

Minutes of the Meeting of the Planning Committee held on 13 February 2020 at 6.00 pm

Present: Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman, Angela Lawrence, David Potter, Gerard Rice, Sue Shinnick and Abbie Akinbohun (arrived at 19.22) (substitute for Sue Sammons)

Steve Taylor, Campaign to Protect Rural England Representative

Apologies: Councillor Sue Sammons

In attendance:

Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection
Jonathan Keen, Interim Strategic Lead of Development Services
Steven Lines, Senior Highway Engineer
Nadia Houghton, Principal planner
Chris Purvis, Major Applications Manager
Tom Scriven, Principal Planner
Caroline Robins, Locum Solicitor
Christopher Smith, Adults Social Care
Steve Plumb, Ecology Advisor
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.

66. Minutes

On minute number 62, Councillor Rice questioned whether his request regarding the list of approved planning applications at Committee and awaiting s106 contributions, had been circulated to Members yet. Officers confirmed this had been circulated that afternoon.

Councillor Rice went on to raise concerns on the number of Planning solicitors in Thurrock Council as he was of the understanding that one solicitor attended the Council once a week to sign off s106 agreements. Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection, reassured the Committee that the Council had two full time Planning Solicitors in house. Councillor Rice asked that an email be circulated to Members clarifying the level of legal resources available to support the Council's Planning department.

The minutes of the Planning Committee meeting held on 9 January 2020 was approved as a true and correct record.

67. Item of Urgent Business

There were no items of urgent business, however, the Chair mentioned that he had noticed that the planting at the former British Gas site on London Road that was under development looked a bit sparse. He had discussed with Officers who were following the matter up with the developer of the site. The Chair asked that Members be aware of similar incidences and to inform the Council's Planning department.

68. Declaration of Interests

Councillor Churchman declared a non-pecuniary interest on 19/01633/FUL as he was the Ward Councillor for Aveley and Uplands.

69. Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting

The Chair declared on behalf of the Committee that emails had been received relating to 18/00551/FUL from a resident in objection. For 19/01662/FUL, an information pack had been received from the Agent and an organisation in support of the application.

Adding to this, Councillor Fletcher declared that he had responded to the resident in objection to 18/00551/FUL but declared that he was of an open mind and would give regard to material planning considerations.

For 19/01864/FUL, Councillor Fletcher declared that he and Councillor Byrne was part of the Waste Management Working Group and had been briefed on the household waste project.

70. Planning Appeals

The report was presented by Jonathan Keen, Interim Strategic Lead of Development Services. The Committee was satisfied with the report.

RESOLVED:

That the Committee noted the report.

71. 18/00551/FUL - Land Adjacent Curling Lane Helleborine And Meesons Lane, Grays, Essex

The report was presented by Nadia Houghton, Principal Planner. There had been two further letters of objection to the application. One was in relation to the concern of badgers on the site which had been addressed on paragraph 1.2, page 24 of the Agenda. The other objection was in relation to the lack of

information available on surface water drainage which had been available but had not uploaded to the website correctly. The information had been re-uploaded and the information had been sent to the objector. The application was detailed in Appendix 1 and was a proposal for the construction of 8 x two bedroom semi-detached dwellings with associated access, car parking and amenity areas. Officer's recommendation was to approve the application subject to conditions for the reasons listed on page 36 of the Agenda.

The full details of the application can be found on pages 23 – 46 of the Agenda.

The Vice-Chair noted the information given regarding the proposed materials to be used that would give the dwellings a modern appearance and that the properties did not meet the amenity space requirements. He went on to mention other developments that had been rejected for not meeting the minimum amenity space requirements and questioned why this proposal had not been refused for the same reason.

Nadia Houghton explained that there was a variation of size with gardens in the proposed dwellings but the average amenity space overall was 57.2 sq.m. She went on to advise that the gardens of houses in the surrounding area were also similar in size. The proposed dwellings were located separately from properties on Meesons Lane and Badgers Dene. The design was different from the surrounding houses within the area because of its proposed modern design but given their location there was no objection to the difference in design.

