

Minutes of the Meeting of the Planning Committee held on 14 July 2022 at 6.00 pm

- Present:** Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Terry Piccolo, James Thandi, Sue Shinnick and Lee Watson
- Steve Taylor, Campaign to Protect Rural England Representative
- Apologies:** Councillors James Halden
- In attendance:** Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection
Ian Harrison, Principal Planner
Jonathan Keen, Principal Planner
Julian Howes, Senior Highways Engineer
Lucy Mannion, Senior Planner
Sarah Williams, Strategic Lead Education Support Services
Jenny Shade, Senior Democratic Services Officer
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Before the start of the Meeting, all present were advised that the meeting was being live streamed to the Council's website.

13. Minutes

The minutes of the meeting held on 9 June 2022 were approved as a true and correct record.

Councillor Kelly advised the committee he had receive an e-mail from a Mrs Beecham in relation to Application 22/00210/FUL, commenting within the minutes it stated there were no residential complaints or objections from local residents. Officers stated this would be corrected and removed from the minutes as objections had been received.

14. Item of Urgent Business

There were no items of urgent business.

15. Declaration of Interests

There were no declarations of interest.

16. 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

All Members declared the following correspondence:

- Planning Application 22/00077/FULPSI – an email from a resident in objection to the application
- Planning Application 22/00210/FUL – an email from a resident with regards to the minutes from the last meeting

17. Planning Appeals

The Assistant Director for Planning, Transport and Public Protection presented the reports to Members.

RESOLVED:

That the report be noted.

18. 22/00077/FULPSI: Harrier Primary School, Land adjacent A13 and Love Lane, Aveley, Essex

The report was presented by the Senior Planning Officer and in doing so she updated Members advising the application was approved by committee at the June meeting and then referred to the Secretary of State with all matters of principle being agreed.

Members heard a late letter and petition was hand delivered to the Council offices on the day before the last committee meeting. The letter was not received into the Planning Department until after the committee meeting. It was considered correct process that the matters raised, which had not been put to members previously, were brought back to committee as a final decision had not been made as officers were waiting, the Secretary of States decision.

The Committee were finally advised all matters of principle had been agreed by the Committee, and the new matters raised do not promote any factors to change the recommendation which was approval.

Speaker statements were heard from:

- Statement of Objection: Cathy Sisterson, Resident
- Statement of Objection: Councillor Pearce, Ward Member
- Statement of Support: Lee Francis, REAch2 Academy Trust

Councillor Piccolo enquired as to whether it was the Council who put up the notice of applications at sites around the borough. The Senior Planning Officer confirmed it was Planning Officers who did this and in line with procedures photographs were always taken as evidence that the Council fulfilled their duty with site notices.

Councillor Watson commented within the report it stated the trust which is a free school, had its own admission policies. She continued to query how could the Council guarantee then that local children in Aveley and Kennington would

be the first to go into that school? The Strategic Lead Education Support Services advised that generally admission policies were based on looked after children, SEN children and then it was likely be catchment children or those that are of a distance.

During the Debate Councillor Watson stated she hadn't moved her viewpoint since the last time, still thought that the school was in the wrong place for where it should be. She continued by commenting it was on a Green Belt land and at a recent Full Council meeting, a petition had been received from a Ward Councillor regarding the parking down Love Lane.

Councillor Piccolo mentioned he felt it was positive that the committee were looking at supplying school places in the Borough before there were needed, when usually the Council was playing catch up. He continued to say he was pleased to hear that at present the plan was not to fill every year from day one, but actually for part of the school to remain closed and then when the first entry go in, they move up through the years.

Councillor Polley observed that having been at all three meetings and listened to the discussion that she hadn't heard anything which had changed her view from previous meetings and for that reason would not be supporting the application.

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

For: (3) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), and Terry Piccolo

Against: (1) Councillor Lee Watson

Abstained: (0)

19. 21/02004/FUL: Land Adjacent 13 To 29, Kipling Avenue, Tilbury, Essex

The report was presented by the Principal Planning Officer.

The Chair enquired as to why the green space wasn't built on, when the houses were originally built. He continued by saying Members assumed once visiting the site, it was supposed to be a little green space for the residents who lived there. The Principal Planning Officer advised planning permission was given in 1983/ 1984 for the redevelopment of 307 houses and at that time, it was shown as an open area on the approved plans.

