

## Minutes of the Meeting of the Planning Committee held on 11 February 2021 at 6.00 pm

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

Steve Taylor, Campaign to Protect Rural England Representative

**Apologies:** Councillor David Potter

**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  
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.

**88. Minutes**

Councillor Rice asked for an update on Langdon Hills and Malgraves Farm. Officers said that an email would be circulated to Members.

The minutes of the Planning Committee meeting held on 7 January 2021 were approved as a true and correct record.

**89. Item of Urgent Business**

There were no items of urgent business.

**90. Declaration of Interests**

There were no declarations of interest.

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

Members declared receiving correspondence from Agents on items 20/01394/OUT and 20/00827/FUL.

Councillor Lawrence declared receiving a photo in regards to 20/01394/OUT. She also declared a phone call from Chris Nixon.

## **92. Planning Appeals**

There were no questions from Members.

### **RESOLVED:**

**That the report be noted.**

## **93. 20/00273/DCO Thurrock Flexible Generation Plant Fort Road Tilbury**

The report on pages 41 – 156 of the Agenda was presented by Chris Purvis.

The Vice-Chair noted that the causeway proposal and questioned the impact of this on the riverbank. Chris Purvis answered that the causeway proposal was by the existing sea wall and a section of the existing sea wall would be removed to allow the development to start which would be managed with floodgates. As the site was situated to the east of existing development areas, it would not impact on the riverbank or existing infrastructure which was to the west of the causeway proposal.

In regards to the removal of the sea wall, the Vice-Chair asked whether the Council could request that the defences there be replaced or updated. He raised concerns on the impact on the riverbank without the sight of a plan. Chris Purvis answered that the Environment Agency was also a consultant on this application and would be responding on the flood defences and whether they would need to be upgraded and what could be secured through the process. He said that the Applicant was aware of the impact on the flood defences and had investigated this before reaching the proposals set out in the report. There would be gates and other measures in place to ensure the flood defence was secure to protect the area when vehicles were not crossing over. The application was an outline application and planning conditions would resolve these issues as part of the planning process. He went on to say that Members' concerns would be raised with Environment Agency and Members would be updated as the application progressed.

Councillor Rice questioned if most of the traffic would be travelling along the A1089 to get onto Fort Road and would not be travelling through Chadwell St Mary. Chris Purvis confirmed this and said that during the construction phase, the route would via the Asda roundabout and then access the site from the new road serving Tilbury 2. Once the site was operational, the amount of traffic would be reduced. He referred Members to the Local Impact Report and said that there was a separate application for another site in the Borough, the Arena Essex site, seeking a temporary planning permission where future workers could be bused to the site during the construction process in order to

minimise traffic movements to the development. At the busiest times, the number of people on the development would be 250 to 350.

Steve Taylor sought clarification on whether the site was an existing site. He also questioned whether the chimneys mentioned were exhausts. Chris Purvis answered that the site was not an existing site but that it had an existing electricity infrastructure with the electricity substation of the former power station to the south. The proposals sought to use this existing infrastructure. He also confirmed that the chimneys were exhausts to emit the fumes and emissions from the power station.

Following on from the Vice-Chair's earlier question on the sea wall, Councillor Lawrence mentioned that the pathway along the sea wall from Coal House Fort to Tilbury Fort had collapsed and was shut off. She questioned if a condition could be added to make this pathway safe along with the sea wall structure as the area was collapsing. Adding to this, the Chair asked if there would be additional funding to improve the area. Chris Purvis said that the Environment Agency may be seeking funding from the Applicant through the planning process to improve the sea wall and if the pathway was collapsed near the sea wall, this could be considered through s106 contributions but this would need to be fully investigated beforehand and agreed with the Applicant. With regards to this process, he highlighted that Members needed to consider the proposal within the red line boundary and that the footpaths would still be open to the public.

The Chair commented that the development would bring jobs and redevelopment to the Borough but the area needed to be accessible to residents. Councillor Sammons added that residents had raised the issue of the footpath and that a condition should be added to ensure that the footpath could be improved. Chris Purvis said that this issue would be highlighted to the Applicant.

The Chair questioned what measures were in place to manage the volume of traffic in the area of the site. He mentioned the Lower Thames Crossing (LTC) in which a link road had been suggested to assist Tilbury Port and asked whether this application's development as well as future developments in the area would impact the proposal of the LTC. He referred to the habitat zone on page 159 and questioned if a link road could be placed there. He also highlighted that this development and the LTC were both national infrastructure projects that would affect the same areas so it was important that it worked together to ensure consistency. On the management of traffic in the site's area, Chris Purvis said that the traffic generation showed that the existing road network would be used. During the construction phase, there would be more traffic movements with around 40 HGV movements on average each day. He went on to say that the LTC and the link road was not part of this application which would be for the LTC and relevant team within the Council to discuss. He noted that previous LTC plans had shown a link road that would have been part of the site but the latest LTC plan did not show this so was not considered within this development. He highlighted that

the Planning Inspector, who were the decision makers, would consider the factors of this development and LTC when it would be resubmitted.

