

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 2 April 2014 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, AN Bridges, EMK Chave, PJ Edwards, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, Brig P Jones CBE, JG Lester, RI Matthews, FM Norman, J Norris, GR Swinford and DB Wilcox

**159. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors DW Greenow, RC Hunt and PJ Watts.

**160. NAMED SUBSTITUTES**

There were no substitute members present at the meeting.

**161. DECLARATIONS OF INTEREST**

**Agenda item 7: 140285/O Land at Porthouse Farm, Tenbury Road, Bromyard, Herefordshire**

Councillor JG Lester declared a non-pecuniary interest as a Governor of Queen Elizabeth Humanities College, Bromyard.

Councillor A Seldon declared a non-pecuniary interest as a Governor of St Peter's Primary School, Bromyard

**Agenda item 9: 133251/F The Hereford Academy, Malrlbrook Road, Hereford**

Mr K Bishop (Development Manager) declared a non-pecuniary interest as his football club used the pitch for training and Herefordshire Football Association, of which he was a Director, had sent in a letter of support of the application.

**Agenda item 11: 132851/O Land South of Hampton Dene Road, Hereford**

Councillor DB Wilcox declared a non-pecuniary interest because he lived in the vicinity.

**162. MINUTES**

**RESOLVED: That the Minutes of the meeting held on 12 March 2014 be approved as a correct record and signed by the Chairman.**

**163. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reminded Members that a seminar for all Councillors on the 5 year housing land supply had been arranged for the afternoon of 22 April.

He also reported that he and representatives of some neighbouring authorities were due to attend a meeting with the Planning Minister.

**164. APPEALS**

The Planning Committee noted the report.

The Development Manager confirmed that where it was considered appropriate the Council did apply for costs against appellants.

**165. 140285/0 LAND AT PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE, HR7 4NJ**

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes, including a proposed change to the recommendation.

He added that, following discussion, it was proposed that the educational contributions included in the Heads of Terms appended to the report should be subject to further discussion with the local ward members and the Chairman of the Planning Committee.

In accordance with the criteria for public speaking, Mr R Page of Bromyard and Winslow Town Council spoke in support of the Scheme.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors JG Lester and A Seldon, the local ward members, spoke on the application.

Councillor Seldon commented that it had been a painstaking process but the current application represented an acceptable compromise that was to everyone's benefit. He added that the history of the application was an example of how important it was that the Council listened to local communities to avoid discord.

Councillor Lester agreed with Councillor Seldon's comments and that as stated at paragraph 6.11 of the report the application represented a reasonable compromise.

The debate opened and the following principal points were made:

- The Town Council had agreed to support the application subject to six conditions, all of which had been met. The work of the Town Council and the applicants was to be commended.
- It was proposed that a condition should be imposed governing the hours of operation of the industrial units.
- It had been fortunate that it had been possible to reach a compromise, noting the grounds on which an Inspector had rejected an appeal by the applicants against the Committee's refusal of an earlier application. The Committee was not in a position to act so robustly in a number of other cases because of the national constraints now upon it and the potential this carried for there to be conflict with the wishes of the local community needed to be recognised.
- It was requested that the development should be completed to a high standard.
- The Development Manager commented that it had been a long process but the community and the developer had worked together in an exemplary fashion to achieve an acceptable solution.

The local ward members were given the opportunity to close the debate and reiterated their support for the Scheme.

**RESOLVED: That officers named in the scheme of delegation be authorised to issue planning permission subject to:**

**The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report, as amended in accordance with the Committee Update deleting reference in the third clause of the Draft Heads of Terms Agreement to affordable dwellings, and subject to consultation with the Chairman and the local ward members on the educational contributions contained within the Heads of Terms; and**

**The conditions set out in the report and any varied or additional conditions considered necessary by officers:**

1. **C02 - A02 Time limit for submission of reserved matters (outline permission)**
2. **C03 - A03 Time limit for commencement (outline permission)**
3. **C04 - A04 Approval of reserved matters**
4. **C05 - A05 Plans and particulars of reserved matters**
5. **C06 - B01 Development in accordance with the approved plans**
6. **Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-**

**Full details of foul sewerage disposal arrangements**

- **Full details of surface water drainage arrangements**
- **Full details of land drainage arrangements**

**The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved detail and thereafter maintained as such.**

**Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system, in accordance with policies DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.**

7. **With regard the details required to be submitted pursuant to condition 6 above, no surface water or land drainage run-off shall be discharged, either directly or indirectly, to the public sewerage system.**

**Reason: To protect the integrity of the public sewerage system, to prevent hydraulic overloading of the public sewerage system and ensure no detriment to the environment, in accordance with policies**

**DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.**

- 8. With regard the details of foul sewerage disposal arrangements required to be submitted pursuant to condition 4 above, no more than 7 litres per second shall be discharged into the public sewerage system, thus requiring an on-site pumping station. The scheme shall be implemented with this restricted flow and thereafter maintained as such.**