Councillor Rice noted that there had been concerns on overlooking from other properties and mentioned that past planning applications had been refused before on the grounds of overlooking of properties. He went on to say that a condition should be embedded into this application to ensure windows were obscured to control overlooking from other properties.

Nadia Houghton explained that the proposed dwellings faced directly to Helleborine that was over the road but there was no overlooking due to the intervening distance. The proposed bathroom windows would be obscure glazed.

Councillor Rice sought reassurance on the concerns raised over the possibility of badgers on site. Nadia Houghton replied that she had visited the site with the Essex Badger Protection Group and whilst it had been established that there was an inactive sett on site, there had been no evidence of recent badger activity.

The Vice-Chair queried the time of the site visit. Nadia Houghton answered that the visit had taken place during the day but was aware that badgers were nocturnal. However, if there had been badgers on the site, there would have been evidence left behind by badgers but there had been none.

Councillor Lawrence asked if the experts consulted had spoken with residents and raised concern over whether there had been badgers on site. Nadia Houghton reiterated that a meeting had taken place involving the Council's Ecology Advisor, the Applicant's Ecology Consultant and representatives from the Essex Badger Protection Group, which included a joint site visit to examine the site for evidence of any badgers using the site. It was confirmed by all at the joint site visit that there were no badgers on the application site or any evidence of badgers.

Councillor Byrne mentioned that the email that had been circulated by the resident on objection had shown a photo of badgers on the site. He queried whether the photo taken could have been of another sett. Nadia Houghton replied that it was uncertain where or how the photo had been taken but confirmed it was unlikely that it was from the sett within the planning application site.

The Chair invited registered speakers to present their statements to the Committee.

A Resident, Joyce Tyler, gave her statement in objection.

Ward Councillor, Tony Fish, gave his statement in objection.

The Applicant, Stuart Oldroyd, gave his statement in support.

Steve Taylor, Campaign to Protect Rural England Representative, questioned the market cost for each proposed dwelling. Nadia Houghton answered that the Applicant had not given an indication on the proposed cost for the proposed dwellings.

Noting the number of objections to the proposal and concern over badgers on the site, Councillor Rice thought a site visit was needed to ensure that no badgers were on the site.

The Vice-Chair thought that it sounded like there was a possibility of badgers on the site despite there being no active sett there. He went on to say that he was concerned with the number of planning applications including this one that did not meet the minimum criteria. Some of the proposed dwellings in this planning application did not meet half the amenity space required and he commented that the potential people who would buy these properties would have young children who would need to be placed in the nearby schools. This would result in an increased pressure in those schools as the Ward Councillor had highlighted in his objection statement. The Vice-Chair stated that he would be voting against the proposal.

Councillor Shinnick agreed and stated that she was not in favour of the application. Councillor Lawrence also stated that she would be voting against the proposal and said that the area used to have more greenery which was disappearing over time. She believed that there were badgers on the site.

The Chair said that there were not enough reasons to refuse the application but noted that there were a lot of objections to it. He thought a site visit could have taken place last month when the application had been deferred. He stated he was in favour of the application as there were not enough planning reasons to refuse it but noted that material planning considerations had to be given as grounds for refusal.

Councillor Rice proposed the site visit. Councillor Shinnick seconded this.

For: (4) Councillors Colin Churchman, Angela Lawrence, Gerard Rice and Sue Shinnick.

Against: (4) Councillors Gary Byrne, Mike Fletcher, Tom Kelly and David Potter.

Abstained: (0)

The Chair used his casting vote to vote against the site visit. The site visit was rejected.

The Vice-Chair proposed an alternative motion to Officer's recommendation to refuse the application on the grounds that:

1. The appearance of the proposed dwellings was out of character with the surrounding houses in the area.
2. There was a lack of private amenity space and did not meet recommended requirements.

