

Minutes of the Meeting of the Planning Committee held on 22 April 2021 at 6.00 pm

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

Steve Taylor, Campaign to Protect Rural England Representative

Apologies: Councillor Gary Byrne

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
Ian Harrison, Principal Planner
Julian Howes, Senior Highway Engineer
Lucy Mannion, Senior Planning Officer
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.

115. Minutes

The Chair informed Members that 20/00430/FUL had been moved to a later Committee date at the request of the Applicant.

The minutes of the Extraordinary Planning Committee Meeting held on 25 February 2021 were approved as a true and correct record.

The minutes of the Planning Committee Meeting held on 18 March 2021 were approved as a true and correct record.

116. Item of Urgent Business

There were no items of urgent business.

117. Declaration of Interests

There were no declarations of interest.

118. 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 correspondence had been received from the Applicant for 21/00205/HHA. Councillor Shinnick declared that she had received correspondence from a resident in regards to 21/00205/HHA. Councillor Rice declared that he had received correspondence in regards to 21/00156/FUL.

119. Planning Appeals

Members were satisfied with the report.

RESOLVED:

That the report be noted.

120. 20/01394/OUT Kemps Farm, Dennises Lane, South Ockendon, RM15 5SD (Deferred)

The report was presented by Matthew Gallagher.

Councillor Lawrence questioned whether a road assessment had been undertaken. She also asked whether there had been concerns with footpaths in a previous approved application on the same site. She commented that the Council could improve the pathways around the site to make it accessible. Matthew Gallagher answered that the Applicant had been advised that a Road Safety Audit was needed which the Highways Team had not received. With regards to the previous approved application, he said that the application had also been recommended by Officers for refusal and had been approved by Members. He explained that the issue with the current site was the pedestrian link to the nearest amenities in that there was no footpath and it was an unlit 60mph road. He noted that the Applicant had offered a unilateral undertaking in regards to the footpath but there were still too many unresolved issues around this and involved an external party.

Julian Howes added that the site did not have good walking or cycling routes which was encouraged in developments. He said that he had walked the route of the site and would require a lot of work to be done to make the road safe and walkable such as the telegraph pole that would require relocating into a private field that the Council had no ownership of. He explained that there was a bend in the road where the visibility of vehicles were not good; hedges and ditches along the side and there were also utilities underground on the east side of the road. Permission would also be required from landowners. He said that the most important part was that the route was not lit.

Councillor Shinnick pointed out that putting a footpath on that road would be dangerous as the bend made it difficult to see other vehicles. Councillor Potter said that people would be able to see what they were buying into so had the

choice to buy or not. Councillor Rice commented that the application only required an s106 to have a footpath link from the site to the nearest shops. He said that Belhus Country Park could implement this along with lighting which the Applicant could put financial contributions towards it.

Matthew Gallagher explained that there were existing footpaths within Belhus Country Park but there was difficulty getting to these from the site entrance. With the issue of lighting, he stated that the management of Belhus Country Park would eventually be handed over to a charity trust and introducing lighting in the park would be inappropriate due to the issues of the park being a nature conservation site as well as being in the Green Belt. He said that an s106 could not be relied upon for lighting as it involved an external party and that the Applicant also had no interest in this.

Steve Taylor commented that it was dangerous to walk along that road and across it so access was an issue. He said that the pathways were out of the control of the Applicant and the Council. The Chair said that the site was remote but it gave an element of safety which some people preferred. He pointed out that people had the choice to buy or not. Councillor Rice said that the application should be approved as the Council had no 5 year housing supply; the scheme was carbon neutral that aligned with the Council's climate change commitment; Thurrock was a national growth hub; and the site was a 12 minute walk to the station with a proposed footpath in Belhus Country Park. He said that self-build homes were needed and that the footpath issues could be overcome with an s106. He noted that the site had heritage assets but pointed out that these were about 400 yards away and the site was by the M25 so could not see the harm.

Matthew Gallagher explained that the heritage assets were within the site with one being 30 metres away. He pointed out that an s106 for this application could not request that lighting be put on another site.

Councillor Shinnick proposed the Officer's recommendation to refuse and the Vice-Chair seconded.

FOR: (2) Councillors Mike Fletcher and Sue Shinnick.

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

ABSTAINED: (0)

Leigh Nicholson referred Members to the Constitution, Chapter 5, Part 3, para. 7.2. He reminded Members that the Officer's three reasons given for refusing the application in the report needed to be addressed by Members.