The Chair proposed the Officer's recommendation and was seconded by the Vice-Chair.

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

**AGAINST:** (0)

**ABSTAINED:** (0)

**94. 20/00905/FUL Land Part of St Cleres Hall Adjacent to James Court, Stanford Road, Stanford Le Hope, Essex (deferred)**

The report on pages 157 – 184 of the Agenda was presented by Nadia Houghton.

Councillor Byrne highlighted that there were still issues with the parking despite the installation of the fence. He said that he had seen a video on Youtube of the site which differed to the photos shown in the Officer's presentation. Nadia Houghton pointed out that the photos in the presentation showed that a knee high rail fencing had been installed around the proposed development site and there was an existing rail fencing in place along the existing access road that led to 1 Clere Cottage. There was no physical access from this access road from London Road to the application site which could only be accessed through the main access to the application site.

Steve Taylor noted that the landscaping plans showed greenery but the photos in the presentation showed a concrete landscape. He questioned if this was temporary. Nadia Houghton answered that the development was still in the construction phase so had a temporary concrete landscape.

Councillor Sammons said that she had seen the fence installed on the site but pointed out that residents in the first two properties (where the white car was situated as shown in the photos in the Officer's presentation) drove in that access. She said that couriers also used this access and felt that the issues had not been resolved. Nadia Houghton explained that there was an existing access from the service road that led to 1 Clere Cottage and that delivery vehicles could not be stopped from delivering to that cottage on London Road as that is its access. The knee high rail fencing installed was to prevent access onto the application site and the main entrance would need to be used to access the overall development. The Chair commented that the developer had installed the fencing to protect the development and that the concern was that vehicles were parking near the alleyway that was not a part of the application site.

Referring to paragraph 4.7, Councillor Lawrence sought clarification on this. Nadia Houghton explained that the amendments related to the detailed

materials to be used and hard and soft landscaping details that were included as conditions as part of the application.

Councillor Lawrence said that the original application had proposed an open area with landscaping which was not in the current application that was before Members. She noted that fencing had been installed on the request of Members and pointed out that the site was a mess with unfinished work which should be completed before starting work on another development. She stated that she was not confident that the Applicant could complete the landscaping work or the other unfinished works. She was minded to refuse the application. Councillor Byrne agreed. Councillor Rice stated that he shared similar concerns with Councillor Lawrence and Sammons. He said that the fence may not be in place indefinitely and felt that it should be included within the s106 agreement. The Vice-Chair commented that Members needed clarity on what the proposals were and what was expected of the Applicant.

Referring to Councillor Lawrence's comments on landscaping, Nadia Houghton said that the proposal sought to introduce more landscaping than what currently existed so would reduce the amount of hard surfacing as a result of the development. In regards to Councillor Rice's query on the s106, Nadia Houghton said that there was a s106 agreement required for the ecology mitigation as the site fell within the RAMSAR zone. There were adequate conditions within the application regarding soft and hard landscaping conditions, boundary treatments, parking provisions and the proposal. The control of the development would be ensured through a range of measures.

Leigh Nicholson noted Members' concerns on cars driving from the existing access road onto the front of the site and stated that there were two conditions in the report could be amended to explicitly state that no car parking and no access would be allowed from that road. This would be included in the landscaping plans that would be submitted to the Council for approval and would enable enforcement actions of that condition to be taken if needed. The Chair sought clarification on whether this would prevent parking next to the fence. Leigh Nicholson explained that the condition could be amended to reflect Members' concerns and explicitly state no car parking or access would be allowed on that part of the site.

Councillor Rice felt the application could go through with amended conditions. Councillor Byrne felt the conditions needed to be embedded before taking a vote. Councillor Lawrence commented that she would prefer the unfinished works on the site be completed before this development started and that the green landscaping should be carried out first. She also felt the development was overbearing as it was next to St Clere's Hall.

Leigh Nicholson highlighted that conditions five and six were already included that would prevent car parking in those areas because of the landscaping. He stated that if Members were minded to refuse the application, there needed to be clear reasons given and if Members were minded to defer, there needed to

be clarity on what was expected of the Applicant as there were already conditions included to prevent car parking happening in that area of the site.

