

## Minutes of the Meeting of the Planning Committee held on 7 January 2021 at 6.00 pm

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

Steve Taylor, Campaign to Protect Rural England Representative

**In attendance:** Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection  
Jonathan Keen, Interim Strategic Lead of Development Services  
Matthew Gallagher, Major Applications Manager  
Chris Purvis, Major Applications Manager  
Nadia Houghton, Principal Planner  
Julian Howes, Senior Highway Engineer  
Lucy Mannion, Senior Planning Officer  
Caroline Robins, Locum Solicitor  
Wendy Le, 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 and recorded, with the video recording to be made available on the Council's Youtube channel.

### **77. Minutes**

Councillor Rice said that the figures quoted in the Planning Committee meeting on 26 November 2020 on the number of bungalows for sale in Thurrock was incorrect and asked that these be amended.

Subject to this amendment, the minutes of the Extraordinary Planning Committee meeting held on 19 November 2020 and the Planning Committee Meeting held on 26 November 2020 were approved as a true and correct record.

Councillor Rice raised the following queries on past planning applications as a decision had been made on some of these applications (Malgraves Farm) almost a year ago:

- Malgraves Farm – when would the s106 be signed off to enable the hospice to be handed over?
- Little Thurrock Marshes – update on the s106 conditions and whether the application had been sent to the Secretary of State.
- Woodside – whether the application had been sent to the Secretary of State.

Officers explained that a decision to approve made by Planning Committee contrary to Officer's recommendations to refuse followed a set of procedural steps to provide the required information for the Secretary of State before it was referred to the Secretary of State. This included Officers formulating conditions and agreeing these along with any s106 obligations with the Applicant, the Chair and the Assistant Director. Officers updated the Members on:

- Woodview – After the approval decision made by Members on 19 November 2020, the Agent was offered the opportunity to formulate conditions to speed the process along but Officers had not received a response. Officers would be following up next week.
- Little Thurrock Marshes – Officers had been in contact with the Agent regarding the conditions and Officers would be working out the conditions this week.
- Langdon Hills – There were outstanding conditions in relation to the health and social care elements of the agreement that was fundamental to the proposal. Officers would ensure these details were included and would be sending the response to the Applicant next week.
- Malgraves Farm – the Applicant had submitted an updated s106 agreement which had some slightly unexpected changes that Officers were reviewing. A revised draft would be sent back to the Applicant next week.

The Committee discussed the above applications further and Councillor Lawrence mentioned that the Agent for 20/01051/FUL had contacted her to let her know that they were awaiting a response from Officers. The Chair would liaise further with Officers outside of Committee.

#### **78. Item of Urgent Business**

There were no items of urgent business.

#### **79. Declaration of Interests**

Councillor Churchman declared an interest on 20/00592/OUT The Springhouse, Springhouse Road, Corringham, Essex, SS17 7QT as his family were members of The Springhouse Club. He would remove himself from participating and voting on the application.

Steve Taylor declared an interest on 20/00592/OUT The Springhouse, Springhouse Road, Corringham, Essex, SS17 7QT as he was a member of The Springhouse Club.

#### **80. 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**

On behalf of the Committee, the Chair declared:

- Receiving an email on 20/00242/FUL from Councillors John Allen and Martin Kerin, who both supported the application.
- Receiving an email on 20/00957/FUL from John Gatrell in relation to the access road being improved.

## **81. Planning Appeals**

There were no questions or comments from Members.

### **RESOLVED:**

**That the report be noted.**

## **82. 20/00905/FUL Land Part of St Cleres Hall Adjacent to James Court, Stanford Road, Stanford Le Hope, Essex (deferred)**

The report on pages 37 – 60 of the Agenda was presented by Lucy Mannion.

Councillor Lawrence asked whether a solution had been provided for the issues at the traffic light junction where cars were 'bumping up' the kerb to park in front of the site. She also asked if the Applicant had provided Very Special Circumstances (VSC) as the site was on Green Belt (GB). Lucy Mannion explained that the highways issue had been considered at the site visit and that it was an existing right of way due to the garages adjacent to the site. The issue of cars 'bumping up' the kerb had stopped and had happened a few times previously. She went on to say that the site was GB but needed no VSC as it fell within an exception in the NPPF so did not constitute inappropriate development in the GB.