Councillor Rice said the harm to the Green Belt was recognised and proposed an alternative recommendation to approve the application for the following reasons:

1. The Council did not have a five year housing land supply or a 20% buffer – substantial weight.
2. The scheme was carbon neutral and provided custom build homes – moderate weight.
3. Thurrock was a national growth hub – substantial weight.
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 and would be met through the Applicant's unilateral undertaking.

Referring to the Officer's three reasons of refusing the application, the Chair said that Councillor Rice's given reasons addressed Officer's first refusal reason. In regards to Officer's second refusal reason, the Chair said that the site's location gave people a choice of where they could live and referred to previously approved applications with similar remote site locations. In regards to Officer's third refusal reason, the Chair said that the site was enclosed and close to the M25 so the impact to the heritage assets were limited and not a 360 degree impact. He added that another previously approved application on the same site would have had similar heritage asset issues and had been approved.

Leigh Nicholson explained that if Members were minded to approve the application, the decision made would follow the usual procedure of referral to the Monitoring Officer, then drafting of s106 conditions with the Chair; and then referral to the Secretary of State.

Councillor Rice proposed the alternative recommendation to approve and was seconded by the Chair.

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

AGAINST: (2) Councillors Mike Fletcher and Sue Shinnick.

ABSTAINED: (0)

121. 20/00430/FUL Coach Park, Pilgrims Lane, North Stifford, Grays, Essex, RM16 5UZ

This item was moved to a later Committee date at the request of the Applicant.

122. 21/00156/FUL Woodlands Koi Farm, South Avenue, Langdon Hills, Essex, SS16 6JG

The report was presented by Lucy Mannion.

Referring to the unlawful building, the Vice-Chair sought clarification on which part of the building was unlawful and whether the proposal included the unlawful building. He also mentioned that properties in the area appeared to

have taller buildings and that the current proposal would not look out of place. Lucy Mannion answered that over two thirds of the building was unlawful and that a part of it had been there for over ten years which was also now unlawful due to be joined to the unlawful additions. She said that the proposal included the unlawful building but the proposal was proposing a building that was a lot larger than what was allowed. She explained that the other properties in the area had Permitted Development Rights (PDR) but due to the 2008 planning permission, the property had its PDR removed.

The Committee discussed a previous application from 2019 on the same site which had been granted planning permission to build a building to run the Applicant's business. Members sought further details. Lucy Mannion explained that the application from 2019 had been separate and on a different part of the site. She said that the building granted in that application had not been built yet.

The Chair asked whether the unlawful building would remain if the application was refused. He also asked if there were personal circumstances attached to the application and whether conditions had been drafted. Lucy Mannion answered that the unlawful building would become an enforcement issue if the application was refused. She said that the Applicant had provided a speaker's statement that highlighted personal circumstances and also pointed out that the family members lived 450 metres away from the site. She explained that no conditions had been drafted as the application was recommended for refusal. However, if Members were minded to approve, conditions would highlight that the building would be for family members only.

Speaker statements were heard from:

Barry Johnson, Ward Councillor in support of the application.
John Cross, Applicant.

The Vice-Chair said that he understood the Officer's reasons for refusing the application but he felt that the Applicant had engaged with Officers to comply with the size requirements. He said that the fact that the parents were only 450 metres away was irrelevant and the parents was intending to move into a one story building and would free up a two story building which importantly, would benefit another family. He noted the Applicant's parents' age and health issues and said that these factors should be considered. He went on to say that proposed building was not a large building on the Green Belt and would have minimal harm to the Green Belt.

Councillor Lawrence said that she was minded to agree with Officer's recommendation of refusal. She went on to say that she was wary of the application due to a similar application in the past where planning permission had been granted for an add on to the property for the parents but was put into a care home shortly after. She also commented that the site had unfinished buildings from previous applications which should be completed first and then the current application could be considered thereafter. The

Chair commented that he remembered that same application and the Vice-Chair said that conditions could be implemented to prevent this.

Councillor Rice said that he was minded to approve the application as he felt it was important to look after elderly parents within one's own property. Councillor Sammons agreed and said that it was not easy to 'pop up the road every five minutes'.