The Vice-Chair noted the conditions within the report and said that it would be preferred if the landscaping and access issues were resolved first as a precondition before developing the next phase of the development. Councillor Byrne agreed and said that the preconditions needed to be 'set in stone'. Councillor Lawrence agreed and questioned the timescale of the development. Leigh Nicholson referred to conditions 5, 6 and 7 on pages 176 and 176. He said that these conditions ensured the sequence outlined were followed and had a real emphasis on the developer to undertake the set procedures before the development could commence. Nadia Houghton agreed and said that an extra line could be added in condition 7 to state, 'For the avoidance of doubt, there shall be no parking on any landscaped areas at all.'

The Vice-Chair asked that the wording be amended in the landscaping condition to ensure that details be provided before building commenced. He also highlighted the issue of ensuring that conditions were fulfilled before occupation. Nadia Houghton explained that condition 6 required the developer to submit a detailed hard and soft landscaping plans including details which would address the concerns raised by Members. This would provide reassurance to Members that if the developer departed from those details, it would be enforceable.

Councillor Byrne pointed out that there wasn't much space at the back of the site particularly with 9 dwellings and 15 cars with no parking spaces. He questioned whether the built houses could be 'knocked down' if the developer 'could not deliver'. Councillor Lawrence sought clarification on how the developer planned to develop at the front of the site as the roads were not completed at the back of the site yet. She also pointed out Members' concerns over the areas and questioned why these had not been resolved yet. The Chair questioned what actions the Council could take if the developer did not adhere to the conditions. Nadia Houghton answered that it was a matter of fact and degree in those circumstances and that if there was a breach of a condition that was not applied fully or included in the development, houses would not be 'knocked down'; however, the Council could serve an enforcement notice to remedy the issue.

Leigh Nicholson said that the recommended conditions required the developer to follow a process as part of the planning permission given. If these were breached, enforcement notices could be served to remedy these breaches. He highlighted that there was a recourse for the Council and if Members were minded to approve the application subject to conditions and the developer did not meet those conditions, enforcement notices could be used to compel the Applicant to do what was needed to ensure it followed the approved plans and what Members had granted as part of the planning permission given. He referred to Nadia Houghton's earlier suggestion of including an extra line in condition 7 which could be added.

The Vice-Chair recommended that a further condition be added in relation to the existing road at the back that had not been completed yet. He said that to prevent the use of the wrong exit, the developer needed to ensure that the access road that should be used was in good condition. Nadia Houghton answered that the access road was outside the red line boundary of the site. She went on to say that she was of the understanding that the access road would be brought up to the appropriate standard once the overall development was completed. The Vice-Chair stated that this needed to be enforceable within the conditions. He said that he was not referring to the entire access route but was referring to the section that was within the red line boundary which needed to at least be brought up to a good condition before the development was finished.

The Chair proposed the Officer's recommendation to grant planning permission, subject to conditions and s106 agreement. Councillor Rice seconded.

*(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, Gerard Rice and Sue Shinnick.

**AGAINST:** (3) Councillors Gary Byrne, Angela Lawrence and Sue Sammons.

**ABSTAINED:** (0)

*The meeting adjourned at 7.52pm and recommenced at 7.58pm.*

**95. 20/00957/FUL Barmoor House, Farm Road, Chadwell St Mary, Essex, RM16 3AH (deferred)**

The report on pages 185 – 218 of the Agenda was presented by Nadia Houghton.

Steve Taylor referred to the first application that was approved and questioned if that had been based on the amount of development allowed on that entire site to which Nadia Houghton confirmed was correct. He went on to comment that the Applicant was now requesting for more and was not building the original 6 dwellings that had been approved which would have enabled them access to the site.

Councillor Lawrence questioned if it was usual for Applicants to apply for one phase and then to come back and apply for a second stage. Nadia Houghton said that each application had to be considered on its own merits but in this application, the site was within the Green Belt when the original application was considered. The original application was for the demolition of the farmhouse and outbuildings and to be replaced with six dwellings and the Applicant was aware of the likely quantum of development that would be considered acceptable. Since then, the Applicant had come back having not

built out the sixth dwelling. She said that smaller developments would not normally require phases and that the previous application had used up the quantum of development considered to be appropriate for this site. This current application sought to add built form where there was not any so was recommended for refusal.

*The Committee agreed to suspend standing orders at 8.08pm to enable the Agenda to be completed.*

The Vice-Chair asked if the Applicant had been made aware of the amount of appropriate development considered for the site in the first application. Nadia Houghton said that the Council records showed that the Applicant had previously been informed of the total floor space allowed so they were aware.