**Reason: To protect the integrity of the public sewerage system, to prevent hydraulic overloading of the public sewerage system and ensure no detriment to the environment, in accordance with policies DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.**

- 9. No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:**

**a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors,**

**a conceptual model and a risk assessment in accordance with current best practice.**

**b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.**

**c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified.**

**Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

**Reason: In the interests of human health in accordance with policy DR10 of the Herefordshire Unitary Development Plan 2007.**

- 10. The Remediation Scheme, as approved pursuant to condition number 7 above, shall be fully implemented before development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

**Reason: In the interests of human health in accordance with policy**

**DR10 of the Herefordshire Unitary Development Plan 2007.**

- 11. No building operation shall take place until the re-graded bund permitted by planning permission DMN/111900/N has been completed. Thereafter this bund shall remain in-situ and be maintained in accordance with the approved details.**

**Reason: To ensure that the occupiers of the dwelling houses enjoy a satisfactory level of amenity in compliance with policy DR13 of the Herefordshire Unitary Development Plan 2007.**

- 12. The recommendations set out in the ecologist's reports dated February 2013 and June 2010 shall be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, an update assessment and full working method statement should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**

**Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.**

**To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.**

- 13. Prior to commencement of the development, a full habitat enhancement and management scheme, including reference to Herefordshire's Biodiversity Action Plan Priority Habitats and Species, including timescale for implementation, shall be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved.**

**Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.**

**To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.**

- 14. An appropriately qualified and experienced ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.**

**Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.**

**To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and**

**Geological Conservation and the NERC Act 2006.**

- 15. Prior to the start of construction of any dwelling house hereby permitted a detailed scheme for the future maintenance of a continuous and imperforate 4.5 metre high timber acoustic fence, sealed at the base, with a density of at least 15 kg/m<sup>2</sup> shall be submitted for approval to the Local Planning Authority. The fence shall then be erected prior to the first occupation of any dwellings along the alignment shown on the drawing number 0609\_11/d/2.02 and thereafter be retained and maintained in accordance with the approved scheme.**

**Reason: To ensure that the occupiers of the dwelling houses hereby permitted do not suffer an undue level of noise in accordance with policy DR13 of the Herefordshire Unitary Development Plan 2007.**

- 16. No development shall take place until a Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the provisions of the approved Plan.**

**Reason: In the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policies S10 and DR4 of Herefordshire Unitary Development Plan.**

- 17. The two new vehicular means of access hereby permitted shall be provided prior to commencement of any building operation hereby permitted.**

**Reason: In the interests of highway safety, in accordance with policies DR3, T6 and T7 of the Herefordshire Unitary Development Plan 2007.**

- 18. Prior to the commencement of the development of the B1 commercial unit as shown on approved plan 0609\_11/d/3.01 details of the materials to be used externally on walls and roof shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To ensure that the materials harmonise with the surrounding area and that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

- 19. The B1 commercial unit and its associated infrastructure as shown on approved plan 0609\_11/d/3.01 shall be constructed and capable of occupation for employment purposes prior to the first occupation of any of the dwellings hereby approved.**

**Reason: To ensure that the employment use hereby permitted is brought into use and to secure a mixed form of sustainable development in accordance with Policy S1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

- 20. The commercial units shall be used solely for purposes within Class B1 of the Town & Country Planning (Use Classes) Order 1987, or in**

any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In order to protect the residential amenity of the adjacent dwellings that are also permitted and to comply with Policy DR2 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

21 F05 – Restriction on Hours of use of business units.

**INFORMATIVES:**

1. A written Land Drainage Consent will need to be obtained from the Board under the terms of the Land Drainage Act 1991 and the Flood and Water Management Act 2010.
2. The details of layout required to be submitted pursuant to condition 1 should follow the advice contained within 'Manual for Streets 2' and include the vehicle parking and cycle parking facilities as set out in the Herefordshire Council 'Highways Design Guide for New Development (July 2006)'.
3. N11C General
4. HN01 Mud on highway
5. HN04 Private apparatus within highway
6. HN05 Works within the highway
7. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**166. 132924/O LAND AT GADBRIDGE ROAD, WEOBLEY, HEREFORDSHIRE, HR4 8SN**

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

He added that additional photographs had been submitted showing the discharge of water onto the road in the village.

In accordance with the criteria for public speaking, Mr B Corbett, of Weobley Parish Council spoke in opposition to the Scheme. Mr J Andrews, a resident, spoke in objection. Mr M Harris, the Applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor MJK Cooper, the local ward member, spoke on the application.

