from the proposal. He also sought further detail on 'less than substantial harm' in relation to the heritage assessment. Nadia Houghton answered that the details as to how this contribution would be used

by the NHS had not been provided to the Council and that the contribution was asked for by the NHS (Mid and South Essex) who had its own formula as to how the contribution would have been calculated. In regards to the heritage assessment, she said that the Heritage Team had identified less than substantial harm, which was not no harm, but that the level of harm caused was considered not sufficient to warrant a refusal of the proposal on heritage grounds.

Councillor Piccolo questioned why the car park on the site had not been included in the plan but instead formed part of the s106 agreement. He asked if the s106 agreement could be changed without the Committee's consent. Nadia Houghton explained that the applicant had not extended the red line boundary to include all of the car park, and suggested that the red line was in the applicant's control but the extent of the red line may have been due to the planning history from 2018. She said that any material changes to a s106 agreement that had been agreed and approved by Committee, would need to come back to Committee to be considered.

Speaker statements were heard from:
Shane Hebb, Ward Councillor in objection.
Danny Simmons, Agent in support.

Councillor Piccolo sought details in regards to including 3 hours free parking in the s106 agreement; whether the applicants could increase car parking charges in the future; and if the applicants could remove the car park for future development. Councillor Polley also asked if the applicants would consult with impacted local businesses on changes to car parking charges similar to the case of Corringham Town car park. Nadia Houghton said that she understood the points raised by Members and said that the site was privately owned but the applicant was agreeing to retain a short term stay car parking fee with the 42 spaces that remained for the town centre car park.

Councillor Fletcher asked whether these 42 spaces were for the proposed flats. He said that some of the future flat occupants may have two cars and queried where these would park. Nadia Houghton answered that there were designated spaces for the flats which was one space per flat. She said that the car park was a public car park and not within the red line boundary of the proposal and would have its own controls but could be used by members of the public subject to those controls. Julian Howes added that the car park had cameras and residents from the flats would not be able to overstay in the car park.

Councillor Piccolo questioned whether residents of the flats could apply through the visitor parking scheme as there were only 3 visitor spaces. Julian Howes pointed out that residents who were not eligible for the resident parking scheme would also not be eligible for other parking schemes as highlighted in the planning conditions and informatives.

Councillor Polley asked whether the applicant was the same applicant in the 2018 application and also the landowner. Nadia Houghton said that the

applicant was the same one from the 2018 application but was unsure whether they were also the purchasing landowner when the site was sold, but the applicant would be aware of the caveat mentioned in relation to the site.

Councillor Akinbohun asked how many of the spaces were for disabled users and whether a disabled user would be charged if they parked in a non-disabled bay if all disabled bays were full. Nadia Houghton answered that there were two allocated on the site. Julian Howes explained that the service could suggest no charges for disabled users parking in non-disabled bays but explained that most disabled bays had a time limit.

The Chair noted that the caveat in the land sale of the site was an agreement that the land owner retain 100 car parking spaces as requested by the Council. He asked whether this would be a material planning consideration to which Nadia Houghton confirmed that it would not be given that planning permission had expired.

Councillor Halden stated that he had no objection to regeneration in the area and felt that weight should be given to retaining the 100 parking spaces as per the land sale conditions. He pointed out that the development would be a 'substantial modern change' to the area and said that this was enough to cause harm to the heritage asset near the site. He felt that £12,500 health contribution was not enough and had not heard any positive comments about the proposal.

Councillor Piccolo said that the drawings of the proposed building were inaccurate as the drawings implied the proposed building was the same in height as the shops. He stated that the proposed building would look imposing in comparison to the surrounding buildings and that it did not fit in with the town's appearance. He said that he was not against the development but that the car park was needed.

Councillor Polley commented that following the appeal of the previous decision on the application, the applicant had not worked well with the Council to resolve previous issues. The Vice-Chair commented that there were parking issues in the area. Councillor Watson said that she liked the plan but there needed to be a good blend between modern designs with heritage assets. She said that there needed to be an agreement on the car parking charges in the s106 agreement before approval could be granted. Councillor Halden said that the application needed to be revised and recommended refusing the application.

The Chair said that the applicant had scaled down on the development following the appeal. He went on to say that the only material consideration for refusal was in regards to the impact on the listed building which the Planning Inspectorate had looked at in appeal. Leigh Nicholson noted that most of the debate had focussed on the parking charges and spaces. He advised the committee of the option to defer the application to enable the applicant to look into these issues.

The Committee discussed deferring the application.

No Members proposed recommendation A of the officer's recommendation.

The Vice-Chair proposed deferring the application to enable the applicant to look into the following:

- parking options to provide free car parking in the town centre car park which could be secured in the s106 agreement;
- further clarify the NHS contribution of £12,500; and,
- for consideration to be given as to the impact to the listed Church near the site.

This was seconded by Councillor Watson.

For: (6) Councillors Steve Liddiard (Vice-Chair), Mike Fletcher, Terry Piccolo, Georgette Polley, Lee Watson and Abbie Akinbohun

Against: (2) Councillors Tom Kelly (Chair) and James Halden.

The meeting was adjourned at 7.58pm for a short break and reconvened at 8.05pm.

41. 20/01777/FUL Former Culver Centre And Land To Rear Daiglen Drive, South Ockendon

(Councillor Watson removed herself from participating in this item due to her earlier declaration of interest.)