Councillor Sammons did not feel the issue of cars 'bumping up' the kerb had been resolved as she had seen a large lorry on the site visit 'bump up' the kerb for a delivery. The Chair sought clarification on the bins collection point; access to the site; and if a taller fence had been installed. Julian Howes explained that a knee high rail had been installed and that the temporary access from London Road would be turned into landscaping. Following on from that, a new rail would be installed at the end where it joined to London Road, to prevent vehicles from driving onto the grass verge. The Highways Team was unable to do this yet as vehicles were allowed to access the temporary car park there.

Regarding the bins collection point, Lucy Mannion would look into this. The Chair thought the landscaping of the temporary access would resolve the bins collection issue. He went on to say that the application was to be approved, it would be on the proviso that the bins collection issue and access issue would be resolved. The Committee further highlighted their concerns over the access which they felt should be resolved and that road infrastructure was important. Members felt the application should be deferred to enable the Applicant to resolve these issues. Councillor Lawrence felt the proposal was

not in keeping with the area or with St Clere's Hall which was next to the site and built in 1735. She questioned the development position of St Clere's Hall. Members also questioned whether the access could be blocked off to enable the users of the garage to access it only.

Julian Howes explained that currently, users were using the access road that was in front of the properties on London Road which was over a drop kerb and there was no 'bumping over' kerb as it had been stopped. Once the development was completed, access to the development would be via the existing St Clere's Hall golf course and if needed, fencing would be installed at the end of the grass area to prevent access from that direction entirely.

Lucy Mannion added that the access had a right of way for users of the garage which was wide enough for delivery vehicles but the access could not be blocked off. She said that St Clere's Hall was a listed building so could not be developed and that factors outside of the site's red line boundary could not be considered within this application. She mentioned that the Council's Enforcement Team had gone to the site and the area where there had been issues of cars parking there. Fencing had been installed there for a few months now and this issues was now resolved and people were parking around the rear of the site now.

Councillor Byrne said that he was currently receiving emails from people that stated that cars were still parking in that area. Councillor Sammons said that she was told that vehicles would still be able to access the first two properties on that access road even if fencing was installed there. She commented that the access for the last house on that block should not be applicable to the proposed dwellings and that vehicles should be accessing at the back where there was ample parking.

The Chair commented that car parking was an issue that most developments faced. He questioned how the developer could resolve this as it was outside the site's red line boundary and whether this was a Council issue. Lucy Mannion answered that it was not a Council issue and the application could potentially resolve the situation with the conditioned landscaping scheme and fencing. It would be difficult to stop delivery vehicles from using the access road but the residents on the adjacent development should be accessing round the back of the site as the Applicant had to close off the front area as enforced by the Council's Enforcement Team. If the fences had been removed, the Council's Enforcement Team would need to visit the site again.

Councillor Lawrence thought the car parking issue lay with the Applicant and not the Council. She felt the application was an 'add-on' application and was not part of the original planning permission with the first development. She thought that landscaping had been part of that first development as it was supposed to blend in with St Clere's Hall but the Applicant was now choosing to add more homes in which would cause more issues as people were accessing the area regularly. She felt that there would be an increased burden in the area at the traffic lights junction and was concerned it would affect emergency vehicles if they needed to use it.

The Chair proposed the Officer's recommendation of approval and there was no seconder. The Officer's recommendation of approval was rejected.

Members proposed that the application should be deferred to enable the Applicant to find a practical and agreeable solution for the access road issue and for more car parking spaces. Councillor Rice proposed this and was seconded by the Vice-Chair.

*(Following Chapter 5, Part 3, para. 13.5 of the Constitution, Councillor Churchman could not participate or vote on this item).*

**FOR:** (7) Councillors Tom Kelly, Mike Fletcher, Gary Byrne, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

**AGAINST:** (1) Councillor Angela Lawrence.

**ABSTAINED:** (0)

The application was deferred.

**83. 20/00957/FUL Barmoor House, Farm Road, Chadwell St Mary, Essex, RM16 3AH (deferred)**

The report on pages 61 – 80 of the Agenda was presented by Nadia Houghton.

Members raised queries over the collection point for the bins as the photos in the Officer's presentation showed bins in the proposed vehicular access road. Members questioned whether the refuse vehicles could reverse into that road and drive back out. Members mentioned that an email received by the Committee from the Applicant, John Gatrell, had suggested that the bins could be moved closer to the site's entrance and asked if bins could be left at the entrance to the site.

