

Minutes of the Meeting of the Planning Committee held on 7 December 2017 at 7.00 pm

- Present:** Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Terry Piccolo, Gerard Rice, Graham Snell and Joycelyn Redsell (Substitute)
- Apologies:** Councillors Roy Jones and Tunde Ojetola
Steve Taylor, Campaign to Protect Rural Essex Representative
- In attendance:** Andrew Millard, Assistant Director of Planning, Public Protection and Transportation
Leigh Nicholson, Development Management Team Leader
Jonathan Keen, Principal Planner
Steven Lines, Senior Highways Engineer
Neil Weeks, Planning and Highways Lawyer
Charlotte Raper, Democratic Services Officer
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Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

48. Minutes

Councillor Churchman referred to page 9. The determination process for application 17/01171/FUL: Smurfit Kappa Lokfast Site, London Road, Purfleet, RM19 1QY stated "*It was proposed by Councillor Jones and seconded by Councillor Jones that...*" which clearly was an error. The Democratic Services Officer would correct this information as Councillor Churchman had, in fact, seconded the motion.

The minutes of the meeting of the Planning Committee held on 2 November 2017 were approved as a correct record, subject to this amendment.

49. Item of Urgent Business

There were no items of urgent business.

50. Declaration of Interests

There were no declarations of interests.

51. 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 receipt, on behalf of the whole Committee, of an email in support of application 17/00990/OUT: Land Adjacent Martin Farmhouse, Church Lane, Bulphan, Essex, which was item 8 on the agenda.

Councillor Hamilton declared receipt of texts and phone correspondence, also in support of application 17/00990/OUT: Land Adjacent Martin Farmhouse, Church Lane, Bulphan, Essex.

52. Planning Appeals

The Development Manager Team Leader presented the report which provided Members with information regarding planning appeal performance. He highlighted the fact that recent figures had been very good.

RESOLVED:

That the Planning Committee noted the report.

53. 17/00990/OUT: Land Adjacent Martin Farmhouse, Church Lane, Bulphan, Essex

The Principal Planner advised the Committee that the application was an outline application, with all matters reserved. Since the agenda had been published a petition had been received in support with 184 signatures. A draft S106 agreement had been also received at 5pm that day, although there were no details included as to education contributions or affordable housing.

The application sought outline planning permission for the development of the site for 31 residential dwellings for occupation by ex-servicemen consisting of 3 and 4 bed houses and 2 bed bungalows suitable for wheelchair users. The applicant had submitted Very Special Circumstances though these were not considered to clearly outweigh the identified harm to the Green Belt. This, along with objections in terms of highways, flood risk and the lack of affordable housing or contribution to education led officers to recommend the application be refused.

Councillor Rice queried whether the Government target for more housing, alongside the medical needs of ex-servicemen which would be best suited to quiet and peaceful surroundings would go towards outweighing the harm to the Green Belt, if the lack of 5-year housing supply could not be considered sufficient alone. He recalled the Council had a Charter for ex-service personnel. The Principal Planner advised that Government guidance outlined that the lack of a 5-year housing supply was insufficient as a reason on its own to outweigh the harm to the Green Belt. The Health and Wellbeing Board had also objected to this site as it was too isolated, they recommended a site with better access to facilities would be more suited to the needs of ex-servicemen. The need for peace and quiet could be taken into account but would still not outweigh the harm to the Green Belt.

Councillor Redsell noted that the Council Charter applied to Council properties rather than private developments. She failed to see how it could be ensured that properties that formed part of private developments could be guaranteed for a specific group. She felt there was insufficient information provided on the matter.

Councillor Piccolo continued with this thought and asked, even if they could be guaranteed for ex-servicemen, whether it would be possible to ensure they were reserved for injured veterans, and whether this would be legally enforceable. Members were advised that it would be possible within the S106 agreement; however this did not form part of the application as submitted. Members continued to clarify whether if the application were to go ahead with this caveat it would be legally binding and were reminded that nothing had been submitted.

Councillor Hamilton expressed the view that although the quiet and tranquillity might be a positive it could conversely work against the needs of the intended residents, particularly in cases of medical emergency. Given the rural and isolated nature of the site emergency vehicles would face issues around access and this would not be ideal.

The Vice-Chair sought further information around flood risk. He recalled the site flooding 5 years previously. The principal planner advised that the issue was that information in relation to a suitable drainage strategy had not been supplied. Further tests and studies could be carried out and it may be that a strategy could be provided, but nothing had been received.

Janet McCheyne was invited to the Committee to present her statement of objection.

The local Ward Councillor, Councillor Brian Little, was invited to the Committee to present his statement of objection.

Stephen Ward was invited to the Committee to present his statement of support.

Councillor Redsell reiterated that the Council had a Charter which ensured ex-servicemen were placed atop the list for Council properties. The application was 31 dwellings however there was no guarantee that they would not just be sold as any other property since they were individual homes. She was unsure how the restriction could be legally binding.