Councillor Rice stated that he had not changed his mind since the application was heard at the last meeting. He pointed out that the Council did not have a five year housing supply and no 20% buffer and that Thurrock Council was on the Government's list (for lack of housing) so the Council needed to increase the number of developments in the Borough. He stated that the Council was failing on its yearly housing targets. He said that the development would bring employment through the construction phase which was needed in these times as it would rise. He highlighted that there were accessible facilities close by on Defoe Parade and that Thurrock had a lack of housing provisions for older people. He also reiterated the points made at the last meeting in that the bungalows were of exceptional build quality that would be for over 55s and that the Council's Core Strategy 2015 recognised a shortage of bungalows in the Borough.

Councillor Byrne pointed out that a person over 55 could buy the bungalow but could let this out to people under 55. Nadia Houghton reminded Members that the bungalows were not proposed to be for over 55s. She said that the Applicant had been asked if they would consider this option but the Applicant had declined to answer so the age restriction mentioned by Members was irrelevant to this application. Councillor Rice said that the bulk of the properties currently on the site were occupied by people over 55. He pointed out that bungalows were usually for over 55s and older people.

Councillor Lawrence stated that no one took it lightly building on Green Belt and decisions had to be made on which areas could be built on. She felt that this site was a good area to develop homes on and that although the bungalows were not specified to be for over 55s, it was suitable for older people who did not want a big bungalow as these bungalows would be small. She said that the site was a big space in the middle that had no pathway for people to walk through and no park. It was a big green patch in the middle of the existing bungalows where elderly people lived who did not want big gardens. She felt that this amounted to a Very Special Circumstance (VSC). She also said that the bungalows were in immaculate condition which was built for the purpose of older people without the need for major works and also blended in with the area. It would also be near Orsett Hospital and Long Lane



which was going to be an area for elderly people to visit so was in the 'heart of things'.

The Vice-Chair said that Members acknowledged that there would be harm by building on the Green Belt. He commented that it would be worth considering other plans for the site if it was not built on. Referring to Councillor Rice's earlier comment that Thurrock Council was on the Government's list (for lack of housing), the Vice-Chair said that the Council needed to address this but he was concerned that this reason could be used to justify the approval of other developments as well. He urged caution on using the same reasons of 'lack of a five year housing supply' to justify developments.

Referring to paragraph 4.10, Steve Taylor pointed out that this highlighted that the proposed bungalows had no restrictions on age. He went on to say that an article from Thurrock Gazette in December had reported that the preceding 12 months had showed that half the homes in Thurrock had been bought by people from London so was not necessarily housing local people which he was aware had a need for homes.

Councillor Byrne sought clarification on the planning law around housing for over 55s. Councillor Sammons said the existing bungalows on the wider site were nicely built and that the site application was behind these which could not be seen so was not open. Referring to Steve Taylor's previous comment, she said that there was no control over who bought properties. Adding to this, Councillor Lawrence said that this was regeneration and that she could not see people from London moving into these small bungalows. She said that these were more for local people who wanted to downsize and stay close to their families. She also said that she did not stipulate that the proposed bungalows were for over 55s but it was clear that these were small and not ideal for families.

Councillor Rice noted that the proposed bungalows were not for over 55's and stated that bungalows were not meant for families and were usually for people close to retirement. He reiterated that the Council did not have a five year housing supply; no 20% buffer and was failing on its yearly housing targets. Thurrock had a lack of housing provisions for older people. The Council's Core Strategy 2015 recognised a shortage of bungalows in the Borough. The Chair said that older people were more likely to downsize so bungalows were ideal for them. Referring to Councillor Rice's earlier comment that Thurrock Council was on the Government's list (for lack of housing), he said that the Government had to match housing delivery with infrastructure.

The Chair proposed the Officer's recommendation to refuse planning permission 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:** (4) Councillors Angela Lawrence, Gerard Rice, Sue Sammons and Sue Shinnick.

**ABSTAINED:** (0)

The Officer's recommendation was lost.

Leigh Nicholson referred Members to the Constitution Chapter 5, Part 3, paragraphs 7.4 and 7.5.

Councillor Rice stated that Members recognised the harm to the Green Belt and gave the following reasons and weighting for approval:

1. The Council did not have a five year housing supply; no 20% buffer and was failing housing targets – significant weight.
2. The application would provide employment through the construction phase – moderate weight as unemployment would increase due to the pandemic.
3. The location benefitted from local amenities – moderate weight as it would help to regenerate the local economy.
4. There was a lack of provision for older people's accommodation in the Borough – moderate weight as it was within the Council's Core Strategy 2015.
5. The site was on a bus route – moderate weight.
6. Exceptional build quality for older person accommodation – moderate weight.

