



**Committee and Date**

North Planning Committee

6<sup>th</sup> March 2018

**NORTH PLANNING COMMITTEE**

**Minutes of the meeting held on 9 January 2018**

**In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**2.00 - 5.10 pm**

**Responsible Officer:** Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

**Present**

Councillor Paul Wynn (Chairman)

Councillors Roy Aldcroft, Joyce Barrow (substitute for Gerald Dakin), Pauline Dee,

Rob Gittins, Vince Hunt (Vice Chairman), Mark Jones, Paul Milner and Peggy Mullock

**71 Apologies for Absence**

Apologies for absence were received from Councillors Clare Aspinall, Gerald Dakin (substitute: Joyce Barrow) and Roger Hughes.

**72 Minutes**

**RESOLVED:**

That the Minutes of the meeting of the North Planning Committee held on 12<sup>th</sup> December 2017 be approved as a correct record and signed by the Chairman.

**73 Public Question Time**

There were no public questions, statements or petitions received.

**74 Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

*The Committee agreed to consider agenda item 8, planning application 17/01152/FUL next.*

**75 Proposed Foodstore To The North Of Wrexham Road, Whitchurch, Shropshire (17/01152/FUL)**

The Principal Planning Officer introduced the application for the erection of a new foodstore (Use Class A1), access, substation and associated car parking and landscaping and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the

information contained within the Schedule of Additional letters, a letter from Aaron & Partners on behalf of Aldi and a document from Plan A on behalf of Lidl.

Councillor John Sinnott, on behalf of Whitchurch Town Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mary Yates and Gillian Hazelhurst spoke in support of the proposals, for a combined time of three minutes, in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Peggy Mullock, as local ward councillor, made a statement and then moved to the back of the room, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- The site was located outside the development boundary for Whitchurch, as identified in the Shropshire adopted SAMDev Plan;
- The two allocated sites at Heath Road and Waymills were preferable;
- The site was too close to a busy road and roundabout and not well connected to the town centre; and
- The residents of Whitchurch would welcome a new food store, but not at the site currently proposed.

Mr Anthony Crean QC on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees, during his presentation the following points were made:

- Mr Crean began by congratulating the Principal Planning Officer on preparing a fair and thorough report to Committee;
- There were 47 towns within England with both an Aldi and Lidl, so granting permission for Aldi would not mean that the Lidl would close;
- Increased competition would improve the shopping experience in Whitchurch;
- Planning Officers had concluded that there was no breach of the National Planning Policy Framework (NPPF);
- There was no substance to the threat from planning consultants representing Lidl to commence judicial review proceedings should planning permission be granted; and
- His advice was that a decision to refuse the application would result in a successful appeal with the possibility of a costs award against the Council.

During the ensuing debate, Members commented on how useful the site visit had been as it had enabled them to view the site within the context of the surrounding historic, rural landscape and particularly the canal as a non-designated heritage asset. The Council's Natural and Historic Environment Manager was in attendance and provided advice to the Committee. Members of the Committee expressed concern at the location of the proposed development and the harmful impact on the town centre, the Principal Planning Officer (Policy) provided advice to Members.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of Members expressed their support for the Officer's recommendation.

**RESOLVED:**

That planning permission be refused in accordance with the Officer's recommendation for the following reason:

The proposed development will have an adverse impact on the vitality and viability of the town centre, albeit not a significant adverse impact, there remains an impact. The site, taking into account the proposed shopper bus, is not well connected to the town centre to encourage linked trips and use of alternative means of travel other than the private car. Furthermore, the application site lies in a historic and rural landscape context and the proposed development is considered to have an adverse impact on the significance of the setting of the non-designated heritage asset and an adverse impact on the immediate landscape.

The heritage and landscape impacts are not considered to be overcome by mitigation offered by the proposed landscaping or finish material for the building. Furthermore, these impacts, in addition to the impact on the town centre and the impact on connectivity are not considered to be outweighed by the public benefits of the development.

As such the proposal is not considered to comply with the Development Plan Core Strategy policies CS5, CS6 and CS17 or with policy MD13 of the Shropshire Site Allocations and Management of Development (SAMDev) and the National Planning Policy Framework (NPPF), specifically paragraph 135. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

**76 Land South East Of Rosedale, Maesbrook, Oswestry, Shropshire, SY10 8QN (17/04401/FUL)**

The Area Planning and Enforcement Officer introduced the application for the erection of an affordable dwelling with detached garage/store and formation of vehicular access. Members' attention was drawn to the information contained within the Schedule of Additional Letters.

Councillor Charles Green, on behalf of Kinnerley Parish Council spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members accepted the principle of an affordable dwelling in this location, however concerns remained relating to the current plot location and layout. It was felt that these concerns could be addressed through further negotiations with the applicant.

**RESOLVED:**

That determination of the application be deferred to allow for further negotiations with the applicant in relation to the siting, scale and design of the plot and if an acceptable solution can be found, delegated powers be given to officers to approve the application.

**77 Barn To The South Of Lee, Ellesmere, Shropshire (17/04613/FUL)**

The Area Planning and Enforcement Officer introduced the application under Section 73A of the Town and Country Planning Act for the erection of 1No dwelling; erection of detached storage building; change of use of agricultural land to domestic residential use; realignment of existing vehicular access track and installation of package treatment plant (amended scheme) and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Brian Williams, as local ward councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During their statement, the following points were raised:

- He challenged paragraph 6.1.13 of the Officers report, stating that the dwelling would enhance the site and wider setting;
- There had been no public objections and the Parish Council supported the proposal; and
- If refused, the site would become derelict and an eyesore within the village.