Nadia Houghton explained that the bins that were currently on that road related to the new build bungalows and was serviced from Farm Road by a refuse vehicle. The proposed development was to the rear of that site and it was expected that refuse collection would be serviced entirely from its own site. She was unable to comment on John Gatrell's email as Officers had not received this. She went on to say that there had been no other details received in regards to bin provision from any other location on the site. It was not ideal for refuse vehicles to collect bins from Farm Road as it could lead to further congestion on the road given the proposal could result in a total of fourteen dwellings located on this short stretch of road that would cause congestion and potentially block off the access and the road. Julian Howes confirmed that the Highways Team had asked the Applicant to clarify if vehicles could get into the access road and be able to turn around to get out but had not received further details on this. If vehicles could do this, the

Highways Team would find this acceptable as long as there was also appropriate visibility when vehicles exited the development as well.

Members commented that the issue of the refuse vehicles accessing that road could be resolved through s106 planning conditions if the application was approved and that the issue of the GB had to be considered. Members pointed out that some refuse vehicles stopped in the middle of the road to collect bins and Farm Road had little traffic and it would not be likely that all 14 cars would exit the site simultaneously. Steve Taylor mentioned that he had seen a refuse vehicle u-turn in the road and reverse down Farm Road before coming forward to pick up the bins.

Nadia Houghton clarified that she had referred to the 14 dwellings in her presentation earlier and not 14 cars. The concern was that the proposal had inadequate access that enabled servicing of the site and general access to the site. She went on to explain that the second reason for refusal was not in regards to bin access or storage, it was about the safety of the access in Farm Road which was a narrow road that was not wide enough for refuse vehicles to swing into. There were highway safety concerns despite the adept and creative driving undertaken by refuse vehicle drivers.

Councillor Sammons mentioned that photos had been received that showed the road had been widened. Nadia Houghton answered that no further details had been received from the Applicant and she referred Members to a recent photo of the road which showed that Farm Road had recently been resurfaced and showed a passing space or layby but was single width. Councillor Rice commented that this showed the road had been widened and thought that two cars could fit on the road.

Steve Taylor commented that the original development had proposed development at the front of the site to gain approval and had not included the rear of the site that was GB as a whole application which may or may not have been accepted. He thought the approach that the Applicant had taken was distasteful.

Councillor Lawrence did not think the site was an open GB site as it was enclosed so it was not a usable site. The proposal was for bungalows for over 55s which was needed and she had seen inside the proposed bungalows which were specific and laid out well for people who wanted to retire in a quiet area that was off-road. She thought this was an exceptional circumstance.

Councillor Rice pointed out that the Council did not have a five year housing supply; no 20% buffer; and failing on its yearly housing targets. He said that Members recognised the harm to the GB but also that elderly people had the right to live in custom built homes. There were accessible facilities close by on Defoe Parade so the site's location was not remote. Thurrock also had an elderly population that was expected to increase and there had been no local objections.

Caroline Robins said that if Members were minded to approve the application, the balancing exercise had to be undertaken and Members must acknowledge the harm which Councillor Rice had mentioned. However, Members had to address both reasons for refusal which was that the harm was substantial to the GB and that the visibility display was insufficient.

The Chair proposed the Officer's recommendation of refusal and was seconded by Councillor Byrne.

*(Following Chapter 5, Part 3, para. 13.5 of the Constitution, Councillor Churchman could not participate or vote on this item).*

**FOR:** (3) Councillors Tom Kelly, Mike Fletcher and Gary Byrne.

**AGAINST:** (5) Councillors Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

**ABSTAINED:** (0)

The Officer's recommendation of refusal was rejected.

Councillor Rice said that Members recognised the harm to the GB and proposed to approve the application for the following reasons:

1. The Council did not have a five year housing supply/buffer/ failing housing targets;
2. The application would provide employment through the construction phase;
3. The location benefits from local amenities;
4. Lack of provision for older people's accommodation in the Borough;
5. The site is on a bus route.

Councillor Rice added that the second reason for refusal could be addressed by deferring the application so it would provide opportunity for the applicant to provide Officers with the requested information relating to the access arrangements, which would enable Officers to consider the acceptability of the access and / or the appropriateness of using a condition.

Councillor Lawrence added that:

6. Exceptional build quality for older person accommodation

Leigh Nicholson referred Members to the Constitution Chapter 5, Part 3, section 7 and said that the reasons given were generic and it was unclear what weighting had been given to justify why the development should be approved on the GB. He highlighted that the Applicant had not put forward that the proposed bungalows would be for over 55s and the reasons Members had given did not constitute VSC. If Members were still minded to approve the

application, a report would be brought back to Members as per procedures to highlight the implications of approving the application contrary to Officer's recommendation of refusal. The Case Officer would also need to liaise with the Applicant in regards to the access arrangements as an s106 could not be used for this but a condition would be an appropriate mechanism.

Councillor Rice proposed the alternative motion and was seconded by Councillor Lawrence.