Caroline Robins pointed out that 'lack of provision for older people's accommodation' was not relevant and should not be considered. She also said that 'exceptional build quality' should not be a reason for approval as it was expected that this should be the case for all properties. Leigh Nicholson highlighted that the six reasons Members had given for approval were the same as before and that Officers had assessed these within the report based on planning laws and planning decisions by the Planning Inspectorate. He referred to the reason 'lack of provision for older people's accommodation' and said that the bungalows could be bought by anyone as the application did not specify it was for older people. This could not be used to justify inappropriate development on the Green Belt and the reasons provided were not unique which could be used on other developments on the Green Belt too. He went on to say that if Members were minded to approve the application, the decision would be reviewed by the Monitoring Officer following the usual processes in these type of applications before a decision notice could be issued. Members were advised to undertaken the balancing exercise to show that the benefits clearly outweighed the harm to the Green Belt.

Councillor Rice said that bungalows usually had smaller gardens and were designed primarily for older people although he saw the point that anyone could buy the bungalows. But he pointed out that due to the price point of bungalows, it was unrealistic that a younger person would purchase one and for families to buy one too. Councillor Lawrence said the land on the site was

unused and had nothing growing on it. She highlighted that the price point of the bungalows were similar to a 3 or 4 bedroom house but people bought bungalows as these properties were small and easier to manage. Councillor Byrne sought clarification on the planning law around age ranges. Councillor Rice reiterated the first reason for approving the application and that the Council had to provide housing provisions for older people. He reiterated that two bedroom bungalows were usually bought by people in their 50's who were looking to downsize. He added that there were no complaints from his local residents about this development.

Leigh Nicholson provided a summary of the debate so far and said that Officers and Members had different views on the VSCs put forward but this did not prevent Members from coming to a decision. Referring to Councillor Byrne's question on age ranges in planning law, he said that some proposals would have age restrictions such as retirement complexes which could be enforced through conditions or s106. He went on to say that this scheme was not being proposed as being specifically for older people's accommodation but could be attractive to older people as these were bungalows. There was no control mechanism to ensure that it would be occupied by older people. Caroline Robins reminded Members that the balancing exercise had to be carried out to show that the benefits clearly and decisively outweighed the harms to the Green Belt.

Councillor Rice stated that reason six would be removed and that substantial weight would also be applied to reasons two to five. He highlighted the importance of reason four and that it was recognised in the Council's Core Strategy 2015. He proposed the alternative recommendation to approve the application with the following reasons which he attributed substantial weight to all:

1. The Council did not have a five year housing supply; no 20% buffer and was failing housing targets.
2. The application would provide employment through the construction phase.
3. The location benefitted from local amenities.
4. There was a lack of provision for older people's accommodation in the Borough.
5. The site was on a bus route.

Councillor Shinnick seconded.

**FOR:** (4) Councillors Angela Lawrence, Gerard Rice, Sue Sammons and Sue Shinnick.

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

**ABSTAINED:** (0)

The application was approved (subject to the referral to the Monitoring Officer).

**96. 20/00827/FUL Former Ford Motor Company, Arisdale Avenue, South Ockendon, Essex, RM15 5JT (deferred)**

The report on pages 219 – 266 of the Agenda was presented by Chris Purvis.

The Chair questioned if the Council's limit for density was 70 dwellings per hectare and if it was possible to increase this. He also questioned the density of the other phases that had been carried out. Chris Purvis confirmed that 70 dwellings per hectare was the limit as set out in policy CSTP1 and increasing this would mean a departure from policy. He said that a high density development would be achieved here and that density should not just be about looking at numbers, the proposal met the limit in the policy and Officers considered the development to be of a high quality design. He said that this development was denser than previous phases due to the increased number of dwellings proposed.

The Chair commented that the number of parking spaces was below standards at the last application hearing. He noted this had now been amended with an additional three spaces and questioned if this now equated to 1.3 spaces per unit and if this was the limit. He also asked if there was parking available elsewhere on the site and if there would be parking enforcement. Chris Purvis explained that at the last Committee meeting, the scheme had 117 which met the minimum requirement of 115 in the Council's parking standards. He confirmed that with the additional 3 spaces this time, it equated to 1.3 spaces overall and would be one space per flat, two spaces per house and 18 visitor spaces that were unallocated spaces. Phases four and five also had visitor spaces. He said that the application had the same recommended planning conditions that would manage parking enforcement same as earlier schemes.

Councillor Rice questioned whether there would be enough electric vehicle charging points. He also raised concerns on traffic speeds on Arisdale Avenue and asked if speed humps could be placed to control this. Referring to condition 11, Chris Purvis said that the Council would ensure that there would be enough electric charging points to meet requirements as the Applicant had to submit these details for approval through a planning condition.

