

Minutes of the Meeting of the Planning Committee held on 25 February 2021 at 6.00 pm

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
Julian Howes, Senior Highway Engineer
Caroline Robins, Locum Solicitor
Wendy Le, Senior Democratic Services Officer

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.

99. Item of Urgent Business

There were no items of urgent business.

100. Declaration of Interests

Regarding 19/01418/FUL, Councillor Churchman declared that he was not the Ward Councillor for this application but it was close to his ward and that he would keep an open mind on the application.

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

The Chair declared on behalf of the Committee that emails had been received from:

- James Bompas in regards to 20/01394/OUT.
- A number of emails from residents and Councillor David Van Day in objection to 19/01418/FUL.
- Supporting emails from Grays Athletic fans, Grays Athletic Director and Councillor Martin Kerin on 19/01418/FUL.

The Vice-Chair, Councillor Shinnick, Lawrence and Sammons had received a phone call in regards to 19/01418/FUL.

Councillor Shinnick, Potter, Lawrence, Sammons and Rice had received correspondence on 20/01318/FUL.

102. 20/01394/OUT Kemps Farm, Dennises Lane, South Ockendon, RM15 5SD

The report on pages 5 – 28 of the Agenda was presented by Matthew Gallagher.

The Chair noted that the building to the back of the site was already surrounded by existing custom build homes which had less substantial concerns in regards to heritage. He sought further details. Councillor Lawrence also asked how the proposed buildings that were indicative on the plans shown would affect the existing listed buildings. Councillor Potter questioned if there was a set distance from a listed building that could not be developed on.

Matthew Gallagher explained that the existing properties were for general purpose housing and that the two listed buildings were heritage assets with one having some built development to the south of it. He said that the setting of the buildings were historically surrounded by farmland and that although there was no direct impact to the buildings, the proposal would result in further development that would enclose around that heritage aspect and erode it. He said that the site layout plans were indicative in how the development would look. There could potentially be some form of development to the north of the site that was the farmland which was closest to the listed buildings on the site so the Heritage Officer had taken the view that there would be some harm to these heritage assets. He also said that planning laws required the Local Planning Authority to consider the impact of a proposed development on the setting of a heritage asset and that there was no set distance to refer to.

Councillor Rice pointed out that the Lower Thames Crossing (LTC) would be going across the site which would already cause harm to the Green Belt and the heritage assets. He highlighted that the M25 was close to the site and questioned the harm of the development. He also asked if there would be electric charging points. Matthew Gallagher answered that the LTC was proposed to be about 300 – 500 metres away from the site. He said that the LTC was a national infrastructure and that the Secretary of State may take into consideration whether the national interest outweighed the impact to heritage assets. He highlighted that the proposed development and the LTC were on a different scale of projects. He added that electric charging points had not been considered as conditions for the proposals had not been formulated as the Officer's recommendation of the application was to refuse planning permission. The Chair said that electric charging points should be considered if the application was to be approved.

In regards to design and heritage, Councillor Lawrence commented that phase one's development had blended in well with the area and that it gave

her confidence when looking at phase two. She said that the design code would help to remove further concerns and that more self-build homes were needed in Thurrock which the Housing Secretary had highlighted and the Council needed to identify the areas for this. She felt that the Applicant would ensure that the homes would be built to a better standard than the new homes that had been built in the Borough.

Councillor Sammons commented that the development was proposed as zero carbon and that people building homes here would take note of this. She felt that the Council should be supporting more self-build developments.

Councillor Churchman questioned whether there had been an infill site around the area of the site. Matthew Gallagher said that the recent development on the site had taken place as highlighted in the planning history within the report. Steve Taylor said that there had been a landfill site in the area that Councillor Churchman referred to.

Referring to Councillor Sammons' comments, Matthew Gallagher said that the homes would be self-build so could not be guaranteed that the homes would be environmentally sustainable and would be up to an individual on what they would build as it was a service plot on offer. Referring to Councillor Lawrence's point on the design code, he said that a design code had been submitted which referred to basic elements such as common landscaping and reiterated that individuals could build how they wanted as it was self-build.

The Vice-Chair questioned whether a condition could be included to enforce zero carbon if the application was to be approved. Matthew Gallagher explained that the Applicant had submitted an s106 unilateral legal agreement which provided an obligation that the houses would be constructed to a carbon neutral standard. He highlighted that this referred to lowering carbon emissions during the operational phase as there was no guarantee that there would not be a carbon footprint from the occupiers of the development as the homes would be self-built. Caroline Robins added that it would be difficult to add this as a condition for self-build houses and for that restriction to be controlled.