*(Following Chapter 5, Part 3, para. 13.5 of the Constitution, Councillor Churchman could not participate or vote on this item).*

**FOR:** (5) Councillors Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

**AGAINST:** (3) Councillors Tom Kelly, Mike Fletcher and Gary Byrne.

**ABSTAINED:** (0)

As Members were minded to approved the application, a report would be brought back to Members as per procedures to highlight the implications of approving the application contrary to Officer's recommendation of refusal.

**84. 20/00623/FUL Waterworks, High Road, Fobbing, Essex, SS17 9JW (deferred)**

The report on pages 81 – 156 of the Agenda was presented by Chris Purvis. An updated version of Appendix 1 was circulated to Members and uploaded on the Council's website.

*The Committee agreed to suspend standing orders at 8.17pm to enable the Agenda to be completed.*

Councillor Rice noted that Network Rail did not have objections to the application and he asked if the half barriers were sufficient for 170 new houses. He said that Members objected to the half barriers and asked whether a s106 condition could be added to resolve this issue. He noted that it was mentioned that there were 400 lorry movements a day although some Members did not see a lorry move whilst on the site visit. Chris Purvis explained that Network Rail was responsible for the railway barriers and that the Council had been in contact with Network Rail to establish whether they would install alternative barriers. Network Rail confirmed that they had no objection and were not looking to change the barriers so Members would be determining the application with the barriers as they were. The half barriers were the responsibility of Network Rail and the Council had no authority to change these so adding an s106 condition would be difficult. He went on to explain that there could have been lorry movements seen on the other Member site visits *(Clerk's note - these had been separated into groups following national government guidelines in the COVID-19 pandemic)* and that

the movements stated within the report was accurate and had been considered as part of the Officer's recommendation.

Councillor Shinnick supported the proposal. She was pleased to see that the access had been moved further along the road which would take the pressure away from the railway barriers. Councillor Lawrence thought the access was still too close to the bend so an accident could still occur particularly when the barriers were down. She was still concerned on the half barriers particularly as foot traffic would increase with the development and she suggested that the Applicant could contribute some funds towards full barriers. She also disputed the lorry movements as the site was run down and did not have much activity although this would increase if the development was there. She sought clarification as to why Basildon Council objected to the application as she objected to the application for the reasons of the half barriers being in place and the increase of traffic that the development would have an impact on the roundabouts in the area. She also pointed out that the affordable homes proposed was near the railway line which was not a nice location. She thought the application could be approved with certain conditions otherwise it should be deferred until the issues she mentioned was resolved.

The Chair pointed out that the half barriers were Network Rail's responsibility and could not ask for the Applicant to contribute funds for a new barrier and that the access had been moved to a more suitable location. The Vice-Chair agreed and said that there were similar sized developments with similar crossings so it should not be a reason to refuse the application. He suggested that Members could make representations to Network Rail to ask that they consider investing properly in the railway barriers. Chris Purvis explained that the option of contributing funds towards full barriers had been discussed with Network Rail but they were clear that they would not replace the half barriers. He said that there were no objections from Network Rail so was unsure what a letter representation could do.

The Vice-Chair questioned whether the Applicant was confident that the half barriers in place would be sufficient given that the site was going to have an increase in people using the crossing particularly on foot. He also sought this assurance from Network Rail. The Chair added that the letter would highlight Members' concerns over the half barriers and it would be an issue for Network Rail to address. He went on to say that if Network Rail chose not to address the concerns, then they would be liable should a situation occur on the crossing. Chris Purvis said that Members' concerns could be raised with Network Rail again. He advised that Members may wish to do this before determining the application and defer the application because once approval was given, it would be difficult to resolve those concerns afterwards. Leigh Nicholson said that a letter could be sent to Network Rail with Members' concerns.

Councillor Byrne said that the site was a scrapyard which the Agent had said would take a year to clear and that there were no objections. He thought affordable housing in Fobbing was not possible and that the £66,000 NHS contribution was an insignificant amount. However, he felt the location was

great for the SS17 postcode so he was supportive of the application. Councillor Lawrence reiterated her concerns and said that the relevant parties needed to work together to ensure the crossing was safe before an approval.

*The meeting was adjourned at 8.37pm due to technical issues and recommenced at 8.45pm.*

Councillor Potter and Rice also highlighted their concerns on the half barriers and suggested that the Council and the Applicant contribute funds to Network Rail to enable them to make the crossing safer. The Committee discussed deferring the application to enable the issues to be resolved and it was highlighted that the pressure was on Network Rail and not the Applicant as the Applicant would not be able to do anything with the half barriers. The Vice-Chair suggested that Network Rail show statistics to show if the half barriers they had in place were sufficient which would provide reassurances to Members.