Councillor Kay Egerton, on behalf of Ellesmere Rural Parish Council spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mr Ben Pocock, the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of members expressed their support for the Officer's recommendation.

**RESOLVED:**

That planning permission be refused, in accordance with the Officer's recommendation, for the following reason.

The development site fails to be located within or adjacent to an area identified for additional sustainable residential development in accordance with Shropshire's strategic approach and the main aims of the National Planning Policy Framework. As a result, the site is considered as being within open-countryside, where strict controls are placed on all new development to ensure that only those that maintain and enhance the vitality and character will be supported, of which open market new build

dwellings are not considered to improve the sustainability of rural communities. The development site would also fail to comply with the Settlement Policy as found at S8.2(iv) in that the development is neither an infill site or a conversion. Resultantly, the proposed development is contrary to local policies CS1 and CS5 of the Shropshire Core Strategy, MD1 and MD7a of the SAMDev Plan and to the overall aims of the National Planning Policy Framework.

**78 Proposed Residential Development To The West Of Shrewsbury Street, Prees, Shropshire (17/03775/OUT)**

*(Councillor Wynn declared that he was the local member for this application. Councillor Hunt, as Vice-Chairman presided as Chairman for this item).*

The Principal Planning Officer introduced the outline application for the erection of up to 5 no. residential dwellings including access off Shrewsbury Street and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the information contained within the Schedule of Additional letters. The Principal Planning Officer reported that Highways had recommended the inclusion of an additional condition to ensure that appropriate engineering details are submitted for approval therefore the Committee were asked to consider granting delegated powers to the Head of Planning Services to grant permission.

Councillor Ray Hirons, on behalf of Prees Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mr Peter Richards, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Paul Wynn, as local ward councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- The access may not be appropriate for the total number of dwellings to be provided on the allocated site;
- The plans seemed to show that the road was wide enough for two vehicles when in fact part of it would be single width, creating a pinch point.

The Principal Planning Officer responded to concerns raised by speakers by confirming that highways had confirmed that the access arrangements were acceptable should permission be granted for five dwellings. The Committee were reminded that they must consider only the proposals before them.

Having considered the submitted plans and listened to the comments made by all of the speakers the Committee expressed the view that whilst understanding the

concerns of the parish council and local member, they were reassured by the advice from Highways and were satisfied that the highways arrangements were appropriate for this development.

**RESOLVED:**

That delegated authority be given to the Head of Planning Services to grant planning permission subject to:

- The conditions set out in Appendix 1 of the report;
- An additional condition, as recommended by Highways

*The meeting was adjourned at 4:08 p.m. and reconvened at 4:11 p.m.*

*The Committee agreed to consider agenda item 10, planning application 17/05626/VAR next.*

**79 Proposed Residential Development, Land At The Cross, West Felton, Shropshire (17/05626/VAR)**

The Principal Planning Officer introduced the application for the variation of condition number 7 attached to Planning Permission 14/00133/OUT dated 1st October 2014 (allowed on appeal) to allow amendments to the access arrangements. Members' attention was drawn to the information contained within the Schedule of Additional letters.

Mr Chris Jones, local resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Pat Mabe, on behalf of West Felton Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mr Sean Jones, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

During the ensuing debate some members expressed concern in relation to pedestrian safety. In response, the Principal Planning Officer advised that the Planning Inspector had accepted the narrowing of the highway, but did not consider that it would be a significant issue and although the proposed width of 5.5 meters fell below the standards set out in both local and national guidance, members were reminded that this was guidance only. As such it was officer's opinion that that the variation would provide improvements to pedestrian connectivity and safety and as such a refusal could not be justified.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of members expressed their support for the officer's recommendation.

**RESOLVED:**

That delegated powers be granted to the Head of Planning Services to approve the variation of condition 7, subject to the re-wording of the condition to include the provision of the footway improvements and to refer to the recently received revised access plan and subject to the applicant entering into a S106 agreement deed of variation.

*Councillor Vince Hunt left the meeting at this point.*

**80 Proposed Residential Development, Land At The Cross, West Felton, Shropshire (16/05336/REM)**

The Principal Planning Officer introduced the application for the approval of reserved matters (access, appearance, landscaping, layout, scale) pursuant to 14/00133/OUT for residential development of 25 houses (inclusive of 2 affordable). Members' attention was drawn to the information contained within the schedule of additional letters.

Mr Chris Jones, local resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mr Sean Jones, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

**RESOLVED:**

That determination of the application be deferred to allow additional time for consultation with West Felton Parish Council and that delegated powers be granted to the Head of Planning Services to grant reserved matters consent, subject to no new material planning issues being raised by the Parish Council and subject to the conditions listed in Appendix 1 of the report.

If new material planning issues are raised by the Parish Council, the application is to come back to Committee for consideration.

**81 Appeals and Appeal Decisions**

**RESOLVED:**

That the appeals and appeal decisions for the northern area be noted.

**82 Date of the Next Meeting**

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday 6<sup>th</sup> February 2018, in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Before closing the meeting, the Chairman and members of the Committee thanked Karen Townend, Principal Planning Officer for her work within planning and wished her well in her new role as a planner at Birmingham City Council.

Signed ..... (Chairman)

Date: .....