Referring to the extra carbon monoxide pollution, Councillor Potter commented that the percentage increase for this would be zero with the extra 11 houses. He said that the site was near the Next warehouse which had regular vehicle movements and was also visible from the M25. Matthew Gallagher answered that there had been no concerns raised by the Environmental Health Officer on air quality and that the site was not within an Air Quality Management Area (AQMA). He pointed out that the issue was the location of the site which was on its own in an unlit road with no footpath so it was not a sustainable location. Residents in this development could not travel on foot to local shops and would need to drive their car instead which ran contrary to national policy that highlighted the need for developments in sustainable locations with sustainable modes of transport and accessibility to non-car transport.

Councillor Byrne commented that he liked the idea of custom build houses and that it was carbon neutral. He suggested that a site visit would help Members to see where the site was located. Councillor Rice said that the site was sustainable as it was 3 or 4 minutes from Ockendon station and the parade of shops in that area and that residents in the development could ride their bikes there. Matthew Gallagher reiterated that the site had no footpath and was on an unlit road with high speed limits so would not be appealing for anyone wishing to ride a bike on that road.

Statement of support from James Bompas, Agent was given.

Referring to the images seen on Google Earth, the Chair commented that the site appeared to be well protected by hedge rows from the road so it was well screened and the proposed development would not have much visual impact in the area. Regarding the location, he said that the site already had some development. He said that some people may prefer a remote location as it was secure and hard to get to so tended to have lower crime rates which was ideal for elderly people. He noted the country park within the speaker's statement which would have pathway improvements that would give access towards Ockendon. He highlighted the importance of carbon neutral and that air quality would not change that much with the extra vehicle movements. He stated that he was minded to support the application and that the heritage concerns were less than substantial.

Councillor Lawrence felt the development would give people the opportunity to build their own homes and onto the property ladder due to the cheaper costs. She said that the government had measures in place to support councils around self-build house requirements and also supplied funding for this. She pointed out that self-build was a special circumstance that was phase two of the existing development on the site. She went on to say that there would be paths built in for people to walk to the station and electric charging points for electric cars. She highlighted that the scheme was zero carbon and the Applicant showed commitment of this intention through the unilateral undertaking. She stated that she was in favour of the application.

Councillor Churchman said that the houses that were currently on the site were designed well and that there was a legal agreement included with the proposal. He said it was not far from shops and amenities and that he supported the application. Councillor Rice said the location was not that remote as the site was a 12 minute walk through the country park to the train station and local shops. He said the scheme was proposed as zero carbon which was in the legal agreement submitted by the Applicant and people would be able to build their own homes and would also support the climate emergency that Thurrock Council had declared recently. He pointed out that there would be less pollution in a number of years as people would be driving electric cars as well. Members echoed similar comments and were in support of the application. Steve Taylor pointed out that the houses would be self-built so it could not be guaranteed that the design quality of the houses would be nice. He commented that people living in a listed building may not want to be surrounded by new build houses.

Councillor Byrne proposed a site visit for Members to see how remote the site was and where the nearest shops were located. Councillor Shinnick seconded.

FOR: (3) Councillors Mike Fletcher, Gary Byrne and Sue Shinnick.

AGAINST: (6) Councillors Tom Kelly, Colin Churchman, Angela Lawrence, David Potter, Gerard Rice and Sue Sammons.

ABSTAINED: (0)

The site visit was rejected.

There were no proposers for the Officer's recommendation to refuse planning permission.

Leigh Nicholson read out the Constitution, Chapter 5, Part 3, para. 7.2. He referred Members to pages 25 and 26 of the Agenda and stated that Members would need to address the Officer's three reasons of refusal given for the application if Members were minded to approve. Caroline Robins advised Members to undertake the balancing exercise and give substantial weight to the Green Belt harm.

Councillor Rice said that Members recognised the harm to the Green Belt. He went on to give the following reasons for approving the application:

1. The Council did not have a five year housing land supply or a 20% buffer – he attributed significant weight to this.
2. The scheme was carbon neutral and provided custom build homes – he attributed significant weight as it supported the Council's recently declared climate emergency.
3. Thurrock had a national growth hub – he attributed significant weight to this.
4. The development would be a 12 minute walk to the train station and local shops once the footpath was in place through the country park so it was sustainable – he attributed significant weight to this.