He commented on a number of issues including:

- He endorsed the concerns expressed by the Parish Council.
- There was local concern about the rate of change in the village the development would bring and its impact.
- The junction serving the development could not be improved because it was lined by historic buildings and an increase in traffic could therefore cause problems.
- Drainage was a concern.
- If the development proceeded he asked if the hedgerow fronting the development could be restored following the construction of the development

The debate opened and the following principal points were made:

- A number of Members expressed concern about the absence of any detail of how foul and surface water drainage issues would be managed and indeed whether they could be managed satisfactorily. The current system was itself clearly inadequate. The Development Manager commented that the existing system in the village was considered acceptable by Welsh Water who had not objected to the proposal. He added that all new applications were expected to have a Sustainable Urban Drainage Scheme. New legislation was expected specifically dealing with this aspect. Welsh Water was insisting on conditions and he reminded the Committee of the full wording of condition L04. The detailed proposals would come forward when the reserved matters were considered. Drainage proposals would have to be approved by Welsh Water.
- In relation to the concern about the pace of development in the village, the Development Manager commented that it should be borne in mind that the developer would build at a gradual rate.
- The expert advice provided to the Committee supported the application. There were no strong grounds for refusal. However, it was to be regretted that the developer was not presenting an application that offered anything such as energy efficient, state of the art housing to enthuse the Committee and encourage it to welcome the application. It was to be noted in considering the quality of the development that the village was a tourist attraction.
- It was suggested that whilst there may be no grounds for refusal the developer could be made fully aware of the concerns within the village and encouraged to make the development one in which the community could take pride.
- Development did carry with it some benefits for community sustainability.
- The Development Manager noted that the Planning Team worked to national guidelines in relation to the energy efficiency of developments. Building Regulations were becoming increasingly stringent with regard to this aspect.
- There was concern about the impact of the additional traffic the development would bring.
- In relation to the access to the development the Principal Planning Officer commented that the Traffic Manager was satisfied that appropriate visibility could be achieved from the proposed access.
- It was noted that for practical reasons the hedgerow fronting the development site might have to be removed during the construction phase. However, there seemed to be no reason why it could not be reinstated in part at a later date. The Development



Manager commented that the replacement of as much of the hedge as possible could be discussed with the developer as part of the reserved matters.

In conclusion the Legal Officer commented that Welsh Water had confirmed that concerns about drainage could be addressed by condition and she could not consider this issue as a satisfactory ground for refusal. Similarly there was no evidence to support refusal on traffic management grounds. She considered that there was a risk of costs being awarded against the Council if the application were to be refused and the matter went to appeal.

The Development Manager commented that the developers would make a number of contributions to the community including, for example, traffic calming measures. He informed the Committee that, mindful of the Committee's expectations, officers did seek to work with developers to bring forward exemplary schemes and he expected that increasingly applications coming forward would be of an improved standard as the work of the Major Planning Team progressed.

The local ward member was given the opportunity to close the debate. He reiterated concerns about traffic management and drainage issues and welcomed the action to seek to retain as much of the hedgerow fronting the development as possible.

**RESOLVED: That officers named in the scheme of delegation be authorised to issue planning permission subject to:**

- 1. The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report, as amended in accordance with the Committee Update to include reference in the Draft Heads of Terms Agreement to St Marys RC High School; and**
- 2. The conditions set out in this report and any varied or additional conditions considered necessary by officers:**
  - 1. C02 - Time limit for submission of reserved matters (outline permission)**
  - 2. C03 - A03 Time limit for commencement (outline permission)**
  - 3. C04 - A04 Approval of reserved matters**
  - 4. C05 - A05 Plans and particulars of reserved matters**
  - 5. C06 - B01 Development in accordance with the approved plans**
  - 6. C97 - G11 Landscaping scheme - implementation**
  - 7. CAB - H03 Visibility splays**
  - 8. CAZ - H27 Parking for site operatives**

9. **The recommendations set out in section 6 the ecologist's report dated July 2013 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, the species and habitat enhancement scheme should be submitted and be approved in writing by the local planning authority, and the scheme shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

**Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

10. **CD3 - L01 Foul/surface water drainage**
11. **CD4 - L02 No surface water to connect to public system**
12. **CD5 - L03 No drainage run-off to public system**
13. **CD6 - L04 Comprehensive & Integrated draining of site**

#### **INFORMATIVES:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) in relation to the Transport Statement have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **I30 - N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
3. **I33 - N11C General**
4. **I09 - HN04 Private apparatus within highway**
5. **I35 - HN28 Highways Design Guide and Specification**

6. **I43 - HN13 Protection of visibility splays on private land**

7. **I45 - HN05 Works within the highway**

**167. 133251/F THE HEREFORD ACADEMY, MARLBROOK ROAD, HEREFORD, HR2 7NG**

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

It was noted that Hereford City Council had no objection to the proposal.