The Committee felt that other reasons of badgers on the site and that, the methodology used to calculate traffic flow was not applicable to Thurrock; should also be added as grounds for refusal. However, these issues had been considered by the consultees who raised no objection on these grounds and it was considered that these matters would not be supported as a refusal by the Planning Inspectorate in the event of an appeal. There had also been no objections from the Council's Ecology Advisor and from highways. These reasons were not added in the alternative motion to refuse the application.

Councillor Rice seconded the Vice-Chair's motion.

For: (7) Councillors Gary Byrne, Colin Churchman, Mike Fletcher, Angela Lawrence, David Potter, Gerard Rice and Sue Shinnick.

Against: (1) Councillor Tom Kelly.

Abstained: (0)

The motion was carried and planning application 18/00551/FUL was refused planning permission with the final wording for the two reasons for refusal to be agreed by the Chair.

72. 19/01662/FUL - Langdon Hills Golf And Country Club, Lower Dunton Road, Bulphan, Essex, RM14 3TY

Presented by Chris Purvis, Major Applications Manager, the report detailed the proposal of a hybrid application that sought planning permission for development on parts of the Langdon Hills Golf and Country Club. Since publication of the Agenda, Chris Purvis advised that Historic England had provided an additional consultation response advising that the application be recommended for refusal for a heritage reason which formed an additional reason of refusal to be included. Therefore reason number 8 for refusal was that:

- Insufficient information had been provided to demonstrate that the proposed development's impact upon all heritage assets affected as required by paragraph 189 of the NPPF. In the absence of such information, the Local Planning Authority were unable to fully assess the impact upon the significance of heritage assets that are affected by the proposed development, which were contrary to the requirements of the NPPF, and policies CSTP24 and PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

Chris Purvis advised that the Officer's recommendation was to refuse planning permission for the reasons listed on pages 124 – 125 of the Agenda.

The full details of the application can be found on pages 47 – 128 of the Agenda.

(Councillor Akinbohun arrived at 7.22pm and was unable to participate on this item as outlined within the Constitution, Chapter 5, Part 3, 13.5.)

Councillor Byrne commented that if the proposed care facilities were not included, the proposal would essentially be a village being built on the Green Belt. The Chair said that the information given on the application stated that the proposal was facilities for care and leisure uses.

Councillor Rice noted that there was a difference in opinions and highlighted the comments regarding the C2 and C3 use of the site within an information pack, that had been sent by a QC, on behalf of the Applicant, to Members. He sought a legal opinion on this. Chris Purvis said that Officers had received the Applicant's QC opinion and that the Council's Legal team had analysed the information and considered this alongside other planning applications stated within this information. The conclusion was that the developments stated were different to the planning application that was before the Committee.

Councillor Rice noted that a statement from the QC pointed out that the proposal was for a retirement village which would indicate a C2 use of the site. Chris Purvis replied that the proposal had been looked at in detail and indicated that the proposal was a health village and not a retirement village.

He referred the Committee to page 81 of the Agenda onwards which covered the proposal's details in C2 and C3 considerations.

Steve Taylor questioned whether the properties could be bought by someone who was under 55 years old. He went on to ask what controls were in place if the property was passed from an elderly person to someone under 55 years old. Chris Purvis replied that the requirement for properties to be occupied by people over 55 years old would be controlled through the s106 planning obligations.

The Vice-Chair sought details on Thurrock's current care facilities for dementia care. Christopher Smith, Programme Manager for Health and Social Care, said that there was an increasing need for dementia care and the service was planning for future needs so there would be availability of dementia care facilities in Thurrock.

The Vice-Chair asked why the Langdon Hills Country and Golf Club was not considered to be very special circumstances with the type of care homes provided as the Applicant had put forward. Chris Purvis explained that the suitability of the location had to be considered and in discussions with the Council's Adult Social Care Team, the location was isolated and not suitable for this use.