Leigh Nicholson explained that there were no objections from Network Rail and the Council could not force them to make changes to the half barriers which were the responsibility of Network Rail. Planning conditions and s106 could only be used to make a development acceptable in planning terms which needed a harm to be mitigated and an objection to address. As there was no objection from Network Rail, there were no grounds for the Council to put in a condition or offer funds from the development towards the objection. He said that a letter would be sent to Network Rail as Members requested and the wording of the letter would be cleared with the Chair. The letter would highlight Members' concerns and request for the crossing to be improved for the safety of pedestrians. Officers would liaise with the Applicant and potentially have a joint letter sent.

The Chair proposed the Officer's Recommendation A and was seconded by Councillor Shinnick.

*(Following Chapter 5, Part 3, para. 13.5 of the Constitution, Councillor Churchman could not participate or vote on this item).*

**FOR:** (4) Councillors Tom Kelly, Mike Fletcher, Gary Byrne and Sue Shinnick.

**AGAINST:** (4) Councillors Angela Lawrence, David Potter, Gerard Rice and Sue Sammons.

**ABSTAINED:** (0)

Following Constitutional procedures, the Chair had the casting vote in a tied vote and Recommendation A was passed.

The Chair proposed the Officer's Recommendation B and was seconded by Councillor Shinnick.

*(Following Chapter 5, Part 3, para. 13.5 of the Constitution, Councillor Churchman could not participate or vote on this item).*

**FOR:** (4) Councillors Tom Kelly, Mike Fletcher, Gary Byrne and Sue Shinnick.

**AGAINST:** (4) Councillors Angela Lawrence, David Potter, Gerard Rice and Sue Sammons.

**ABSTAINED:** (0)

Following Constitutional procedures, the Chair had the casting vote in a tied vote and the application was approved. Officers would send a letter to Network Rail as mentioned.

**85. 20/00242/FUL Tilbury Football Club, St Chads Road, Tilbury, RM18 8NL**

The report on pages 157 – 202 of the Agenda was presented by Matthew Gallagher.

The Chair thought the proposal was good but questioned why there were no affordable homes. He noted that 1.7 car park spaces per dwelling was suggested and that the site was not near a train station. He questioned if car park spaces could be increased. Matthew Gallagher confirmed that there was no affordable housing and it was not a factor that weighed in favour of the proposal. The cost of a new football stadium was a factor and the viability assessment had showed that there was no money left over for affordable housing. If Members sought to approve an application without affordable housing, the Council's Core Strategy highlights that this would could be justified through a viability appraisal. But Members were reminded that this case was different to previously approved GB applications where Members had highlighted the need for affordable housing and this factor had been promoted as contributing to very special circumstances.

Regarding car parking spaces, Matthew Gallagher referred to the table on page 160 of the Agenda and said that the detailed level of car parking provision would be settled through any reserved matters submission. However, the Applicant was not seeking that detail at this stage, they were seeking an upper limit to number of residential units which was 112. The residential layout plan was indicative and so was the number of car parking spaces of 192. If Members were minded to approve the application, a planning condition could be implemented to address car parking to ensure that the reserved matters were in line with the Council's car parking standards. He went on to say that the site was not a town centre location but was also not remote and said that if Members were minded to approve the application, they could consider travel plans to reduce any potential overspill from residential parking. Officers were satisfied that there was adequate car parking for the football stadium.

Councillor Lawrence noted the points relating to flood risk and said that there were no objections from the Flood Risk Manager and also that Amazon was

built in the same area. She accepted the harm to the GB but said that there were VSC to approve the application. She referred to a photograph of the GB which was opposite the junction of the A126 that she had sent to Members of the Committee and stated that the GB could look like that picture if it was not sorted out. She went on to say that she was supportive of the application and said that the VSC was that the football club had been there since the 1950s and was the only location that it could continue in. There were also health and wellbeing benefits and an opportunity for the Martial Academy Trust to relocate here. She said that the stadium would improve the area as well. Matthew Gallagher stated that Members needed to consider the application before them that was before the Committee only and he was unable to comment on Councillor Lawrence's picture as it was not presented to Officers earlier and without knowing the full planning history of the site, but welcomed Members to send queries on other sites or planning applications to the planning department. Councillor Lawrence felt the picture affected the current planning application as it could affect the look of the area that the site was within. The Chair acknowledged Councillor Lawrence's point and pointed out that the current application's site had to be considered within its boundaries.