**RESOLVED: That planning permission be granted subject to the following conditions:**

1. **The permission hereby granted is an amendment to planning permission DCCW0009/0958/F dated 18 August 2009 and, otherwise than is altered by this permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.**

**Reason: For the avoidance of doubt and to comply with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.**

2. **The floodlighting hereby permitted for the MUGA shall not be in use outside of the following times: - 0900 - 2200 Mondays to Fridays nor at any time on Saturdays, Sundays, Bank or Public Holidays.**

**Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.**

3. **The floodlighting hereby permitted for the All Weather Pitch shall not be in use outside of the following times: - 0900 – 2200 Mondays to Fridays and 09.00 and 20.00 on Saturdays, Sundays and at no time on Bank or Public Holidays.**

**Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.**

**INFORMATIVES:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework**

**168. 133262/O LAND REAR OF WESTBURY, CUSOP, HAY-ON-WYE**

The Senior Planning Officer gave a presentation on the application. He added that Cusop Parish Council was developing a Neighbourhood Plan. A further representation had been received suggesting there was a covenant on the land. However, this was not a material planning consideration.

In accordance with the criteria for public speaking, Mrs K Lovegrove, a resident, spoke in objection. Mr D Jones, the Applicant, and Mr A Bevan, the Applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PD Price the local ward member, spoke on the application.

He commented on a number of issues including:

- The Applicant was a local resident running a small business that offered employment. The development was small, sustainable, and in accordance with the aims of the Golden Valley Project.
- Account had to be taken of the fact that the Council had not identified the required five year housing land supply and the presumption in the National Planning Policy Framework was in favour of sustainable development in such circumstances.
- The report stated that the application site was outside the settlement boundary as defined by UDP policy H4. However, in reality it was within the existing settlement.
- There would not be a significant impact on traffic.
- It would not be a precedent for further development. Each application had to be considered on its merits.
- Cusop Parish Council had supported the application although the matter was contentious in the community.
- He believed that the applicant would take account of points raised in objection to the proposal at the reserved matters stage.

Several Members commented that they understood why there were local objections to the proposal. However, planning policies supported the Scheme's approval.

The Development Manager commented that although several previous applications had been refused the National Planning Policy Framework was now in place containing the presumption in favour of sustainable development. Local concerns were noted. However, three housing units could be appropriately located within the application site to minimise their impact. Quality of design could be discussed at the reserved matters stage.

The local ward member was given the opportunity to close the debate. He expressed the hope that relationships within the community would be rebuilt and that the development of a Neighbourhood Plan would prove beneficial.

**RESOLVED: That planning permission be granted subject to the following conditions:**

1. **A02 Time limit for submission of reserved matters (outline permission)**

2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **B01 Development in accordance with the approved plans**
6. **L01 Foul/surface water drainage**
7. **L02 No surface water to connect to public system**
8. **L03 No drainage run-off to public system**
9. **I20 Scheme of surface water drainage**
10. **G03 Retention of existing trees/hedgerows**
11. **H03 Visibility splays**
12. **Details of the works to widen the carriageway known as Thirty Acres and works to the hereby approved site access as shown on approved plan 1321/PLN/01 shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works shall be implemented as approved prior to the first occupation of the first dwelling.**

**Reason: To ensure that the proposed highways improvement works are delivered as required to offset the increase in vehicular movement along Thirty Acres in accordance with policies DR3 and H13 of the Herefordshire Unitary Development Plan and the NPPF.**

13. **H13 Access, turning area and parking**
14. **The recommendations set out in the ecologist's report dated November should be followed in relation to the survey recommendations for reptiles, notably slow-worm. Prior to commencement of the development, a presence/likely absence survey for slow worm should be carried out. Should slow worm be found a full working method statement for mitigation should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**

**An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

**Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.**

**To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.**

15. **The recommendations set out in the ecologist's report dated November 2013 with regard to hedgerow protection and habitat enhancement should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

**An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

**Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.**

**To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006**

**INFORMATIVES:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
3. **N11C General**
4. **HN04 Private apparatus within highway**
5. **HN05 Works within the highway**
6. **HN08 Section 38 Agreement & Drainage details**

*(The meeting adjourned between 12.30 pm and 1.30 pm.)*

**169. 132851/O LAND SOUTH OF HAMPTON DENE ROAD, HEREFORD**

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

He highlighted that the applicant had lodged an appeal against non-determination with the Planning Inspectorate. The Inspectorate had confirmed that the appeal was valid and that jurisdiction for decision-taking on the application was no longer with the local planning authority.

The Principal Planning Officer stated it was proposed, however, as indicated in the changed recommendation in the update to the Committee that Members made a

resolution confirming how they would have determined the application were it within their jurisdiction. This would inform the forthcoming appeal.

In accordance with the criteria for public speaking, Mr N White, Chairman of Hampton Bishop Parish Council, spoke in opposition to the Scheme.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor J Hardwick, the local ward member, spoke on the application.