Councillor Rice stressed that the restriction to ex-servicemen could be controlled through the S106 agreement. These were 31 units as part of something historic for Thurrock and would help towards Government targets for new homes in the borough. The ex-servicemen suffering from PTSD needed the therapy of a quiet and rural setting and he felt they were owed a debt of gratitude. He urged other Members to find reasons to support the application.

Councillor Churchman explained that he felt torn, given his father's needs once he left the army. He stressed the need to provide for soldiers and wanted to know if it was realistic to see a caveat within the S106 agreement.

Councillor Snell recognised it was an emotive issue and emphasised that everyone wished to help ex-servicemen however this site was not suitable. Church Lane was very narrow and often became jammed when local roads were gridlocked. The site was socially isolated with an inadequate road, no information had been provided in terms of the flood risk, there was insufficient parking and the design itself could be better. He felt the idea was brilliant however more work needed to be done and a more suitable site found.

The Chair asked what could be done within the Local Plan if the application were refused, to find a more suitable site for the scheme. The Assistant Director of Planning, Public Protection and Transportation outlined that there was a great window of opportunity for the applicant as the Council was currently updating its Local Plan. There was a need to meet the broader challenges facing the borough, with a need for additional housing of all types. There was clear sympathy for the intention of the scheme and he encouraged the applicant and agent to engage with officers to find suitable sites as part of the Local Plan.

Councillor Hamilton echoed that no one disagreed with the emotive appeal; however from a purely objective stance the site was unsuitable. The roads were narrow and unaccepting of large traffic; there were no public transport links and a lack of facilities. He referred to sections 6.24 and 6.29 of the application report. He wished he could support the application and agreed more should be done to support ex-servicemen however he felt this was not the right site and could envisage problems in the future were the application to be approved.

Councillor Piccolo agreed that there should be support for ex-servicemen however he felt the site was too isolated. If there was a need for urgent care emergency vehicles would struggle with access. He also worried that, for those suffering with trauma, the proximity to the local airfield would not be suitable. He was unconvinced that the S106 agreement could dictate that properties would only be for ex-servicemen suffering from trauma or with disabilities and feared nothing would stop others from buying homes simply because they were in a rural location. The Assistant Director Planning & Growth outlined that the agreement had only been received that day and it was not overly detailed, with no mention whatsoever of ex-servicemen. The Planning and Highways Lawyer advised that such limitations would require input from the armed forces medical team, while it would be possible there would need to be far more information than had been provided.

Councillor Redsell felt the scheme was needed but if the application was approved the Committee would be isolating ex-servicemen. There was no shop in Bulphan, very few school places, the doctor's surgery was a long way from the site and it was just not ideal.

Councillor Rice accepted that the Committee had sympathy for the needs of ex-servicemen and felt the key barrier was the lack of detail in the application. He was minded to invite the applicant to come back with all the details needed for the Committee to give the application fair consideration. He felt it was only fair to the ex-servicemen to allow that opportunity.

Councillor Piccolo referred to the previous applications on the site for assisted living complexes, which was comparable to some extent to the application for consideration. Far more had been suggested such as shops and a doctor's surgery and the application had still been refused. While he appreciated the sacrifice made by servicemen he found it hard to justify approving planning permission if previous applications with more facilities had been refused.

Councillor Hamilton stressed the need for upgrades to the road such as lighting and widening which were likely to be prohibitively expensive. While he wished to support the reasoning, with the added factor of flood risk he felt the application would be unviable.

The Chair highlighted that the land had been previously discussed by the Committee and previous schemes rejected for lack of drainage plans. He was disappointed to see that this had not been addressed in this instance. He felt the rural location was a positive however there was a lot to iron out within the application itself such as the legal obligation for ex-servicemen, the flood plan and adequate parking. It was very unusual for the S106 agreement to be submitted only hours before the Committee and it was disappointing that there had been no flood plan despite the Committee having been specific the year before. He felt the application was too messy to defer and would encourage the applicant to come back with a new application. He was keen to hear from the Assistant Director of Planning, Public Protection and Transportation as to what could be done moving forward to provide the scheme.

Councillor Rice outlined that a flood risk assessment had been submitted, the issue was the lack of a drainage strategy. He wished to propose that the application be deferred to allow the applicant time with planning officers to look at what information was missing and what Very Special Circumstances might overcome the harm to the Green Belt. In his opinion there was not enough information for the Committee to say decide either way.

The Assistant Director of Planning, Public Protection and Transportation highlighted that even if the information were submitted the in-principle issue of the inappropriate development of the Green Belt would remain. The Chair stressed the proposal was an opportunity the Council shouldn't lose and advised that, should the application be refused, the applicant could liaise with the planning department to find a more suitable site as part of the Local Plan process.

It was proposed by Councillor Rice and seconded by Councillor Churchman that the application be deferred to allow the applicant to provide additional information. The Committee voted against deferring the application.

The Committee proceeded to vote as to whether the application be refused, as per the officer's recommendation.

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Graham Hamilton, Terry Piccolo, Graham Snell and Joycelyn Redsell.

Against: Councillors Colin Churchman and Gerard Rice.

Abstain: (0)

RESOLVED:

That the application be refused, as per the officer's recommendation.

The meeting finished at 8.02 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