Jonathan Keen highlighted that the building on the site of the proposed building was unlawful and in breach of the conditions given in a 2008 planning application which could result in enforcement action by the Council. He explained that the size of the proposed building was approximately four times larger than the smallest part of the lawful part of the building currently on site. He reminded Members that not being able to see the building did not mean that it would not impact on the Green Belt as it was a spatial issue and not a visual issue. He referred to a similar application from 2015 on the same site which had gone through an appeal and had been dismissed by the Inspectorate. The Inspectorate had noted that the annex in that application would provide accommodation for the Applicant's elderly parents but had found that the proposal would impact on the openness of the Green Belt, therefore it was a breach of national and development plan policies. Jonathan Keen said that the current application did not differ from that past application and that the proposal would result in significant harm to the Green Belt.

Steve Taylor sought further details on the buildings on the site that had been granted planning permission. He commented that the buildings could be built first; that the issue of the unlawful building should be resolved; and asked whether the building for the business could be exchanged and used as a home for the parents instead. Lucy Mannion confirmed that the buildings had not been built yet. She also referred to another previous application on the site that granted permission for a replacement house with the condition that a mobile home be on the site until the replacement house was finished which was still ongoing after 10 years. She said that the building for the business could only be used for that purpose.

Members further discussed the issue of buildings that had been granted permission but had not been built. The Chair felt that the site was 'riddled with concerns' and had an unlawful building on site. The Vice-Chair felt that approving the current application would achieve more action on the approved applications within the site. Members discussed deferring the application until the buildings, that had been granted planning permission previously, were completed. Jonathan Keen explained that there was no mechanism to ensure that these were completed and that the Applicant could not be forced to do this.

Councillor Rice proposed a site visit and was seconded by the Vice-Chair.

FOR: (3) Councillors Mike Fletcher, Gerard Rice, and Sue Shinnick.

AGAINST: (5) Councillors Tom Kelly, Colin Churchman, Angela Lawrence, David Potter and Sue Sammons.

ABSTAINED: (0)

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

FOR: (5) Councillors Tom Kelly, Colin Churchman, Angela Lawrence, David Potter and Sue Shinnick.

AGAINST: (3) Councillors Mike Fletcher, Gerard Rice, and Sue Sammons.

ABSTAINED: (0)

123. 21/00205/HHA 28 Ashley Gardens, Stifford Clays, Grays, Essex, RM16 2LR

The report was presented by Jonathan Keen.

The Chair noted that there were a lot of the properties on that same road had extensions and questioned if this was a common feature. He questioned whether the front dormers would impact upon the amenities of neighbouring properties. He also sought clarification on whether the proposal would impact on access issues such as guttering and result in a significant loss of light as mentioned in neighbour comments.

Jonathan Keen confirmed that the proposed extension was a common feature on these type of properties. He said that the property in the application was a detached house and had no visual issues. The proposed dormers were fairly small and would not have any harmful overlooking as it faced out onto the public side of the street. He explained that planning consent was not concerned with boundary issues but referred to the proposed plans and said that it did not look like guttering was proposed on the single story element so should not be an issue for neighbours on that side. There would also be limited impact to the loss of light as the existing property was already higher than the extension.

Speaker Statements were heard from:

Lorraine Mead, Resident in objection.
Joyce Redsell, Ward Councillor in objection.
Anthony Tobin, Applicant.

Members were concerned of the discrepancies mentioned in the speaker statements and that no site visit had been undertaken. Councillor Shinnick noted there was a gap between the driveways of the neighbouring properties and sought further detail.

Jonathan Keen explained that a site visit had been undertaken by the Case Officer as shown by the photos on the presentation and had considered the impacts between the neighbouring properties. He confirmed that the dormer on the north side of the elevation was on the south facing elevation of Mrs Mead's property and that a corrected site plan had been uploaded. He confirmed that there were no errors that would have caused a problem in the Officer's recommendation. Referring to Councillor Shinnick's query, he said that there would be space between the driveways on either side of the property. He explained that the previous works that had been undertaken on the property through PDR and a lawful development certificate could not be considered with this application and that only the proposal within the current application should be considered.

The Chair proposed the Officer's recommendation to approve and was seconded by Councillor Rice.

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

AGAINST: (1) Councillor Mike Fletcher

ABSTAINED: (0)

The meeting finished at 9.08 pm

Approved as a true and correct record

CHAIR

DATE

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Democratic Services at Direct.Democracy@thurrock.gov.uk**