He commented on a number of issues including:

- He supported the Parish Council's principal grounds for objecting to the Scheme: concern about the risk of increased flooding and the effect upon the character and appearance of the area.
- He noted that when the applicant had given a public presentation on the matter they had indicated an intention to build 95 dwellings rather than up to 120 as now proposed.
- The comments of the Conservation Manager (Landscapes) set out in the report condemned the Scheme.
- In Herefordshire Council's Urban Fringe Sensitivity Analysis (USFA) (January 2010), the site was described as lying within a zone defined as having *High Sensitivity*. The slope on which the development would in part be built was described as highly visible.
- A development of 120 dwellings was inappropriate in this prominent, historic and highly sensitive location.
- He suggested that policies DR1, LA2, LA3 and HBA4 were grounds for refusal.
- The applicants were arguing that the Section 106 agreement should be Community Infrastructure Levy compliant and there was no certainty as to any contribution that would be forthcoming to benefit the community.
- Traffic calming measures were required together with a solution to car parking pressures associated with the local schools.

Councillor JLV Kenyon, an adjoining Ward Member, was invited to speak. He spoke in support of the Scheme and commented on a number of issues including:

- There appeared to be little public opposition to the Scheme.
- There was an identified need for new housing in the area including affordable housing and bungalows.
- The Section 106 agreement provided an opportunity to bring about a number of improvements to the benefit of community including measures to address traffic calming and traffic generated by the schools, improvements to Ledbury Road and access to the City. School capacity was of concern. A contribution to school infrastructure would therefore be needed.

The debate opened and the following principal points were made:

- The comments of the local ward member and the Conservation Manager (Landscapes) had highlighted the impact of the scheme on a sensitive and beautiful landscape. The development would be visible, despite the proposed mitigation measures, and unacceptable.

- It was suggested that there were parallels with the recent application at Home Farm, Belmont and there were grounds for refusal on the grounds of the impact on the landscape and an historic building.
- That the City Council had sought to preserve the approaches to the City including Aylestone Hill and it would be regrettable if the permission were to be granted for the proposed harmful development at Hampton Dene. It was noted that an application had recently been submitted for a development at Aylestone Hill.
- The risk that the development would increase flooding was discussed and whether National Planning Policy Framework (NPPF) paragraph 103 would therefore form another ground for refusal. The Development Manager commented that the technical advice was that the water retention measures proposed as part of the development would reduce the amount of surface water running off the site.
- In response to comments made about the traffic implications the Development Manager commented that the Traffic Manager had no objection to the proposal.
- That the application represented overdevelopment. It might be possible to accommodate a smaller development, removed from the ridge, within the landscape. Reference was made to the compromise eventually reached with the developer of Porthouse Farm, Bromyard as reflected in the application considered earlier in the meeting.
- Hereford City Council had not objected to the application. Neither had there been any significant local opposition. Hampton Bishop Parish Council had objected but it was on the boundary of the Parish. The view of residents of the neighbouring Tupsley ward was that more affordable housing was a priority and this was reflected in the City Plan to which a Planning Inspector would have regard. The question was whether the impact on the landscape outweighed the other considerations in favour of the development.
- If the Scheme did proceed it was to be hoped that the developer would ensure that the design was to a high standard.
- That the Council should be robust in its discussions over any S106 Agreement.
- Several Members suggested there were a number of grounds for indicating support for refusal: principally policies LA2, LA3 relating to the character of the landscape, HBA4, and NPPF paragraph 109. It was suggested that other policies were also relevant: LD1, H7, S7 and LA4.
- The Development Manager commented that in considering the planning balance, including taking account of the appeal decision at Home Farm, Belmont, officers had concluded that the absence of a five year supply of housing land outweighed the concerns about the harm to the landscape. There were 5 letters of objection to what was a substantial scheme and the developer had carried out a leaflet drop to over 500 dwellings. In considering the value of the landscape account needed to be taken of the fact that the site was not subject to any national or local designation that indicated that development ought to be restricted. His advice was that Members should support the Scheme. However, it was arguable that were grounds for refusing the application because of the weight attached to the harm to the landscape character on the grounds of policies LA2, LA3, LA4, HBA4 and the NPPF paragraph 109.
- The Legal Officer reminded the Committee that consideration needed to be given to the Council's ability to defend an appeal. She did not consider on the basis of the evidence presented that concerns about traffic issues and the risk of flooding were grounds for refusal. Even given the objection of the Conservation Officer (Landscapes) set out in the report there was still a risk that any appeal could be lost given the presumption within the NPPF and that costs could be awarded against the Council.



The local ward member was given the opportunity to close the debate. He acknowledged that the decision was finely balanced but he remained opposed to the Scheme because of the impact on the landscape.

**RESOLVED: That the Committee would have been minded to delegate authority to officers to refuse planning permission on the basis that it is contrary to policies LA2, LA3, LA4, HBA4 and NPPF 109 and that this position is adopted in appeal proceedings.**

**170. 132221/O TALBOTS FARM, THE RHEA, SUTTON ST NICHOLAS, HEREFORDSHIRE, HR1 3BB**

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr K Lawton, a resident, spoke in objection. Mr C Goldsworthy, the Applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor KS Guthrie the local ward member, spoke on the application.