Referring to the Chair's question on parking on the site, Julian Howes said that the Highways Team had asked that the Persimmon site and Bellways site have waiting restrictions implemented at the appropriate junctions and locations within the sites to prevent parking in areas that would cause visibility and turning issues. This covered most of the site so would force people to park within the designated spaces. Referring to Councillor Rice's question on electric charging points, Julian Howes said that a set number of spaces for this not requested but the Council asked that the infrastructure to be set in preparation for electric spaces to become available in that development. Regarding the speed humps on Arisdale Avenue, he said that recent speed data had been undertaken on that road and had not shown a speeding

problem. However, further speed counts could be carried out as part of the works for the development.

Councillor Byrne asked whether the number of affordable homes could be increased if the developer made less profit from the development. Chris Purvis explained that the application had been through an independent subject of viability assessment and had taken into account the development costs and the profit that would be made. The leftover was used to work out s106 agreements. Since the last meeting, there were additional measures added for affordable housing where the developer would look at achieving five additional affordable housing units and the developer was discussing providing these with a registered provider. If this was not possible, then the five additional units would be available at 80% of the open market value which had been considered as part of the financial viability assessment.

Steve Taylor asked if he could be sent a copy of the viability assessment. Referring to 4.4, he asked whether the piling was for the blocks of flats where houses were proposed originally. He commented that costs increased when building flats and the cost of piling, that was not usually needed for houses, added to this which had a negative impact on affordability. Chris Purvis said that the piling could be for the blocks of flats or needed due to the ground conditions. He was uncertain whether any houses on the site had required piling. He explained that there were additional costs on brownfield sites and these were additional costs in the financial viability assessment.

Following on from Councillor Rice's earlier comments on speeding in Arisdale Avenue, Councillor Shinnick said that she had received reports of speeding on that road. She went on to say that there were also issues of lorries parking on curbs which caused damage to the curbs and developers needed to resolve this. Julian Howes answered that there were double yellow lines along parts of Arisdale Avenue and could raise this issue with the Enforcement Team. He went on to say that the Council was looking into increasing the number of signs in regards to lorry parking along Arisdale Avenue and Daiglen Drive. Chris Purvis added that there was also a Construction Environmental Management Plan that required road surveys to be undertaken before and after development that would be applied through planning conditions so if there were damages then these would be rectified through the planning process.

Referring to Julian Howes' comment on signage in Arisdale Avenue, the Vice-Chair said that they were still waiting for the signage to be installed. He went on to say that the development would primarily be for commuters as the developers were unable to provide more than 6% of affordable homes so would not be for local people.

Referring to Chris Purvis' earlier comment on the five additional affordable housing units, Councillor Churchman questioned the process of buying one of these at 80%. He also asked what the likelihood was in securing funds for the five units other than the 80% option. Chris Purvis answered that the details would be set out in the s106 agreement as part of the planning obligations. If

there was not a registered provider for those five units, these would go to the open market at 80% of the value which would be detailed through the legal agreement agree to achieve this and to identify the five units. In regards to securing funding, he said that the developer's preference was to achieve the affordable housing units rather than 80% option and in the previous phases, the developer had received grant funding from Homes England. In this case, there was a registered provider where grant funding would be used to achieve the additional five affordable housing units.

Councillor Lawrence said that people wanted houses not flats. She asked if the flats had a laundry facility or an open area where people could dry their clothes. Chris Purvis answered that the flats were self-contained and that there was no communal area for laundry services. He said that the majority of the flats had balconies. Councillor Lawrence pointed out that it was not nice look for flats with clothes hanging out to dry on balconies and that developers should consider this in developments.

Councillor Byrne questioned if the five affordable housing units could be bought at 80% and then sold on for 100% of the price. Chris Purvis explained that the s106 agreements would specify that the developer had to sell those five units at 80% of the value otherwise they would be in breach of a legal agreement.

Members highlighted concerns over the density of the development and felt that houses were needed, not flats. They felt that the Applicant had done the minimum that had been asked but it still did not meet the needs of the local people. Members pointed out that there was a lack of affordable housing and that the car parking spaces only met the minimum parking standards as required by the Council. No Members proposed the Officer's recommendation to approve.

The Chair proposed an alternative recommendation to refuse the application and the Vice-Chair seconded. The reasons given for refusal were as follows:

1. The proposed development as a result of its high density is at the absolute limit density of what would be acceptable for this site.
2. The proposal has increased the parking level by 3 parking spaces but the level of parking is not considered enough to be acceptable for this development taking into account the existing situation at the site and is inadequate to achieve sustainable development.
3. The proposal would result in a lack of affordable housing units at the site and therefore would not meet the needs of local people due this shortfall of affordable housing.
4. .