Councillor Shinnick was supportive of the application and said that Tilbury needed the infrastructure instead of warehouses again. The Vice-Chair agreed and said that there was a flaw in GB thinking. Although Members recognised the harm to the GB, he said that this application was not similar to other GB applications where it was proposed homes on the GB. He felt that insufficient weight had been attributed to some of the harm in the table on page 188 of the Agenda:

- 'Securing the long term future of Tilbury Football Club' had been stated as one of the strategic objectives of the Council's current administration to ensure that all sports clubs in Thurrock had a 'decent home' which should be given moderate weight.
- The 'Community benefits' and 'Health and Wellbeing benefits' should have significant weight as statistics showed that there was a lower life expectancy and deprivation in Tilbury. Before the COVID-19 pandemic, the Council had been encouraging people to be active and this proposal was in line with this.

The Vice-Chair noted that material planning reasons would be required if Members were minded to approve. He said that these would be:

- Securing the long term future of Tilbury Football Club which was part of the Council's key strategy.
- The health benefits for the local community was part of the Council's key strategy and an identified significant need in Thurrock.

Most of the Members were supportive of the application. It was said that there were no flood issues raised so Officer's flood concerns should not be considered (Members were reminded that, subject to conditions, there were no flood risk objections); Thurrock Council did not have the funds to build a

new stadium; and; Tilbury deserved a new stadium that would be an asset where most young people would play and could help to deter crime.

Steve Taylor said that he objected to building on the GB but he noted the benefits of the proposal for Tilbury residents. Councillor Byrne pointed out that not much consideration had been given to affordable homes and commented whether Tilbury residents would be in a position to afford unaffordable housing.

The Chair agreed and said that Rightmove showed properties in Tilbury were of a lower value which needed to be taken into account. He also said that the views were not brilliant as the Amazon warehouse was north of the site and questioned what was to the south of the site as he wondered whether the costs for the proposed dwellings would be reasonable. Matthew Gallagher answered that it was a showmen's homes site and a general purpose residential site after. The Chair queried what was to the side of the site and Councillor Rice answered that it could be a travellers' site to the left upon entering Tilbury though he was not completely certain. Councillor Lawrence pointed out that herself and Councillor Liddiard had complained about the area as there was pony and track racing that was hazardous along with the selling of food on the site.

Referring back to Members' comments, Matthew Gallagher explained that the flood risk issue had not been raised as an objection and the application was to be considered on GB harm. He said that viability applied to every development proposal that the Council dealt with and if an application was not financially viable, the development would not be built. In regards to Amazon, the site was formerly within the GB which was removed through the Core Strategy (2011) through a planned release. It was also removed from the highest flood risk area. On affordable housing, he said that there was no affordable housing due to viability issues but the Council's policy enabled Members to consider the application on that basis. He reminded Members of the balancing exercise where harm had to be considered and substantial weight put on the harm. Harm had to be clearly outweighed by other considerations for VSC to exist.

The following speaker statements were heard:

- Statement of Objection: Leigh Prosho, Resident
- Statement of Support: Steve Liddiard, Ward Councillor
- Statement of Support: David Maxwell, Agent

Councillor Rice said that Tilbury was the forgotten part of the Borough and referred earlier to the weight given to the table on page 188 by the Vice-Chair. He pointed out that the Council did not have a five year housing supply; no 20% buffer; and failing on its yearly housing targets. He noted no objections on flooding issues but the Environment Agency and Flood Risk Manager requested suitable conditions to be added which he thought had significant weight. Health benefits were also important and the stadium would join Chadwell St Mary and Tilbury together. Sport England had no objections and

the site was previously developed land. The stadium would provide a home for the Martial Arts Academy.

The Chair noted that the resident's speaker statement had raised issues of water pressure and questioned if the stadium could use a different water source. Matthew Gallagher answered that the stadium would have a plastic pitch so would not need water. He went through the weight that Members had attributed to the table on page 188 and said that 'Securing the long term future of Tilbury Football Club' was not a VSC as every football club wanted to be financially stable. He went on to explain that if Members were minded to approve, the focus should be on community benefits; health and wellbeing benefits; and five year housing supply. Caroline Robins added that Members could not use 'Sport England has no objection' as a reason as a negative could not be used as a positive. She reminded Members to acknowledge that there would be substantial harm to the GB before giving weight to the reasons that outweighed that harm.