Councillor Lawrence asked if there were Green Belt sites being released through the Local Plan and felt that the Green Belt in Thurrock was being 'given away'. She commented that planning applications on Green Belt were inconsistent and thought that the application before the Committee would help Thurrock's elderly and provide dementia care facilities and should be considered for approval.

Chris Purvis replied that the current Core Strategy did not identify sites for applications similar to this one presented before the Committee. The Council had to consider some of Green Belt sites for more housing but that this was through the new Local Plan process and was a separate process to the determination of this application. The Council's preference was to place care facilities within more sustainable urban locations where there would be more supporting services and facilities.

Councillor Lawrence noted that the Applicant proposed to provide a bus service for the site. Chris Purvis explained that the planning application proposed an 8 seater shuttle bus service which would be for the estimated 300 people living on the site. However, this would be for a 5 year period and there had been no indication of a potential public bus route to the area. It was not clear what would happen after this 5 year period regarding funds for a bus service and it was likely that private cars would be used by the onsite residents.

The Committee further discussed the potential of a public bus route as it was highlighted that this could within the gift of the Applicant to consider to cover number 2 of Recommendation B on page 125 of the Agenda. However, the

fact remained that the location would still be isolated. The Committee queried if there would be s106 funds available for a public bus service and Officers advised that no financial contribution had been offered by the Applicant. If the application was to be approved, s106 funds would need to be acquired along with a permanent bus service operator.

Councillor Rice felt that there were reasons that could be used to depart from the officer's recommendation. He highlighted these reasons as:

- More jobs would be available and employment was needed within the Borough; and
- That Thurrock had an ageing population so facilities were needed for people to retire to.

Chris Purvis pointed out that the proposal outlined 4 keyworker apartments which did not suggest a lot of employment available and that this was not a factor that could be used for approval of the application. Councillor Rice said that the NPPF highlighted that employment was a reason for departing from policy in which Chris Purvis answered that this referred to the types of employment within the NPPF but this needed to be weighed up against other planning considerations.

Councillor Rice said that Thurrock had to meet the national government's requirement for the number of homes to be built and Thurrock had to consider their ageing population as there were a low number of suitable homes available for the elderly. He questioned if sustainability was a reason to depart from policy. Chris Purvis replied that the new Local Plan would identify where new homes could be developed through identifiable brown field and the likely release of Green Belt sites as part of the Local Plan preparation process in identifying the most suitable sites. He advised that the current Core Strategy was adopted in 2015 and advised that sustainability had been considered within this application and the location was not deemed to be sustainable.

The Committee discussed the need for a retirement village and some Members were of the view that the proposal was an opportunity not to be missed. However the reasons given to depart from the Officer's recommendation were not justifiable and that retirement villages were being looked at separately as part of the Local Plan process. The Committee also noted refusal reasons 3 and 4 and highlighted affordability as an issue.

The Chair invited registered speakers to present their statements to the Committee.

A Resident's objection statement was read by the Committee as the Resident was not present.

The Agent, James Bompas, gave his statement of support.

The Chair thought that a lot of information was missing from the application but the proposal offered a facility that Thurrock did not have. The Council

aimed to place the elderly in community areas but he thought that some elderly people would prefer a more isolated location which this proposal offered. He said that if the Committee was minded to approve the application and if it was brought back to Committee following process, then he would like to see more information on the application.

The Vice-Chair thought the idea of the development was good but was not sure if the application could be approved given the number of reasons for refusal as outlined in the Officer's report.

Noting that the proposal focused around health and wellbeing, Councillor Byrne felt that the proposal should have included options available for elderly council tenants as well. He thought the proposal was more or less a village and there would only be one 8 seater shuttle bus available which was on a temporary basis.