Councillor Watson queried as to whether there was a condition that the area should be remain an open space as part of a Section 106 Agreement. Officers confirmed they had looked at the original application and did not have copies of any Section 106 agreement which required it to stay as open space.

Councillor Watson continued to enquire as to what Officers plans to mitigate traffic in the area, given the size of the roads and including the HGVs which were going to require access to the site. The Principal Planning Officer advised Officers had been looking at restricting the construction hours so that HGVs could only access and start at a reasonable time.

Councillor Piccolo commented that the planning permission had been granted 37 years ago and during this time the land had been used by residents. He continued by mentioning in his knowledge, that public use of this piece of land in the 37 years had never been restricted, and the Council had been cutting the grass for this time. He stated he thought it would now be public land and it couldn't be developed.

The Legal Representative advised clarity was to be sought as to the extant use of the land.

The Senior Highways Engineer explained the scenario existed for roads, however, was not aware if it was the same for open spaces.

Councillor Watson mentioned Tilbury was a floodplain in its own right and enquired as to what is the flood risk for that particular area. The Principal Planning Officer advised a response had been received from the Environment Agency and they didn't have any objections to the proposal. A flood risk assessment was carried out and set out mitigation measures, including the levels of the first floor to provide refuge to the potential residents and the Environment Agency were happy with the detailed included in the assessment.

Speaker statements were heard from:

- Statement of Objection: Lauren Chilves, Resident
- Statement of Objection: Councillor Steve Liddiard, Ward Member
- Statement of Support: Gary Taylor, Agent

During discussions, the Principal Planner clarified a Land Registry search was carried out and the land in question was in private ownership still and therefore owned by the developer.

Councillor Polley mentioned the thing that struck her on the site visit was how well maintained the space was. The residents hadn't asked for this to be given up for car parking, and obviously valued the space.

The Chair stated, Members would have to make a decision as to whether they had material reasons for refusal or whether they accept the application whether liked it or not. He continued by saying he didn't like the parking situation and that there was an argument to be had, that whilst it's not public open space, it has been used as open space by the residents.

Councillor Watson remarked she visited the site one evening, it was packed down both sides of that road with parked cars. She continued by saying she

was really worried about the hours of construction, not to mention the noise itself going on there without the size of the HGV's going through small roads.

Councillor Piccolo observed the space was central in this estate. He felt the intention was always that the land was to be green space for the estate, and regardless of what had happened, he thought it was made very clear that it should be maintained as green space for residents.

Councillor Arnold remarked he couldn't think of a reason to support the application. He stated it was a lovely piece of land, which was very well cared for and clearly had good use by residents.

The Chair thanked Members for their comments and sought if anyone wished to recommend the Officers recommendation. No Members recommend the application as per the Officers report, the Chair then sought an alternative recommendation.

The Assistant Director of Planning, Transport and Public Protection advised the Constitution was clear that an alternative recommendation would need to be out forward, which met with council policies. He further advised the NPPF made reference to open spaces and recreation and read the relevant sections from paragraph 98 and 99 to the Committee.

Councillor Piccolo suggested a recommendation of refusal as Members had seen evidence to show that the green space was utilised extensively by local residents. Looking back over the years whilst the Council might have maintained the fence and have cut the grass, the local residents had made sure that the open space had been occupied and used for the benefit of the local area.

He continued by stating other reason he thought needed to be looked into, was the fact that the space had never been built on and had always been used by the local residents, who obviously appreciate it.

The Assistant Director of Planning, Transport and Public Protection summed up Members views and confirmed there was enough reasoning for a refusal and sought the opinion of the Legal Representative who agreed. The Assistant Director informed Members that the precise wording of the decision notice would be drafted by Officers and approved by the Chair prior to issue.

Councillor Piccolo proposed a recommendation to refuse the application and was seconded by Councillor Watson.

For: (7) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Terry Piccolo, Sue Shinnick, James Thandi and Lee Watson

Against: (0)

Abstained: (0)

20. 22/00210/FUL: High Fields, Lower Dunton Road, Bulphan, Upminster, Essex, RM14 3TD

The report was presented by the Principal Planning Officer.

Councillor Polley sought clarity that the footprint of the application being discussed was the existing house and not the swimming pool or other outbuildings. The Principal Planning Officer confirmed that was correct and that the outbuildings were to remain. He advised the detached garage had been added since 1948.

