

Minutes of the Meeting of the Planning Committee held on 19 March 2020 at 6.00 pm

Present: Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick

Apologies: Steve Taylor, Campaign to Protect Rural England Representative

In attendance: Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection
Matthew Gallagher, Major Applications Manager
Matthew Ford, Chief Engineer
Caroline Robins, Locum Solicitor
Wendy Le, Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

75. Minutes

Referring to planning application 19/01662/FUL, Councillor Lawrence asked why the application had not come back to this Committee meeting. Leigh Nicholson, Interim Assistant Director of Planning, Transport and Public Protection explained that emails had been circulated to Committee Members outlining that a significant amount of new information had been submitted from the Applicant which required attention. The report was due to come back at the next available Planning Committee meeting.

The minutes of the Planning Committee held on 13 February 2020 was approved as a true and correct record.

76. Item of Urgent Business

There were no items of urgent business.

The Chair thanked Committee Members, Officers and members of the public for their attendance and reminded everyone to follow government guidance regarding the current Coronavirus situation.

77. Declaration of Interests

There were no declarations of interest.

78. 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 Members had received a phone call and email from the Agent in relation to planning application 19/01058/OUT.

79. Planning Appeals

The report was introduced by Leigh Nicholson. The Committee was satisfied with the report.

RESOLVED:

That the Committee noted the report.

80. 19/01058/OUT - Land part of Little Thurrock Marshes, Thurrock Park Way, Tilbury

The report was presented by Matthew Gallagher, Major Applications Manager. The report sought outline planning permission for a mixed residential and commercial development of up to 161 dwellings, 7,650 sq.m of Class B1(c)/B2/B8 floor space and ancillary development. Officer's recommendation was to refuse planning permission for the reasons listed on page 64 of the Agenda.

The full details of the application can be found on pages 29 - 66 of the Agenda.

Noting that Amazon was within the area, Councillor Lawrence asked if the site where Amazon was had previously been Green Belt. Matthew Gallagher confirmed that the site of Amazon had previously been Green Belt which had been promoted for development through the Core Strategy and therefore out of the Green Belt along with a few other sites.

Councillor Lawrence went on to ask how often the Core Strategy would be updated. Matthew Gallagher answered that the draft Local Plan had undergone 2 Issues and Options consultation stages. The recent Issues and Options Stage 2 consultation will inform the draft plan currently in preparation for future publication. Leigh Nicholson added that it would be 18 – 24 months for publication and advised Members that the timetable for the Local Plan had recently been presented to the Local Development Plan Task Force group.

The Chair noted that the previous planning application for the Little Thurrock Marshes site had been refused with a vote of 5 against and 4 in favour of the proposal. He noted that this had gone on to a public inquiry and the subsequent Inspector's report had supported the vote for refusal. He went on

to ask how Officer's had come to the conclusion in this current planning application to recommend refuse planning permission.

Matthew Gallagher explained that the previous planning application had been recommended for approval due to the benefits that the proposal had offered at the time and Members had taken the view on balance and rejected the application. This refusal had been tested during the public inquiry and the Inspector had been robust in their report and had not been satisfied that the harm to the Green Belt was clearly outweighed by the benefits. The Inspector's report was highly relevant to this current planning application before the Committee and helped to shape the Officer's recommendation for refusal.

Councillor Rice mentioned that the Tilbury 2 would be opening on 1 April 2020 which would result in the creation of thousands of jobs. This would then lead to a high demand for homes in the locality and he felt the proposed dwellings would accommodate this potential new demand. He went on to mention that Thurrock had a low housing supply and homes were needed. The Chair questioned whether the Port of Tilbury had been involved in the consultation process of the planning application.

Referring to page 38 of the Agenda, Matthew Gallagher highlighted paragraph 5.16 which contained Port of Tilbury's consultation response. There had also been further consultation with the Council's Highways Team and Highways England. As Highways England (responsible for the strategic road network) did not object to the proposals it was confirmed that Port of Tilbury's response objecting to impact on the Asda roundabout junction would not be enough to reject the application on highways grounds.

Regarding the number of jobs created from Tilbury 2 mentioned, Matthew Gallagher was unable to confirm whether this would be in the 'thousands' given the size and nature of Tilbury 2 but was aware that there would be some job growth. However, Officers considered that this was not enough to clearly outweigh the harm to the Green Belt.

Regarding the low housing supply mentioned, Matthew Gallagher said that the future Local Plan would identify new sites for housing developments. The Applicant had placed significant weight on housing supply but this factor alone did not clearly outweigh the harm that would be caused to the Green Belt.

Councillor Rice pointed out that Thurrock needed 32,000 homes and currently had an undersupply of homes to meet industrial needs. He took note that the Local Plan was where Green Belt sites should be released but stated that the Council had not called for development sites to be submitted. He went on to say that the Inspector had ruled on the previous application and that this current planning application should be judged on its own merits. He felt that this proposal would provide homes for people to be closer to their place of employment as Tilbury 2 would generate 4,000 – 5,000 jobs and people would walk to work, therefore air quality would be better.