Steve Taylor pointed out that the proposal was a large development on the Green Belt and said that the Green Belt around Thurrock was narrow as confirmed by the Secretary of State and there was little Green Belt between Southend and London which was a big issue. He noted that the road leading into the golf club had a high traffic accident rate as it was used as a cut through road which was busy during the morning rush hours. He felt it was dangerous for elderly people to use this road into the site and would also add to the volume of traffic. He went on to say that the site was isolated and was not possible access without a car and then there was the issue of affordability of the care homes. He felt that the proposal was essentially building a village on the Green Belt.

Councillor Lawrence said that the application proposed a lifestyle facility which was not just for wealthy people. The elderly would be living in state of the art homes within a healthy area that would be good for their wellbeing so the application should be considered for approval.

The Committee discussed the proposal in that it was a retirement village that offered a lifestyle facility with state of the art homes for the elderly. Members said that the retirement village would improve the health and wellbeing of the residents that would reside there and that the retirement village was not just for wealthy people. Councillor Byrne felt the proposal was not for a retirement village but for a private healthcare village.

The Committee commented that the small lanes leading into the proposed retirement village would cause a problem with accessibility into the site. Members discussed deferring the application to enable the Applicant time to work with the relevant teams in the Council to overcome some of the reasons for refusal of the proposal.

Councillor Rice sought to approve the application and the Committee discussed the reasons for approval. The discussion revolved around the employment opportunities that would come out of the scheme; Thurrock's ageing population; and the lack of alternative suitable sites for the

development. The Committee also raised Thurrock's low housing supply as a reason to approve the application and Officers pointed out that this had been given significant weight within the report already. It was noted that some of the Consultees such as Sport England had raised no objection to the scheme as well.

The Chair asked Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection, for his advice on the alternative motion. Leigh Nicholson advised the Committee that there were 8 reasons for refusal and any alternative motion would have to clearly address each of the reasons. Leigh Nicholson advised that the factors put forward did not address the reasons for refusal. The Chair asked whether the contribution towards the Council's five year housing supply could be taken into account. Leigh Nicholson advised the Committee that this factor had already been taken into account and given Significant Weight; he drew Members attention to a table on page 98 of the agenda which set out the assessment of the Applicant's Very Special Circumstances case. Leigh Nicholson advised Members that the factors put forward did not address the first reason for refusal and there were 7 other reasons for refusal which would also need to be addressed.

Leigh Nicholson advised the Committee that the application could not be approved given the factors put forward and in accordance with the Constitution, it would be necessary to bring a report back outlining the implications of approving the application contrary to Officer's recommendation.

Councillor Rice proposed an alternative motion to Officer's recommendation which was a resolution to approve the application with the reasons being that:

1. There would be employment opportunities as a result of the finished facilities and that Thurrock needed more employment in the Borough;
2. Sport England had no objection to the proposal;
3. There was a lack of alternative sites for this type of development;
4. Thurrock currently had a low housing land supply and the scheme would contribute towards Thurrock's five year housing supply target; and
5. The proposal offered a unique type of development that would address the ageing population in Thurrock.

Councillor Shinnick seconded the motion.

(Councillor Akinbohun was unable to participate on this item as outlined within the Constitution, Chapter 5, Part 3, 13.5.)

For: (7) Councillors Colin Churchman, Mike Fletcher, Tom Kelly, Angela Lawrence, David Potter, Gerard Rice and Sue Shinnick.

Against: (1) Councillor Gary Byrne.

Abstained: (0)

The motion was carried. The Committee were minded to approve the application subject to a report being brought back to the next Planning Committee meeting outlining the implications of making a decision contrary to recommendation. In the event of approval, the decision would then be referred to the Secretary of State to consider.

73. 19/01633/TBC - Aveley Recreation Ground, High Street, Aveley, Essex

Presented by Tom Scriven, Principal Planner, the report sought planning permission for the installation of internal and external roller shutters to all windows and doors of the Aveley Village Community Hub along with external lighting in the car park and CCTV. Officer's recommendation was for approval subject to conditions for the reasons listed on page 135 of the Agenda.