The Chair mentioned that the Applicant had a commitment to have a pathway through the country park which would allow the walking accessibility as highlighted in reason 4 above. He said that he acknowledged the highways issues but pointed out that previous larger applications in remote locations had resolved similar highways issues and was confident that the same could be done for this application. In regards to the heritage issue, he reiterated that the harm was less than substantial which was not enough for a reason of refusal as put by Officers and the site was secluded and covered by screening. He went on to say that there was a desire from Members to promote zero carbon which was in government guidance and be included in the local plan as it progressed.

Councillor Lawrence questioned if an approval of the application by Members would be subject to a referral to the Secretary of State. She also asked whether the unilateral agreement submitted by the Applicant could be used for reasons to approve the application.

Leigh Nicholson summed up:

- Members' reasons one, two and three for approving the application addressed Officer's first reason for refusal that was the harm to the Green Belt.
- Members' reason four approving the application addressed Officer's second reason for refusal that was the issue of an unsustainable development.
- Members considered that the Heritage Officer's 'less than substantial weight' assessment and that the site was secluded was enough to address Officer's third reason for refusal that was the impact to a listed building.

The Chair added that Officers had attributed limited weight to the role of the application in the Green Belt and said that significant weight should also be added for this factor.

Referring to the visibility of the site, Matthew Gallagher explained that a recent Supreme Court case had concluded that it was the openness that defined the Green Belt. He said that not being able to see the site in the Green Belt or that it was partially obscured was academic and that it was about spatial designation in keeping the land open which Members had to consider. Referring to Members' comments on phase one and phase two of the site's development, he highlighted that the development was not a multi-phase development. In regards to the Applicant's s106 unilateral undertaking, he said that this was a one sided s106 agreement that needed to be looked at in detail by the Council particularly in regards to carbon neutral custom builds to assess whether it held any weight as an obligation. He added that there was support for self-build houses in the NPPF and legislation from 2015 where the Council had to keep a register for but it could not be counted as part of the Council's housing land supply. In reference to the footpath, he said that this involved the former Little Belhus landfill site that was being redeveloped as a country park and the legality of the access arrangement could not be confirmed.

Members stated that the Applicant strived to be carbon neutral and this could be included in an s106 condition to ensure this. Members said that the Applicant's unilateral undertaking was a legal agreement that already included conditions that the Council was asking for which could be used instead of an s106 agreement. Caroline Robins said that Members' comments that the site was secluded could not be used to assess the heritage test which was outlined in the NPPF. In regards to the footpath, she said that it was not within the control of the Applicant to provide that path and could not be considered as it was in the control of a third party.

The Chair noted Caroline Robins' point about the pathway and said that the developer was keen to contribute towards a pathway there which showed commitment. He also said that self-build homes were a benefit as it gave people a choice on the type of build they wanted and would also give the elderly access to a secure remote location. In regards to heritage, Councillor Rice said that there would not be substantial damage to the listed building as the proposals were 300 – 400 metres away and the M25 was already close to the site which should be taken into consideration as a reason to approve the application.

Leigh Nicholson referred to paragraphs 6.48 and 6.49 of the report and said that the factor that Officers could consider was in regards to the public benefit where the development would positively contribute towards the housing land supply. He said that Members' reason that the development was in a secure location could also be taken into consideration. He went on to say that Officers would need to look into more detail around the legal agreements along with appropriate conditions to ensure the development was a zero carbon scheme as well as the footpath issue if Members were minded to approve the application.

Councillor Rice proposed the alternative recommendation to approve the application and Councillor Byrne seconded.

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

AGAINST: (1) Councillor Sue Shinnick.

ABSTAINED: (0)

A report would be brought back to Committee.

The meeting was adjourned at 7.55pm and reconvened at 8.01pm.

The Committee agreed to suspend standing orders at 8.01pm to enable the Agenda to be completed.

103. 19/01418/FUL Thurrock Football Club, Ship Lane, Aveley, RM19 1YN

The report on pages 29 – 62 of the Agenda was presented by Matthew Gallagher. Since the publication of the Agenda, he highlighted that there were five late letters received in objection to the application; a number of late letters received in support of the application; and that a £50,000 financial contribution had been offered to Thurrock Council for improvements to the road in the site's area. The Chair added that Councillor David Van Day had sent a letter of objection to Members of the Committee.