Matthew Gallagher answered that the NPPF required a 5 year housing supply and that Thurrock's housing supply was below this target and that consented sites for housing development were being built-out. New sites to be identified through the Local Plan may include Green Belt sites which would be sieved and ranked for potential development according to sustainability and other factors. Potential new housing sites would also undergo a Green Belt assessment and Government guidance was clear that Green Belt sites had to be allocated through the Local Plan and not ad-hoc applications. Regarding the site, at appeal the Inspector had investigated the matter of housing land supply and had concluded that there were no clear benefits that clearly outweighed the harm to the Green Belt. Therefore, the Inspector's report was highly relevant to the current planning application.

Councillor Byrne queried the benefit of the commercial unit proposed within the planning application. Matthew Gallagher explained that Thurrock had a good amount of employment land but a number of these were occupied by large warehouses and buildings. There was a need for Small and Medium Enterprises (SMEs) in Thurrock and the Applicant had referred to this in the planning application. Parts of the site had permission for commercial development which were not implemented. The Inspector's report had highlighted some benefits offered to accommodation for SMEs.

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

A Resident, Tony Coughlin, gave his statement in objection.

The Agent, Ben Rogers, gave his statement in support.

The Chair commented that the current planning application was an improvement from the previous application that had been brought to Planning Committee in 2017. He highlighted the importance of the Inspector's report regarding this site. Councillor Byrne agreed on the importance of the Inspector's report and noting the objection statement given, he stated that he would not be supporting the application.

Councillor Rice noted the concerns raised on flooding in the site area with paragraph 5.2 on page 36 of the Agenda and said that Tilbury was well protected from flooding especially as the Port of Tilbury was reinforcing the flood gates in the area. He felt that Tilbury was a good area for growth and that Thurrock needed the housing supply and there was a deficit in social housing. He commented that the Applicant would provide education contributions as well.

Councillor Byrne said that the planning application should propose more dwellings within the application site and remove the proposal for the commercial unit as Thurrock needed more homes.

Councillor Lawrence felt that the focus needed to be on the current planning application as this application proposed more greenery and 35% of affordable

housing. She went on to say that Thurrock residents were waiting for homes and could not wait four and a half years for these homes if it was to go through the Local Plan process. Agreeing, Councillor Potter said that the previous application had not offered the 35% affordable housing as this current one did. The Vice-Chair said that a lot of weight had been placed against this current application which stemmed from the Inspector's report on the previous planning application but felt that this current planning application seemed to have been amended to account for those issues on the previous planning application.

The Chair proposed the Officer's recommendation to refuse planning permission which was seconded by Councillor Byrne.

For: (2) Councillors Tom Kelly (Chair) and Gary Byrne.

Against: (5) Councillors Mike Fletcher (Vice-Chair), Angela Lawrence, David Potter, Gerard Rice and Sue Sammons.

Abstained: (1) Councillor Sue Shinnick.

The Officer's recommendation to refuse planning permission was rejected.

Councillor Rice proposed an alternative motion in that the Committee was minded to approve the planning application for the following reasons:

- The opening of Tilbury 2 would create new jobs which would attract out of Borough workers that would result in a demand in local housing that the proposal could provide for.
- There was no flooding issue and that the Environment Agency had funds for flood defence in Tilbury.
- Thurrock needed social housing.

Councillor Rice went on to say that the Applicant had worked hard to reduce the number of issues from the previous planning application and had increased the number of green spaces on the application site. He added that connectivity had been improved in the proposal as well. The Chair pointed out the previous planning application had gone to appeal and felt that this current planning application should not be approved.

Councillor Lawrence seconded Councillor Rice's motion.

Leigh Nicholson referred Members to the Constitution Chapter 5, Part 3, paragraph 7.2. He went on to point out that the reasons given for the alternative motion had been considered within the report and that none of these constituted to Very Special Circumstances that would allow the planning decision to depart from planning policies. He went on to say that if the Committee was minded to approve the planning application, Officers would need to bring a report back to the next available Planning Committee meeting highlighting the implications of approving the planning application. Agreeing, Caroline Robins, Locum Solicitor, added that the Inspector's report from the

previous planning application was important but the current planning application had not changed that much from the previous planning application.

Councillor Lawrence noted that the registered speaker in support of the planning application had said that the site could potentially be released for development through the Local Plan. She questioned whether this could be added to the list of reasons for approving the planning application. Matthew Gallagher explained that any release of the site would be through the Local Plan process as covered in paragraph 7.65 of the report. The Council's Green Belt Assessment referred to by the supplicant would inform the new Local Plan but currently had no weight as a planning document. He went on to say that the document should not be relied on for this planning application either as it was in the early stages of the Local Plan. Referring to the date of 2024 given by the Applicant, Matthew Gallagher pointed out that a recent Government announcement for change to the planning system had referred to an end date of December 2023 for adoption of Local Plans which Thurrock Council would be working towards. Caroline Robins added that Members should making their decision based on planning considerations and not on the Green Belt Assessment.