She commented on a number of issues including:

- The application site was within a conservation area.
- The access to the site was of concern.
- There had been 18 letters of objection.
- Flooding in the area was of concern.
- The development was contrary to policies LA2, LA3, DR7 and HBA6 and NPPF paragraphs 14, 69 and 93.
- She urged the Committee to refuse the application. However, if it was minded to approve it she requested that consideration be given to providing that there should only be one dwelling on the application site.

The debate opened and the following principal points were made:

- There did not appear to be grounds upon which the application could be refused.
- Concerns about development in a conservation area were acknowledged, however, adjoining development had already been permitted.
- Members thought it unlikely that any further development would be permitted because of the access. It was advised that it would be difficult to apply a condition to that effect. However, it was proposed that a note be attached to the Committee's decision for future reference stating that the Committee considered the site suitable for development of one dwelling only, having regard to the access constraints.
- Any further development on the application site and the adjoining area would be subject to a further planning application.
- It was requested that it be registered that at the reserved matters stage Members would wish careful consideration to be given to slab levels, overall height and siting within the development.

The local ward member was given the opportunity to close the debate and welcomed the Committee's stance on any further development.

**RESOLVED:** That planning permission be granted subject to the following conditions:

1. **Details of the layout, scale, appearance, access and landscaping of the development permitted (hereinafter called “the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.**

**Reason:** To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy DR1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

2. **Application for approval of the reserved matters shall be made to the Local Planning Authority not later than one year from the date of this permission.**

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990 and having regard to the Council’s suspension of the Requirements of Policy DR5 of the Herefordshire Unitary Development Plan.

3. **The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.**

**Reason:** To comply with the provisions of Section 9(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the Local Planning Authority on 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the Authority’s Planning Obligations Supplementary Document (February 2008) in relation to all employment developments falling within Classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less.

4. **G11 Landscaping scheme - implementation**

5. **L01 Foul/surface water drainage**

6. **L02 No surface water to connect to public system**

7. **L03 No drainage run-off to public system**

8. **H09 Driveway gradient**

9. **H27 Parking for site operatives**
10. **G14 Landscape management plan**
11. **G09 Details of Boundary treatments**
12. **I16 Restriction of hours during construction**

**Informatives:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

2. **Welsh Water Advice:**

**If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.**

**Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**

**The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA)1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.**

**Welsh Government introduced the Welsh Ministers Standards on 1 October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with use at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our**

**Development Services Section of our website - [www.dwrcymru.com](http://www.dwrcymru.com)**

**Further information on the Welsh Ministers Standards can be found on the Welsh Government website - [www.wales.gov.uk](http://www.wales.gov.uk)**

**3. HN01 Mud on highway**

**NOTES**

- 1 In granting planning permission the Committee requested that it be recorded for future reference that it considered the site suitable for development of one dwelling only, having regard to the access constraints.**
- 2 The Committee observed that careful consideration would need to be given to slab level, height, position and scale of development.**

**171. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**Appendix 1 - Schedule of Committee Updates**

The meeting ended at 3.08 pm

**CHAIRMAN**

# **PLANNING COMMITTEE**

**Date: 2 April 2014**

## **Schedule of Committee Updates/Additional Representations**

**Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.**

## **SCHEDULE OF COMMITTEE UPDATES**

**P140285/O - HYBRID APPLICATION - PART OUTLINE FOR 76 DWELLINGS (35% AFFORDABLE) AND A BUSINESS CENTRE FOR B1 USES, WITH ALL MATTERS EXCEPT ACCESS TO BE RESERVED. PART FULL, FOR THE DEVELOPMENT OF A SINGLE B1 BUSINESS UNIT AND THE MEANS OF ACCESS THERETO AT LAND AT PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE, HR7 4NJ**

**For: Mr Harrison per Mr John Wilson, 66 Stratford Road, Shirley, Solihull, West Midlands B90 3LP**

### **ADDITIONAL REPRESENTATIONS**

Transportation Manager – No objection subject to the imposition of conditions

Economic Development Manager – Welcomes the introduction of an employment element within the revised scheme. The employment element will help to meet an identified need for employment land in Bromyard.

It is agreed that the demand for employment units is most likely to come from local start-ups or smaller local companies looking to expand and the proposal would meet this need. The applicant's demand led approach is prudent and would give some flexibility to meet specific requirements.

### **OFFICER COMMENTS**

Bromyard and Winslow Town Council have indicated that they intend to complete a Neighbourhood Plan, but have yet to formally submit the area which this is to cover.