The report was presented by Ian Harrison.

Councillor Fletcher commented that the development team had worked well with the applicant on the landscaping of the proposal. He said that the local community had not been consulted on the landscaping and queried this. He also asked why the housing options offered were not social housing. Ian Harrison said that the Council would normally work with the applicant on the proposal and that not all applicants would consult the local community as it was not part of the planning application process. In regards to the housing options, he said that there were 35% affordable homes proposed with 69% of these allocated for affordable rent as asked for from the Council's social housing department.

Councillor Polley queried who the partner would be for the shared ownership of homes and officers confirmed that this was not known yet. She went on to say that the applicant needed to include the local community in the development process to which officers stated that an informative condition would be drawn up for this.

A speaker statement was heard from Will Lusty, the agent in support of the application.

The Vice-Chair questioned which organisation would manage the development once it was built. Ian Harrison answered that a management company would oversee the open spaces and if the highway was adopted by the Council, it would be managed by the Council.

At 8.22pm, the Committee agreed to suspend standing orders until 9.30pm.

Councillor Fletcher said that a lot of local residents felt strongly about the site and that Culver Centre needed to be cleaned up. He pointed out that Culver Fields was different as it was an open green space and that the development team had listened to the views of the local community. This had resulted in a revised scheme that offered more green spaces in the proposal. He noted that the borough needed to build 32,000 homes and that it was preferable to build on the Culver Centre site rather than a green field. He reiterated that the development team needed to include the local residents in the development process.

Councillor Polley said that there were flytipping issues on the site and that the development proposal had changed a lot from its original concept. She also reiterated that the developers continued to engage local residents in its development process.

The Vice-Chair proposed the officer's recommendation to approve the application and was seconded by the Chair.

For: (7) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Mike Fletcher, James Halden, Terry Piccolo, Georgette Polley and Abbie Akinbohun.

Against: (0)

42. 21/00250/FUL 63 Wharf Road, SLH, Essex SS17 0DZ

The report was presented by Nadia Houghton.

Speaker statements were heard from:

Keith Mager, a resident in objection.
Shane Hebb, Ward Councillor in objection.
Gary Coxall, Agent in support.

Councillor Watson queried whether there was a turning point for a refuse vehicle. Julian Howes explained that a refuse vehicle and other large emergency vehicles would have difficulty getting into the access road due to the access radii of the road and the lack of accessibility to the turning area and whether a large vehicle could turn round. There was a turning point but it would be difficult to see how it would be used by large vehicles as the access radii were only 3 metres and the highways requirement was that access radii for roads should be a minimum of 4.5 metres ideally 6 metres. He said that

the applicant had provided a refuse strategy for occupants, but it was proposed to pick up refuse from Wharf Road.

Councillor Watson sought further detail on the proximity of the proposed dwellings to the school and overlooking issues. Nadia Houghton answered that the proposed dwellings would not overlook into the school as there were no windows proposed on the flanks of the dwellings facing the school. Regarding the proximity, she said that the proposed dwellings nearest to the school would be approximately 1 metre from the boundary with the school grounds.

Councillor Fletcher noted the planning history and sought clarification on whether the access road would always be the issue regardless of how many dwellings were proposed for the site. Nadia Houghton confirmed that the access road was an issue as the width of the road was too narrow, therefore it was a concern. The previous planning applications on the site had shown the access to be a consistent issue.

Councillor Watson commented that the proposed dwellings looked nice but it was not suitable for this site due to the access issues and its proximity to the school.

Councillor Watson proposed the officer's recommendation and was seconded by Councillor Polley.

For: (8) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Mike Fletcher, James Halden, Terry Piccolo, Georgette Polley, Lee Watson and Abbie Akinbohun

Against: (0)

43. 21/00698/FUL Land part of Greenacre and Oakdene, High Road, Fobbing, Essex

The report was presented by Lucy Mannion. Since the publication of the agenda, there had been some updates:

- A submission letter received from an estate agent stating that there was a lot of interest in the proposed dwellings.
- The report stated no nearby amenities, but Fobbing Farm shop was nearby.
- The applicant was offering a £250,000 housing contribution but this was for properties off the site.

A speaker statement was heard from Nick Westlake, agent in support.

Councillor Piccolo sought clarification on the site being identified as phase two of the development. Lucy Mannion explained that the proposal was very similar to the adjacent development which used the same access road, the developer was the same and the proposed dwellings were the same design for over 55s.

Councillor Fletcher sought clarification on whether the applicant was aware of the Council's minimum requirement of 35% affordable housing. The Chair also asked whether the £250,000 contribution amounted to 35%. Lucy Mannion answered that the applicant was aware of the Council's minimum 35% affordable housing requirement but had thought the applications were separate. She said that the £250,000 contribution was not 35% and was also offered off site.

Councillor Fletcher proposed the officer's recommendation and was seconded by Councillor Watson.

For: (8) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Mike Fletcher, James Halden, Terry Piccolo, Georgette Polley, Lee Watson and Abbie Akinbohun

Against: (0)

44. 21/01061/OUT Land adjoining Balgownie Farm, Lower Dunton Road, Bulphan, Essex

Due to the limited time left in the meeting, this item was deferred to the next Planning Committee meeting.

The meeting finished at 9.15 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**