Leigh Nicholson explained that the report outlined that the density and car parking was within the limits of the Council's policy standards and the affordable housing had been discussed. He referred Members to the

Constitution, Chapter 5, Part 3, para. 7.2(c). He said that if the application was refused for those reasons, the Applicant would be entitled to appeal against that decision and the reasons for refusal that Members had given would be difficult for Officers to substantiate at an appeal hearing. If Members were minded to refuse the application, a report would need to be brought back by Officers to detail the implications of this.

The Vice-Chair pointed out that the density and car parking spaces offered were just within the limits so did not provide an appropriate liveable and affordable set of dwellings to meet the needs of local people and the local requirements. The Chair said that if parking enforcement was needed in a development, it clearly showed that the car parking was not adequate and that the development was not a good sustainable development.

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

**AGAINST:** (0)

**ABSTAINED:** (0)

A report would be brought back to the next Committee meeting to assess Members' decision to refuse the application as per usual procedures.

**97. 20/01743/FUL Stanford Le Hope Railway Station, London, Stanford Le Hope, Essex, SS17 0JX**

Councillor Byrne asked for the application to be deferred as there were concerns over the application. Democratic Services advised that procedures be followed to enable the application to be heard before Members considered a deferral of the application.

The report on pages 267 – 282 of the Agenda was presented by Matthew Gallagher.

In regards to flooding, Councillor Byrne pointed out that the site had flooded nine days ago and that the riverbank would need piling as it was on a different level. He also questioned if there was a safe drop-off point. Matt Gallagher answered that there was a main river adjacent to the site so the site itself was within flood zones two and three. The site was protected along with the south of London Road but the north was not protected. He said that he was aware of the recent flooding and that flood risk was a planning consideration hence why the application had been submitted with a flood risk assessment. The Council had applied the sequential test and the exceptions test for this which had passed because there was nowhere else to put the station. The other key consideration was that the NPPF was clear that the application should not increase the risk of flooding elsewhere. The consultant who had provided the flood risk assessment for the development had stated that there was no net loss of floodplain storage so this development did not make the situation worse which was the planning test. Therefore, an objection on flood risk

grounds could not be submitted as there was no objection on that ground. Regarding a safe drop-off point, he said that this application was phase one and that the Council had recently received a request for pre-application planning advice for phase two which suggested that the Applicant was serious about making an application particularly where they had sought design advice from architects. Regarding piling, he said that this application was accompanied by a range of different studies and if piling was required, the Applicant would have instructed the technical consultants who would be aware of what was required to pile the station and aware of the site's proximity to the main river so should follow the relevant processes. He highlighted that the Applicant was the Council that was a competent and responsible organisation and would follow the necessary consents and processes.

The Vice-Chair questioned if the two phases were being delivered by different architects. He also commented that it would be logical to view the whole application as one rather than in two phases as it was being delivered by the same engineering consultant. Matthew Gallagher said that it was the same engineering consultant who was familiar with the site and had produced a number of reports to support the pre-application advice of the site. He said that the application was a legitimate planning application. He went on to say that he understood Members' concerns on the need to see phase two with phase one and stated that each application had to be assessed on its own merits.

The Vice-Chair raised concerns that the same issues would arise again as the previous plan could not be delivered so it was important to see the whole plan in order to judge it on its merits. He highlighted that Members needed to see how phase two would relate to phase one. Matthew Gallagher explained that phasing was usual in complex sites which would be delivered over a longer time frame such as the case with previous applications such as the Purfleet-on-Thames project. This proposal for this application was as detailed in the report and would potentially have a proposal for a car park; cycle parking; electric vehicle charging points and a bus turn around point. Leigh Nicholson added that he understood Members' concerns on the next phase and the associated costs but highlighted that costs were immaterial when considering a planning application and the likelihood of what could happen. He stated that Members had to consider the application that was within the red line boundary on its own merits.

Steve Taylor sought clarification on why the Council was the Applicant and not Network Rail. He commented that the Council was funding to improve an asset that was owned by Network Rail. Matthew Gallagher explained that it had been an aspiration of the Council's to secure a bus turnaround point within Stanford-Le-Hope in fact which had also been in the s106 agreements with London Gateway when it was signed in order for people to go to the London Gateway via rail or bus. It was not unusual for the Council to seek to improve station facilities because although Network Rail had a role, they were not delivering the project but ensuring the sign off for standards. It was part of the Council's ambitions to improve that part of the town centre and public



transport accessibility and sustainability. In regards to funding, he said that the Applicant would have considered the financial implications of the project to ensure that it could be delivered.