The Vice-Chair said that substantial harm to the GB was acknowledged and that the reasons for Members minding to approve the application was that there would be community benefits and health and wellbeing benefits which carried significant weight. Contrary to Officer advice, Councillor Rice felt that 'Securing the long term future of Tilbury Football Club' should still be afforded moderate weight and 'Enabling development' as significant weight as the developer was contributing a large sum of money to build a new stadium which was why there was no s106 agreements (n.b. a s106 agreement is required). He agreed with the Vice-Chair's weighting and said that there was no five year housing supply; no 20% buffer and there would be employment through the construction phase. The Chair pointed out that the large sum of money was also for the housing development that would be behind the stadium. He raised concerns on the density of the site for housing and that there would not be enough parking available. He did not wish to see residents in the area to be affected by overspill parking.

Matthew Gallagher reiterated his explanation earlier (*Clerk's note – paragraph 3 under this application*) in regards to car parking. Regarding the Chair's concerns on density, Matthew Gallagher said that it was 55 dwellings per hectare which the Council sought through one of its Core Strategy policies and the proposed housing was close to this figure. However, the site layout was indicative.

The Vice-Chair proposed the alternative motion to approve the application and was seconded by Councillor Rice. The reasons were summed up as:

- There would be community benefits and health and wellbeing benefits which carried significant weight.
- 'Securing the long term future of Tilbury Football Club' had moderate weight.
- 'Enabling development' had significant weight.
- Employment of the construction phase – planning obligations to include apprenticeships/training opportunities for Tilbury residents.

As the application proposed building on the GB, if approved, it would be subject to the usual steps of referral to the Monitoring Officer, drafting of s106 and then referral to the Secretary of State.

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

**AGAINST:** (0)

**ABSTAINED:** (0)

**86. 20/00827/FUL Former Ford Motor Company, Arisdale Avenue, South Ockendon, Essex, RM15 5JT**

The report on pages 203 – 240 of the Agenda was presented by Chris Purvis.

The Chair mentioned that he had seen a news article with a headline of ‘More Homes, Less Money for the Community and Fewer Affordable Dwellings’ which was in relation to this application. Chris Purvis answered that the article was factually incorrect as there was an existing outline planning permission and s106 that required contributions as part of a tariff approach. There was a viability assessment on this application and it was identified that the figures were not similar to the required contributions in the existing s106. Phase five had identified one block of flats for affordable housing which was 10%, the same as earlier phases within the Arisdale development due to the site being brownfield land and a former commercial use. The 31 houses that would have been on this site, would not have been for affordable housing and through a viability assessment, the current proposal offered 6% of the apartments for affordable housing. Although there were more homes proposed resulting in a higher density development, the plans had been carefully designed in terms of layout and scale to avoid overdevelopment. He went on to say that the proposal would make the best use and most efficient use of the land and along with other considerations mentioned, the scheme was considered acceptable.

Councillor Rice expressed disappointment at there being 6% affordable housing as he thought that an increased density should give at least 25% affordable housing if 35% was not possible. He felt the proposal offered no benefit to the community. Chris Purvis explained that if brownfield sites did not meet affordable housing policy then the policy allows for a viability assessment to be provided by the applicant. The viability assessment had been assessed by an independent reviewer and during the application process further work on the viability position was undertaken by the viability consultants for the applicant and the Council. The independent viability consulted advised the Council that 6% affordable housing was the most affordable housing that could be offered. He went on to say that earlier phases of the Arisdale development had only 10% and that the original outline planning permission had a clause in the s106 that allowed for viability testing.

The Vice-Chair queried whether an independent reviewer had ever disagreed with a viability assessment. He also questioned whether the Applicant could invest in improving the road at the top of Arisdale Avenue as it had deteriorated with the use of heavy vehicles using that road. He also said that if the development was approved, the road would further deteriorate with the extra movement of vehicles for the site development. Chris Purvis answered that independent reviewers had disagreed with viability assessments on sites in the past. This application's viability assessment had required additional work from the Applicant through the application process to address certain points including land values. He said that land values in Thurrock were relatively low which caused difficulties in making schemes viable and achieving policy compliant levels of affordable housing amongst other issues. Regarding road improvement in Arisdale Avenue, he said that the viability assessment showed that there was no money available for anything else other than the 6% affordable housing and the other contributions detailed in the report. Julian Howes explained that as part of the original outline planning permission, a contribution was given for the improvement of the highway along Arisdale Avenue. A part of the road on Arisdale Avenue from just east of Annifer Way to Avontar Road had been improved and with the remaining funds, it would be used to improve the remaining footways; providing a properly formulated cycleway on both sides of Arisdale Avenue up to the extent of the development; and increasing kerb heights to prevent lorries parking on the kerbs. A sufficient amount would be left over that would also be for resurfacing the carriageway on the frontage of the Bellway development but not the full extent of the St Modwen development. The St Modwen development currently has a section 278 in progress for those improvements.