Councillor Rice pointed out that Thurrock's residents are struggling for homes which would increase in demand through the creation of new jobs from Tilbury 2. He felt homes were needed now and not in a few years through the Local Plan process. He went on to say that the safeguard of the decision made on the planning application would be the Secretary of State.

Leigh Nicholson said that the planning application would be referred to the Secretary of State if the decision was to approve but the Secretary of State worked according to a set of criteria and the Committee should not rely on referral to the Secretary of State as a 'safety net'. Leigh Nicholson advised Members that he understood their concerns regarding the need for housing but this factor did not override the harm to the Green Belt and there had to be a combination of Very Special Circumstances to justify approving the planning application. He went on to highlight the danger of using the same arguments to approve planning applications on Green Belt sites.

Adding on, Matthew Gallagher said that as a similar scheme had been considered by an Inspector at a public inquiry there was a reasonable change that, if referred, the case would be 'called-in' by the Secretary of State. As any decision to approve the application would be made contrary to Officer's recommendation, this would have implications for the Local Authority as Officers would have to defend the reasons for a decision made contrary to Officer's recommendation. Regarding the 35% affordable housing, a viability assessment had not been undertaken to confirm the financial viability of the scheme and it was highly unlikely that, if needed, an assessment could be undertaken within a month before the planning application was due to be brought back to Committee. Matthew Gallagher went on to point out that the Inspector's report for the previous planning application had not been 'convinced' of the viability test that had been put forward for that previous planning application.

Regarding the delivery of the scheme, Matthew Gallagher highlighted that this planning application was for outline planning permission. If approved, there would be other planning applications for reserved matters coming out of this current application before the delivery of housing could be carried out, which could take a number of years. Caroline Robins added that it would be inappropriate for the Committee to rely on the Secretary of State as a safeguard and that Members should rely on planning policies to make their decision.

Councillor Rice reiterated the reasons for approving the application and said that Members had a duty of care to Thurrock residents to ensure they were provided with the housing that was much needed. He added that the Secretary of State would make their own independent assessment of the decision undertaken by Committee.

The Chair pointed out that 660 Thurrock residents had signed a petition that was against the proposal. Councillor Byrne added that as residents needed homes, beds could not be placed within a commercial unit either.

The Committee went to the vote on Councillor Rice's motion.

For: (5) Councillors Mike Fletcher (Vice-Chair), Angela Lawrence, David Potter, Gerard Rice and Sue Sammons.

Against: (3) Councillors Tom Kelly (Chair), Gary Byrne and Sue Shinnick.

Abstained: (0)

The Committee was minded to approve the application, therefore a report would be brought back to the next available Planning Committee meeting highlighting the implications of approving the application.

81. 19/01814/OUT - Tremorgan, Sandown Road, Orsett, RM16 3DD

Matthew Gallagher introduced the report by stating that there had been 6 late objection letters received and a petition with 22 signatures objecting to the planning application. The consultation response from the Flood Risk Manager objecting to the application had also been removed.

The report outlined that the application sought outline planning permission with all matters reserved for the construction of up to ten two-storey houses with associated amenity space, vehicular parking and landscaping. Officer's recommendation was to refuse planning permission for the reasons outlined on pages 79 – 80 of the Agenda.

The full details of the application can be found on pages 67 - 82 of the Agenda.

Regarding the low affordable housing, the Chair questioned how the Applicant aimed to resolve this. Matthew Gallagher explained that 35% of proposed homes should be affordable housing but this did not form part of the proposal. He went on to say that if the Applicant wished to discuss other ways to secure affordable housing, this would be a discussion for the Council's Housing team.

Councillor Rice said that he had visited the site which was complex and proposed that the Committee held a site visit to fully understand the development plans as there were also a number of units that were currently being built nearby.

Councillor Byrne noted the proposal stated up to 10 proposed dwellings and queried whether this could be lower such as 7 or 8 dwellings. Matthew Gallagher explained that the proposal requested outline planning permission which sought to reserve everything given within the planning application (access, appearance, landscaping, layout and scale). It was normal for planning applications to state 'up to 10' or a certain number and it was usually taken to mean that the application sought to build 10 houses or the number given.

Councillor Lawrence noted that the proposal outlined lacked certain details such as affordable housing and agreed a site visit would be ideal. She questioned whether this would also give time for the Applicant to clarify certain details within the application and sort through the reasons for refusal of the application. Matthew Gallagher answered that the Flood Risk Manager had withdrawn their holding objection but the issue of the Green Belt remained. He went on to say that if the application was deferred for a site visit, Officers would need to check if the site, where other units were being built could be visited. As there was also no offer for affordable housing, this would still form a reason for refusing the application.

Councillor Rice proposed a site visit and Councillor Lawrence seconded this.

For: (6) Councillors Mike Fletcher (Vice-Chair), Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

Against: (2) Councillors Tom Kelly (Chair) and Gary Byrne.

Abstained: (0)

Matthew Gallagher stated that the site was a construction site and would take a while to arrange a site visit.

This planning application was deferred for a site visit.

The meeting finished at 8.06 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**