Referring to pages 52 – 53, the Chair noted the Applicant's proposal included a 'HGV Loop' to help alleviate the problems on Ship Lane. He pointed out that it would not completely solve the problem and that the Council was aware of

the problems and was considering a roundabout which he thought would ensure that HGVs turned around and that restrictions could be implemented from there. He went on to say that in discussions with the Council, he was aware that there was no funding available for this and sought more detail as the report highlighted that Members could not add weight to the Applicant's proposal of the HGV Loop. Julian Howes confirmed that the Council did not have funds at present for the roundabout option considered by the Council. He said that the Council did not have the powers to prevent HGVs going down Ship Lane or for camera enforcement to be installed but could only enforce powers under the Traffic Management Act where HGVs used bus lanes due to the wider lanes. Under the enforcement system, a facility had to be provided for a lorry to be able to turn around which the Applicant had put forward as a mitigation measure. However, the Highways Team was not convinced that this would work as lorries could still potentially ignore this.

The Vice-Chair asked what the size of the original stadium car park was in comparison to the new PDI car park. Matthew Gallagher answered that the PDI car park would be larger by a degree and that there was a material difference between a car park that could accommodate 1,224 vehicles. The Vice-Chair pointed out that even if the HGV issues were resolved, another issue would arise with the increase of vehicles along some parts of the road in an area that was already experiencing traffic problems. He commented that the PDI car park was proposed in the wrong place at the wrong time and would only add to the pollution and 'rat run' problem on the road. Matthew Gallagher pointed out that Highways England was not highlighting an objection subject to the mitigation of the HGV Loop. He said that if this mitigation was to be secured through a condition, this would be subject to legal tests for planning conditions and relevant to planning.

Councillor Byrne sought clarification on whether it would be two football pitches that would be lost in this application. Matthew Gallagher confirmed that the proposed PDI was cited on the practice pitches where the grass was overgrown which would still be available as practice pitches with some maintenance. He highlighted that Sport England had asked for a mitigation payment if those pitches were to be lost.

Referring to Matthew Gallagher's point about the mitigation of the HGV Loop, Caroline Robins highlighted that the turning circle was not related to the proposed development and the development had planning tests to pass. The Chair felt that weight could be added to the mitigation of the HGV Loop as the developer was trying to find a solution to the HGV problems in Ship Lane as part of the development's proposal.

Councillor Churchman felt that more cars would be added to this site and sought further details. Matthew Gallagher explained that the application proposed vehicle pre-delivery inspection use which would involve the importation of vehicles; testing these on site and exporting to various car dealerships.

Councillor Lawrence sought clarification on the background of Grays Athletic FC and why they would be based at this site. Matthew Gallagher explained that the football club's previous grounds were leased to them which had expired or not renewed so was now without a home and had been ground sharing with other football clubs.

Speaker Statements were presented by Teresa Webster, Resident in objection to the application and by Julian Sutton, Agent in support of the application.

Councillor Byrne questioned the number of car park spaces proposed to which it was confirmed that it was 1,224. He pointed out that two full sized football pitches would be lost for a giant car park and that Aveley already had football grounds and questioned what the benefit would be for Aveley's residents. The Chair pointed out that the pitches had not been in use for the last few years and was opposite an industrial site and next to a hotel so it was not the most pristine Green Belt site.

The Vice – Chair said that it was not about the quality of the Green Belt but rather what was proposed to be built on it and the impact of this around Ship Lane. He said that the number of vehicles on the road would increase with the development and impact upon the traffic and pollution in the area which would not help as the area was already identified with a pollution problem. He stated that Members wished to see Grays Athletic FC find a 'home' but not at the expense of Aveley's community which was already in a 'rat run' with its traffic issues. The Chair said that the area was an industrial area and accepted that there were issues on Ship Lane but that there would only be 1 to 3 increases in traffic movement. He pointed out that this additional traffic would be from a part of Ship Lane that led to the site which was no more than 100 metres. The Vice-Chair pointed out that the additional traffic would add to an already overburdened road and that it did not take into account the traffic that would be generated from football club, he was liked the idea but not the location.

Councillor Rice felt that Members needed to see the site to view the level of traffic on Ship Lane. Councillor Lawrence felt that a site visit was not needed and that the views of the Aveley residents should be considered. She agreed it was the wrong location for the PDI car park and that the football grounds could still be leased for the football club to use. Steve Taylor highlighted that a large chunk of the Green Belt would be lost and that turning the site into an industrial area could potentially add to the traffic issues and cause further gridlock if incidents were to occur on the A13 or M25.