Councillor Lawrence expressed her disappointment in the loss of 31 semi-detached homes for families which were replaced with flats. Homes were needed for families and not flats. She felt the development site had been a long process and that at the last stage, plans were changed. She said that cycle lanes were needed for the damaged road but with all the extra cars, what would be used here instead.

Steve Taylor commented that developers should work out costs before an application was made. He guessed that developers assumed a 30% profit to be made from the development and if this was not possible, it was affordable housing to be reduced first. He commented that the developer would not lose out but it was the Local Planning Authority that did not benefit as much. He also pointed out the affordable housing was always reduced and developers were being paid large bonuses. Chris Purvis explained that a lot of factors were considered, assessed and weighed up in a viability assessment which was in-depth and required an independent surveyor to advise the Council. There was guidance on a reasonable return of 20% for the developer and this scheme was less than that.

Councillor Potter agreed with Steve Taylor and said that developers prioritised profit first and affordability at the bottom of their list. He went on to say that the road was not just damaged, it was also muddy and he asked if the Council

could require the developers to wash the wheels of their vehicles or clean the road several times a day. Chris Purvis answered that a construction environmental management plan would have been included in planning conditions in the original outline planning permission. Julian Howes added that the Highways Team regularly visited the site and had requested that more wheel washing to be undertaken. However, the main mud came from the Rural Arisings site which was outside the Council's remit but the team had been over to the site to ask them to increase their wheel washing as well as washing along Arisdale Avenue.

A speaker statement in support of the application was heard from Owain Williams, Agent.

Members were against the application and felt that 6% affordable housing was not enough. It was said that homes were needed, not flats. Councillor Rice proposed that the application be deferred to enable Officers to seek more than 6% affordable housing from the Applicant. The Vice-Chair was minded to reject the application so that the Applicant could put forward a better proposal that would be of use to the community. Leigh Nicholson advised Members to exercise caution on refusing the application on the lack of affordable housing as the viability assessment had shown that this was not possible so it would be difficult for the Council to defend Members' decision. He noted a proposal for deferral and said that this would be a positive solution and the decision could be reconsidered at the next Committee meeting.

The Chair commented that there were other reasons to consider for refusing the application which was parking standards as the proposal was below the Council's parking standards. He said density was also a concern as there were a lot of homes in Ockendon.

Members discussed deferring the application to enable developers to reconsider what they could put on the site. It was noted that the site was near Ockendon train station and demand for flats would decrease as there would be less commuters due to the changing work practices. Homes with garden spaces were needed and some Members thought the original plan for the site was better. The Vice-Chair highlighted that 'sensible changes' were expected to come back to Committee if the application was deferred. He said that a rejection would be based on concerns on the density and that the current plan was out of touch with what the local community actually needed. Councillor Lawrence felt that the original plan of 31 semi-detached houses should be brought back. Chris Purvis advised Members that the original planning permission enabled developers to build the 31 houses regardless of the outcome of this application as the original planning permission was still live.

Councillor Rice proposed the motion to defer the application and was seconded by the Chair. The reasons given were:

- To enable Officers to negotiate for more than 6% affordable housing with the Applicant.
- To review the density of the proposed development

- The proposal was not in keeping with the needs of the local community as houses were needed and not flats
- For parking spaces to be looked at as it was below the Council's Parking Standards

**FOR:** (6) Councillors Tom Kelly, Colin Churchman, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

**AGAINST:** (3) Councillors Mike Fletcher, Angela Lawrence and Gary Byrne.

**ABSTAINED:** (0)

**87. 20/00592/OUT The Springhouse, Springhouse Road, Corringham, Essex, SS17 7QT**

Before the Officer's presentation, Councillor Lawrence proposed a site visit to look into the details of the site. This was seconded by Councillor Byrne who suggested a site visit for a Saturday morning when Members could view how busy the access and junction would be. Steve Taylor said that the access and junction was also usually on Friday afternoons.

*(Councillor Churchman would not be participating in this item due to his declaration of interest.)*

**FOR:** (8) Councillors Tom Kelly, Mike Fletcher, Gary Byrne, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

**AGAINST:** (0)

**ABSTAINED:** (0)

The application was deferred for a site visit.

**The meeting finished at 11.32 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](mailto:Direct.Democracy@thurrock.gov.uk)**

