

Officers Report

Planning Application No: 139273

PROPOSAL: Planning application to vary condition 24 of planning permission 135031 granted 14 December 2016-allow local business to use the site (D2 Use)-resubmission of 138836.

LOCATION: Hillcrest Caistor Top Caistor Market Rasen LN7 6TG

WARD: Caistor and Yarborough

Ward Member(s): Cllr A Lawrence and Cllr Bierley

APPLICANT NAME: Mr O Lawrence

TARGET DECISION DATE: 31/05/2019

DEVELOPMENT TYPE: Minor - Manufacture/Storage/Warehouse

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Refuse

This application has been referred to the Planning Committee, as the applicant is from the immediate family of a Councillor (Councillor Mrs A T Lawrence).

Description:

The site is located outside of the built footprint of Caistor (in the parish of Cabourne) to the south of the A46 and to the east of the B1225 (to the east of the cross roads of the A46 and the A1173/B1225). The site is approximately 870 metres in walking distance from the centre of Caistor (The Market Place). The site has planning permission (135031) to be redeveloped for 17 rural enterprise units, a retail unit, café and office following the demolition of the existing buildings. At the time of the officer site visit on the 16/04/2019 the new access to the site had been constructed and the external structure of the unit's subject of this application was nearly complete. Following the officers site visit the pedestrian crossing on the A46 has been completed.

The nearest residential dwelling (Hillcrest House) is located approximately 66 metres to the south of the proposal site (Units No.14 and No.15) and there is a Grade II Listed Dwelling (Top House, Farm) located approximately 161 metres to the north west of the site. The site is within the Lincolnshire Wolds Area of Outstanding Beauty.

The application seeks permission to vary condition 24 of planning permission 135031 to allow a D2 (Assembly and Leisure Use). Currently the rural enterprise premises given permission under 135031 are limited to A1 (shops), A3 (restaurants and cafes), B1a (office other than those under A2 financial and professional services), B1c (industrial process), B2 (general industry) and B8 (storage or distribution) uses. The application was submitted with a design and access statement and a site plan showing a red line drawn around units 14 and 15 of Block 4 (approximately 106 sq. metres in size) which is located

in the north east corner of the site and fronts the A46. No additional car parking to that granted under application 135031 is being provided.

The application states that the variation of condition is to allow a local business to use the site. The design and access statement states that the two units will be leased to a local 'Boutique Fitness, Personal Training and Sports Therapy Business' **[Soul Healthy]**. The boutique fitness enterprise is an existing business based in Nettleton and run from the owner's garage which is less than 1 mile from the site. The business has proven to be very popular locally and there is a need for such a service in the locality. The business currently employs 1 no person.

However, it has recently been brought to the Case Officer's attention that **Soul Healthy has closed down as the owner of the business is moving abroad imminently**. This was stated in a social media post (dated 25 April 2019). The post was put online several weeks after this application was validated on the 03/04/2019.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

The development is within a 'sensitive area' as defined in Regulation 2(1) of the Regulations (the Lincolnshire Wolds Area of Outstanding Natural Beauty) and has therefore been assessed in the context of Schedule 2 of the Regulations. After taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Therefore the development is not 'EIA development'.

Relevant history:

138836 - Planning application to vary condition 24 of planning permission 135031 granted 14 December 2016-allow local business to use the site (D2 Use). Refused by Planning Committee 07/03/2019.

138795 – Full planning application for proposed extension to building (B1 Office). Granted 05/04/2019.

136232 - Request for confirmation of compliance with conditions 2,3,4,5,6,7,9 and 10 of planning permission 135031 granted 14 December 2016. Conditions partially discharged 30/10/2018.

135031 – Full planning application for proposed 17no. rural enterprise units, consisting mainly of business use along with a retail unit, cafe and office. Demolition of existing buildings granted 14/12/2016.

128839 - Retrospective planning application for the change of use from Workshop to A1 Retail – approved 10/9/2012.

135007 – Planning permission for change of use from A1 Retail to D2 Gymnasium. Refused 16/12/2016.

Representations:

Chairman/Ward member(s): No representations received to date.

Caistor Town Council and Cabourne Parish Meeting: Caistor Town Council has no objection to the application.