During the debate the Chair stated it was quite a unique location and even though previous developments had been approved in the area, he felt the site in question was quite enclosed.

Councillor Shinnick mentioned she understood the application was going over the height of what was recommended for the green belt; however, she felt the new property would enhance the area.

Councillor Arnold confirmed he too was in complete agreement regarding comments on the Green Belt and further agreed it needed to be protected. He continued by stating he too thought it would enhance the area.

The Chair thanked Members for their comments and sought if anyone wished to recommend the Officers recommendation. No Member recommended the application as per the Officers report, the Chair then sought an alternative recommendation.

The Assistant Director of Planning, Transport and Public Protection advised the Constitution was clear that an alternative recommendation would need to be put forward, which met with council policies. He continued by advising Members the application was considered inappropriate development and was beyond what could be seen as a reasonable enlargement relative to the existing property. It was advised that the proposal conflicts with national and local policies.

The Chair of the Committee stated he felt the Committee had completed due diligence by visiting the site and although big developments had previously been approved for the area, in relation to the property itself, it was a very old, dilapidated property where the current bedroom sizes were not adequate for a present-day use. He continued by highlighting it was the opinion of the committee who had visited the site, that it is not unacceptably impacting on the neighbouring properties, and it would not cause harm to the surrounding area or views. He summarised by saying the design itself was very modern and would be environmentally friendly to which moderate weight could be added.

The Chair proposed a recommendation of provisional approval and was seconded by Councillor Shinnick.

It was agreed that the matter would be returned to the Committee after Officers had sought legal advice in respect of the proposal and the matters that Councillors deemed to represent very special circumstances. These included the visual impact being acceptable, other developments within the area, the condition of the building, the well being of occupiers, the environmentally friendly credentials of the proposal and the size of the plot. Each of these factors were afforded moderate weight.

For: (7) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Terry Piccolo, Sue Shinnick, James Thandi and Lee Watson

Against: (0)

Abstained: (0)

The Committee agreed to suspend standing orders at 8.15pm to allow the agenda to be completed.

The meeting was adjourned at 8.23pm and reconvened at 8.26pm

21. 22/00616/FUL: 63 Wharf Road, Stanford Le Hope, Essex, SS17 0DZ

The report was presented by the Principal Planning Officer.

Councillor Watson sought clarity on waste collection vehicles, as to how they would access the site given its strange layout. She continued by querying if an ambulance and a fire engine would be able to turn around. The Senior Highways Engineer explained the size 3 turning head was sufficient for several various service vehicles, fire engine or an ambulance to turn around. He commented he suspected with the size of the refuse vehicles they would have to reverse down as they do on smaller developments in the Borough.

Speaker statements were heard from:

- Statement of Objection: Keith Mager, Resident

The Chair advised the Statement of Objection from Councillor Shane Hebb, Ward Member had been circulated to all Members within the speaker statements booklet, however he was unable to attend the meeting.

Councillor Polley enquired as to whether there had been any history of appeals on the application. The principal planning officer advised the application submitted in 1988 was taken to appeal and the appeal was dismissed.

Councillor Watson commented she felt frustrated that application had been turned it down on several occasions for a number of reasons. She continued she personally don't like it overlooking a school or the other gardens and felt

there was an issue when it came to the emergency services being able to access the road.

Councillor Piccolo agreed with the comments raised and stated his major concern was the access on the Wharf Road, as it was substantially busier now with HGV's going up and down the road. He continued by saying nothing had changed from the last time, or the time before that when the Committee rejected the application.

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

For: (7) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Terry Piccolo, Sue Shinnick, James Thandi and Lee Watson

Against: (0)

Abstained: (0)

22. 21/01700/TBC: Inspire, 24 - 28 Orsett Road, Grays, Essex, RM17 5EB

The report was presented by the Principal Planning Officer.

The Chair thanked Officers for the report and commented he felt it was an incredibly positive application and a great scheme for the Borough.

Councillor Polley remarked that Members had seen an application earlier in the evening and spoke about infrastructure, and this application was another example of the needs of the Council's young people being put at the forefront. She further commented the fact that the Committee were able to consider an application which was providing more support services for young people was commendable.

The Chair proposed the officer's recommendation and was seconded by Councillor Shinnick.

For: (7) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Terry Piccolo, Sue Shinnick, James Thandi and Lee Watson

Against: (0)

Abstained: (0)

The meeting finished at 8.54 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**