Condition 17 of the recommendation refers to the provision of the two proposed accesses onto Tenbury Road. As the application is made in outline with layout reserved for future consideration, more detailed conditions that relate to parking, turning and estate road layouts can reasonably be imposed on any reserved matters application should planning permission be forthcoming in this instance.

### **CHANGE TO RECOMMENDATION**

In the third clause of the Draft Heads of Terms Agreement reference is made to open market and affordable dwellings. The reference to affordable dwellings should be omitted and the calculation will be based only on the open market dwellings proposed.

**P132924/O - SITE FOR ERECTION OF 40 DWELLINGS 1, 2, 3 AND 4 BED UNITS AND ASSOCIATED PARKING AT GADBRIDGE ROAD, WEOBLEY, HEREFORDSHIRE, HR4 8SN**

**For: Mr Barnes per Mr Harris, Stoneycroft Planning & Development Consultants, 11 Paulbrook Road, Bridgnorth, Shropshire, WV16 5DN**

### **ADDITIONAL REPRESENTATIONS**

The Parish Council has made a further response to the application as follows:

The Parish Council would like to make the following comments in respect of the amended Transportation Statement. Receipt of the traffic census and speed survey data included in the report was delayed and we would note that this has limited the time available to us to assess and respond.

The Statement We note that the text of the report is the same as previously submitted apart from changes to paragraph 2.4 to take account of data received from the new survey. However, it also again includes reference to the traffic counts having been conducted on High Street (also erroneously referred to as being a 'continuation of Gadbridge Road') whereas it was in fact, and as requested, conducted on Gadbridge Road.

Appendix A – Photographs These are limited to the immediate area around the proposed site and give no indication of the congestion issues on Gadbridge Road travelling west along to the junction with High Street and Hereford Road, particularly that caused by parked cars, including those of patients visiting the doctors and dentists surgeries, or at the pinch point near 'The Old Post House'.

Appendix B – Plans The site layout (for 41 houses) is different from that submitted in the application (40 houses) and also does not show the proposed accesses from dwellings sited between the existing Bearcroft estate boundary and the access to the new development which might pose additional safety issues for vehicles and pedestrians entering and exiting the site off Gadbridge Road. The development's proximity to the existing access to the Village Hall has already been highlighted by the Parish Council.

Appendix C – Road Traffic Count and Speed Survey The survey was conducted on the western end of Gadbridge Road near to the junction with Hereford Road and High Street, below the vehicular entrance to 'The Old Post House' but before the access to the Unicorn Court development of 12 houses. The report states that the traffic flow on Gadbridge Road has an average peak generation between 11 am and 4 pm. Our own analysis of the report data re traffic count would indicate that this period is in fact between 8 am and 6 pm (there appears to be no separate analysis included with the survey census data listing the totals of the hourly traffic figures per day for the period which would illustrate this) and we consider that these times naturally reflect the flow of commuters travelling to and from work and schools, and patients attending the doctors and dentists surgeries. We therefore cannot see how the traffic flow peaks for the proposed housing, stated in the report as likely to be early morning and evening, will not have an impact on the local road network or why the demographic of residents living in the proposed development would be any different to those

in the adjoining existing estates, Bearcroft and Apple Meadow, and less likely to use Gadbridge Road at the same times. In addition to journeys relating to the existing houses feeding on to Gadbridge Road the census figures will include many regular journeys made by a variety of types of vehicles, as identified by the survey data, including farm machinery and delivery vehicles and of those travelling via Gadbridge Road from neighbouring areas, e.g. Weobley Marsh and Dilwyn, as well as those visiting the surgeries which serve a wide area.

Although the report relates to the survey conducted on Gadbridge Road, it has again repeated its statements included in the report for the 2004 survey conducted on High Street and concludes that there was 'a variety of results over the week of the survey with no defined pattern'. The only variety in the results would seem to be a not unexpected change for Saturday and Sunday. It also states that 'traffic numbers on this stretch of road are generally very low'. There would appear to be no support for this statement as there is no comparison or benchmark data provided, e.g. for similar unclassified roads.

The report data also shows the traffic speeds on this part of the road for the census period. We would suggest that this does not give a true reflection of the speeds attained by vehicles on Gadbridge Road as the census equipment was sited near to the junction with Hereford Road and High Street and vehicles would therefore be expected to be achieving slower speeds at this point.

Appendix E – TRICS data Although it is acknowledged in the report that there are limited sets of data available for similar sized mixed private housing, we consider the five sets that have been used are not comparative. They appear to be in suburban locations and do not compare with the rural nature of the proposed development at Gadbridge Road with the demographic and the vehicle movements likely to be different.

In conclusion, we consider that the report and data provided by the traffic census does not support claims that the proposed development will not have a major impact on the local road network.