The full details of the application can be found on pages 129 – 138 of the Agenda.

Councillor Churchman supported the application and said that the security proposed for the site was much needed.

Councillor Rice proposed the Officer's recommendation with Councillor Churchman seconding it.

For: (9) Councillors Abbie Akinbohun, Gary Byrne, Colin Churchman, Mike Fletcher, Tom Kelly, Angela Lawrence, David Potter, Gerard Rice and Sue Shinnick.

Against: (0)

Abstained: (0)

Planning application 19/01633/TBC was approved subject to conditions.

74. 19/01864/TBC - Household Waste And Recycling Centre, Buckingham Hill Road, Linford, Essex

The report was presented by Tom Scriven. There was an update in that new site plans had been provided which required an amendment to plan numbers in condition 2 on page 163 of the Agenda. A second update related to the deletion of Condition 11 on page 163 of the Agenda, as the contamination details submitted were acceptable.

The application sought planning permission for the extension and comprehensive redevelopment of the existing House Waste Recycling Centre (HWRC). The Officer's recommendation was to grant planning permission subject to referral to the Secretary of State and conditions for the reasons listed on page 162 of the Agenda.

The full details of the application can be found on pages 139 – 172 of the Agenda.

Councillor Byrne sought clarification on whether the bridleway on the other side of the road of the site would be affected to which Steve Lines, Senior Highways Engineer, confirmed that the bridleway would not be affected.

Councillor Byrne went on to comment that the scheme was 'brilliant' but would only work if there was enough funds to see the project through. He highlighted cost concerns in other projects ongoing within the Council. The Chair said that the Committee could only assume that there would be funds to support the scheme but could only look at the application on planning terms.

Steve Taylor sought clarification on the elevation of the ground level of the site as shown in the Officer's presentation. He questioned if the ground level was elevated on the field side behind the site to which Tom Scriven confirmed that it was.

Councillor Lawrence mentioned that the temporary traffic lights in place near the site often did not work and caused traffic congestion in the area. She asked whether a condition could be attached to the application to ensure the traffic lights were in consistent working condition. Steve Lines explained that the temporary traffic lights were under the control of Persimmon Homes who were developing a site near the application site. He went on to say that the temporary traffic lights had no bearing on the application that was before the Committee. Councillor Lawrence asked whether the application could be put on hold until the situation with the traffic lights was resolved. Steve Lines explained that the matter of temporary traffic signals and traffic management would have to go through the Network Management team. The current situation was in place to protect BT chambers and was awaiting reconstruction works of these chambers. He went on to say that the Council had no control over when BT would undertake these works that would allow for the road to be fully opened.

Noting that the traffic lights were causing congestion within the application's site area, the Vice-Chair questioned whether a condition could be imposed to restrict the timing of the planning permission to ensure the scheme was completed within a certain time frame. Tom Scriven explained that the issue arose from another development that had no bearing on the current application that was before the Committee. Therefore, such a condition could not be imposed and there had been no objection from Highways in the consultation stage of the application. He went on to say that the Applicant could decide to start the scheme later if the traffic light issue continued on but that would be within the gift of the Applicant to do so.

The Chair commented that the current use of the application site for waste disposal was risky and welcomed the scheme. He felt that the traffic around the site needed to be looked into.

Councillor Rice proposed the Officer's recommendation with Councillor Churchman seconding it.

For: (8) Councillors Abbie Akinbohun, Gary Byrne, Colin Churchman, Mike Fletcher, Tom Kelly, David Potter, Gerard Rice and Sue Shinnick.

Against: (0)

Abstained: (1) Councillor Angela Lawrence.

Planning application 19/01864/TBC was granted planning permission subject to referral to the Secretary of State and conditions.

The meeting finished at 9.11 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**