Councillor Byrne said that there was a financial cap on this development which was £19.6 million and that if phase two cost £15 million, the project would not be delivered. He said that Members needed to see the full plan. Matthew Gallagher reminded Members that costs were not a material planning consideration and that Members had to make a decision on a planning application with consideration of it complying with development and plan policies along with other relevant material planning considerations. He went on to say that it had to be assumed, as with any other planning application, that the Applicant had taken a risk assessment to identify build costs through the use of consultants and advisors.

Councillor Byrne sought detail on the proposed housing development that was originally proposed for car parking, on the brewery site that was at the back of the application site. The Chair asked what the proposals for car parking would be. Matthew Gallagher explained that based on the pre-application planning advice that had been received recently, there was mention of an upgraded and expansion of the existing station car park of up to 81 parking spaces including electric vehicle charging points; secure cycle storage; electric pedal bike hire; bus turning space; pedestrian crossing and landscaping. He stated that there was no mention or reference to housing. The Chair sought clarification on the current number of car park spaces available to which Julian Howes said that there was currently around 70 or 73 spaces.

The Chair noted that the old application had two bus turning points and noted this was now removed in this application. He commented that people would have to cross the road if arriving by vehicle and he questioned if the pedestrian crossing was being proposed as mitigation. Matthew Gallagher reminded Members needed to consider the details proposed within the current application and not details in a potential future phase. Julian Howes explained that the old application had proposed a bus turnaround facility to the front of the station where the taxi pull in had been. There were two bus stops that were currently in place which would remain and continue to operate as it currently did.

Democratic Services read out Ward Councillor Terry Piccolo's supporting speaker statement.

The Vice-Chair commented that Stanford-Le-Hope's residents needed a fully functioning modern station but he was concerned as the last application for the project had not been delivered. He said that Members needed to see the full plan for the project. Councillor Rice said that he supported Councillor Piccolo's statement but noted the concerns raised by Members and that Members wanted to see the whole plan before making a decision.

Councillor Byrne proposed deferring the application so that Members could see the whole plan. The Chair said that he was reassured that the Applicant

would provide a good turning point along with the parking and pedestrian crossings due to the purchase of the Daybreak Windows site. He was minded to approve the application and if the application was approved, he said that a condition should be included where it would not allow this development to go ahead without approval for phase two. The Vice-Chair felt a deferral was a more sensible option to enable Members to see both applications to enable Members to see a whole picture of the whole plan.

Leigh Nicholson noted that the reasons for deferral were because Members wanted to see the proposals for car parking; bus turnaround arrangements and cycle facilities. He noted the Chair's suggestion for a condition to be added if the application was approved and said that a suitably worded condition could be added in conjunction with the Chair.

Councillor Byrne questioned whether the whole plan could be brought to Committee once the project had gone out to tender as this would show whether the project could be delivered or not. The Vice-Chair agreed that the plan should be looked at after it had gone out to tender to avoid the same situation that had occurred with the old application which had been a good plan but could not be delivered. He said the material reasons for deferral was to ensure that Members had the complete view of the whole plan and to avoid the same problems as the old application on the same project.

*The meeting was adjourned at 11.18pm to establish an internet connection with the Chair. The meeting recommenced at 11.26pm.*

*Due to the lateness of the meeting, Members agreed to move the last item onto the Extraordinary Planning Committee meeting on 25 February 2021.*

As Members were minded to defer the application, Leigh Nicholson noted that Members wanted to see the supporting facilities for the station in regards to car parking; cycle storage and bus turnaround point which was a planning reason. Adding to this, Matthew Gallagher said each application stood on their own merits and that a decision for this application could still be made. He explained that delaying the determination of this application because Members wanted to see the details of a future application could have implications for the deliverability of the station which Members should also consider.

Councillor Byrne proposed that the application be deferred so that Members could see the future proposals together with this application and for both applications to come to Committee after it had gone out for tender so Members could see what could be delivered of the project. The Vice-Chair seconded this.

**FOR:** (7) Councillors Mike Fletcher, Gary Byrne, Colin Churchman, Angela Lawrence, Gerard Rice, Sue Sammons and Sue Shinnick.

**AGAINST:** (1) Councillor Tom Kelly

**ABSTAINED: (0)**

**98. 20/01394/OUT Kemps Farm, Dennises Lane, South Ockendon, RM15 5SD**

Due to the lateness of the meeting, Members agreed to move the last item onto the Extraordinary Planning Committee meeting on 25 February 2021.

**The meeting finished at 11.39 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)**

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