## **OFFICER COMMENTS**

The location of the survey equipment was changed at the request of the parish council and local people in order to take account of movements associated with the doctor's surgery, dental practice and Bearcroft. The consultant did raise some concerns that this would not give an accurate reflection of traffic speed as vehicles would either be reducing speed towards the Gadbridge Road / High Street junction, or increasing as they had just negotiated the same junction. However, it is your officers' view that speeds are typically low along Gadbridge Road and the majority of the site, including the access, falls within a 30mph zone.

The Transport Statement has been completed by an appropriately qualified consultant using an accepted methodology. The contents of the statement have been considered by the Council's Transportation Manager, including traffic flows along Gadbridge Road, and he has raised no objection to the proposal.

The limitations of the TRICS data are acknowledged in the Transport Statement and the comments made by the parish council that vehicle movements associated with the development are likely to be different due to the rural context of this site are accepted. With no other available data however, any alternative figure would simply be an estimate and not evidence based.



## **CHANGE TO RECOMMENDATION**

It has been noted that the education part of the Draft Heads of Terms Agreement does not include reference to St Marys RC High School. This should be included but will not affect the amounts referred to.

**P133251/F - CONTINUED VARIATION OF CONDITION 21 OF  
PLANNING PERMISSION DMS/112675/F DATED 22/11/2011 AT  
THE HEREFORD ACADEMY, MARLBROOK ROAD,  
HEREFORD, HR2 7NG**

**For: The Hereford Academy, Marlbrook Road, Hereford, HR2  
7NG**

## **ADDITIONAL REPRESENTATIONS**

Following receipt of additional comments from the local residents, Officers requested that the Environmental Health Officer visit and consider the issues further (please note that there has recently been a change in officer so this is essentially a second opinion on this proposal).

Comments were received as follows:

I have given this proposal further consideration and have visited the site. The flood lighting does not appear to be directed in a way that would be a cause of nuisance to neighbours.

Whilst noise from sporting activity from the pitches is audible outside neighbouring dwellings it was not excessive when I visited, and would be very much reduced inside the said dwellings. The application in effect only permits the increased use of these pitches for a relatively short period, and only during the winter months and as such I do not think any increase in noise can be considered so significant as to be considered a nuisance and therefore I concur with the earlier response of 'no objection'.

N.B. If lights are shining 'directly' onto neighbours and causing nuisance I am of the opinion that these could be readily redirected.

## **NO CHANGE TO RECOMMENDATION**

**132851/O - RESIDENTIAL DEVELOPMENT (UP TO 120 DWELLINGS), ACCESS, PARKING, PUBLIC OPEN SPACE WITH PLAY FACILITIES AND LANDSCAPING AT LAND SOUTH OF HAMPTON DENE ROAD, HEREFORD**

**For: The Owner and/or Occupier per Ms Rachel Adams, 1 Broomhall Business Centre, Broomhall Lane, Worcester, WR5 2NT**

## **ADDITIONAL REPRESENTATIONS**

### ***Appeal against non-determination***

The applicant has lodged an appeal against non-determination with the Planning Inspectorate. The Inspectorate has confirmed that the appeal is valid and that jurisdiction for decision-taking is no longer with the local planning authority. It is the intention, however, that Members make a resolution today confirming how they would have determined the application were it within their jurisdiction. This will inform the forthcoming appeal.

### ***Additional Traffic Manager Comments***

The development is predicted to add 51 trips in the morning peak to Hampton Dene Road, 43 going north and 8 going south. The access junction itself has no capacity issues at all in respect of these flows, with plenty of reserve capacity.

In terms of existing flows, this equates to an 18% increase in northbound trips and 3% in southbound trips in the morning peak. Both the mini roundabout junction at Church Road and the priority junction with A438 can both cope with these flows and are well within capacity. The only junction that exhibits any capacity issues is the signalised junction at Folly Lane, as previously commented.

The evening peak is also not a problem, with no school traffic on Hampton Dene Road.

In terms of accident record, there are only two recorded personal injury accidents on Hampton Dene Road between Ledbury Road and Church Road in the last 5 years, those both being slight injury with one in 2010 and one in 2011 and each with a single person injury.

Therefore as previously stated, as I do not consider the likely residual detriment to the Tuspley signalised junction to be severe, I do not consider there to be any highways grounds for refusal.

### ***Comments in relation to S106 agreement***

The applicant has confirmed a preparedness to make contributions via S106 on the strict proviso that the Council can demonstrate that such contributions comply with the Community Infrastructure Levy (CIL) regulations i.e. that contributions are:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

To this extent the applicant is awaiting further justification from the Council in relation to the contributions towards educational infrastructure and the costs associated with the identified highway improvements. The resolution is for approval subject to completion of the S106, which will necessitate further discussion.

One further letter of representation has been received. It raises no new material planning issues.

**CHANGE TO RECOMMENDATION**

That Members provide a resolution confirming that subject to the conditions attached to the report and the completion of a Community Infrastructure Levy compliant S106 agreement, they would have been minded to delegate authority to officers to issue planning permission and that this position is adopted in appeal proceedings.