Councillor Shinnick highlighted her concerns on flooding in the area as she had been in the area recently and had seen that the water level had risen in the Mardyke. She said that the car park would not absorb the water if it flooded and was concerned for the residents of Aveley. Councillor Sammons said she was not in favour of a site visit and that Ship Lane was a congested road and the additional traffic would only add to the problem. Councillor Churchman stated that Members wanted to see Grays Athletic FC do well but

not at the detriment of Aveley. He said that Aveley was not the right location with the traffic issues and flood plain with the Mardyke.

Councillor Byrne questioned why 1,200 car park spaces were needed when there would only be 300 vehicle movements. Matthew Gallagher explained that new or used vehicle stock would be delivered and potentially held on the site before it would be exported out of the site so there was a need for storage capacity. The number of vehicle movements did not equate to the number of car parking spaces. He noted that Members had discussed the number of vehicle movements in the site's area and highlighted that Officers had not raised this as a reason for refusal due to the Applicant's proposed mitigation measure and there was no objection from the Council's Highway Team or Highways England. He highlighted that the reason for refusal was because the site was Green Belt and that Officers did not consider that the harm was clearly outweighed. Julian Howes added that the vehicles would be delivered onto the site on big transporters which held 8 – 10 vehicles and that the 300 vehicle movements consisted of the lorries and transporters going in and out of the site but not necessarily as individual vehicles. Councillor Lawrence raised concerns over the big transporters as these could cause further potential traffic problems as well if these were to 'tip over'.

Councillor Rice proposed a site visit and Councillor Shinnick seconded.

FOR: (3) Councillors Tom Kelly, Gerard Rice and Sue Shinnick.

AGAINST: (6) Councillors Mike Fletcher, Gary Byrne, Colin Churchman, Angela Lawrence, David Potter and Sue Sammons.

ABSTAINED: (0)

The site visit was rejected.

The Chair said that the HGV issues in Ship Lane would continue and that the Council and the developer could work together to install the roundabout to resolve these issues. He felt the development could be 'workable' and pointed out that the Green Belt site was not pristine and that the flooding concerns were more the Applicant and would not have affected the Mardyke as the flood agency had not raised any objections. Councillor Lawrence said that she hoped that the Council's Regeneration Team took the discussions into consideration as a football club was needed in Grays.

The Vice-Chair proposed the Officer's recommendation to refuse and was seconded by Councillor Churchman.

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

AGAINST: (2) Councillors Tom Kelly and Gerard Rice.

ABSTAINED: (0)

104. 20/01318/FUL 32 Lancaster Road, Chafford Hundred, Grays, Essex RM16 6BB

The report on pages 63 – 74 of the Agenda was presented by Matthew Gallagher.

Steve Taylor questioned what the orange/red circles were on the plan to which Matthew Gallagher explained that these were trees/shrubs to be removed to accommodate development. Steve Taylor questioned whether the trees had a Tree Preservation Order (TPO). Matthew Gallagher highlighted that there were two TPOs to the rear of the site.

The Chair noted that the last application had been dismissed at appeal by the Inspectorate and could not see much difference between the last application and the current one. The Vice-Chair said that he had called in the original application as he had felt that the plans had not been adequately considered at the time so had wished to give it full consideration at Committee. He noted that Members had visited the site at the first application and had gone through appeal after Members refused the first application so there was not much more information to consider.

Councillor Rice referred to the correspondence he had received in regards to the site and highlighted that the proposal was providing 140 square metres of amenity space which he thought was quite substantial and would be in keeping with Lancaster House. He pointed out that the site was a brownfield site and the delivery of a new home would contribute towards the five year housing supply and there were no neighbour objections. Matthew Gallagher referred to paragraph 11 and explained that there was a benefit of a new house but the Inspector had considered that in the balance but the factors of the character of the surrounding area and the cramped nature of the garden were not in favour of sustainable development.

Councillor Lawrence felt the Applicant had worked to do what had been asked from before and the site was a brownfield site and the area would benefit from another house. The Chair pointed out that the Committee had rejected the first application and the Applicant's appeal had also been rejected by the Inspectorate. He stated that he could not see a difference between the two applications.

Councillor Rice felt that the Applicant had addressed the Inspectorate's concerns and was now proposing a 140 square metre of amenity space to which the Chair pointed out was not in the Officer's report.

The Chair proposed the Officer's recommendation to refuse and was seconded by Councillor Shinnick.

FOR: (6) Councillors Tom Kelly, Gary Byrne, Colin Churchman, David Potter, Sue Sammons and Sue Shinnick.

AGAINST: (3) Councillors Mike Fletcher, Angela Lawrence and Gerard Rice.

ABSTAINED: (0)

The meeting finished at 10.00 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**