Local residents: Hillcrest, Caistor Top, Caistor – Since the previous refusals for a gym (135007 & 138836) the applicant has provided no additional evidence only an enhanced design and access statement. This statement does not contain any new evidence under the section noise and nuisance but instead relies upon sweeping statements. The noise report submitted [from a previous application 135031 for 17 rural enterprise units] does not consider a D2 use.

The applicant states that the proposed gym use from 8am to 8pm (12 hour period) will produce no more noise nuisance than agreed internal uses that could be undertaken anytime. However, this is incorrect as the noise management scheme states that opening hours for all uses would be 7am to 6pm therefore additional noise will be created between the hours of 6pm-8pm by the gym which is not created by the agreed uses.

The applicant has given an estimate of how many users will attend the gymnasium at one time however these are qualified by 'mays'. The gym owner has stated that this unit is part of her expansion to a bigger unit which means her current attendees are not an accurate representation of how many people will use the gym or how many car parking spaces will be required. If the gym is successful and the gym users numbers increase this could lead to dangerous parking on the A46 and other roads around the site. The applicant provides details of classes and numbers but this is not set in stone and what is there to stop larger numbers attending.

The site is located close to a dangerous junction. Mention of the pedestrian crossing is also made.

Bfit Lincs Gym Ltd, Brigg Road, Caistor: Soul Healthy is no longer operating as a Health & Wellbeing business. The attached screen shots from the business owner's social media page states that she has closed her business and will shortly be moving to Australia indefinitely. All the information submitted in the applicants design and planning statement is therefore erroneous and entirely inaccurate as it all based on the business model and hours of operation of Soul Healthy.

I request that this D2 application is refused. A blanket approval for a D2 facility at the Hillcrest Site without very specific conditions being applied to hours of operation and class / membership numbers would still cause major problems. This is due to inadequate parking infrastructure being available to

support a business with a large number of customers attending site simultaneously.

I would like to re-submit my previous letter against application 138836 which was refused at planning committee on Wednesday 6th March 2019:

I spent several thousand pounds trying to get planning permission to operate a fitness facility on the Hillcrest Site. I wanted to operate there as I identified it was a prime location for advertising and passing trade due to the A46 being so close.

After nearly 18 months of trying to convince WLDC that it was a viable location for this facility, I was warned that I was in danger of being served an enforcement notice and I engaged with WLDC to identify a location that they deemed suitable. This battle to gain planning permission for a fitness facility at the Hillcrest Site, followed by the added expense of moving location and refurbishing a new building, has had a significant and almost terminal impact on the fiscal situation of both my limited company and my personal finances.

I feel that it would be a huge injustice to allow a direct competitor to operate from the Hillcrest Site after the personal hardship and stress I have been put through in trying to get the same planning permission for a fitness facility in the same location.

Lincolnshire Wolds AONB Officer: No representations received to date.

LCC Highways and Lead Local Flood Authority: The parking level of three spaces for the gym is not secured for sole use of the two units and therefore may not be available for use at all times. As purely a one to one therapy based operation, parking may not be an issue. The fact it is two units and operates spin classes would follow that a parking provision in excess of what is generally available for the sole use of the premises would be required. It is stated that a maximum of six spaces would be needed but this doesn't take into account the arrival for one class as the other ends and the overlap and subsequent extra parking needed.

It is noted that the two spin classes are in the evening, however there is one proposed during the working day and that is when the available parking provision is required most. My concern is that although the limited information indicates a one to one therapy based service with three spin classes per week, a change of use would allow any increase over and above this without the need for permission and without adequate parking provision assigned to be available for the sole use of the two units.

Economic Development: No representations received to date.

Environmental Protection: The submitted noise assessment survey (and associated noise management plan) is the same survey submitted for application 135031 (application for 17 Rural enterprise units) and does not

take into account the noise from a D2 gym use i.e. traffic noise, people and amplified music etc.

Secondly the application including the design and access statement is predicated on a local business use moving into the unit's subject of this application (139273). This local business [Soul Healthy] has closed as the owner will be imminently moving abroad.

Archaeology: No archaeological impact.

Health and Safety Executive: Not consulted. Previous application 138836 'No objection to the proposed development. As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator [National Grid] before deciding the case'.

National Grid Plant Protection: Not consulted. Previous application 138836 'No representations received to date'.

Conservation Officer: No representations received to date.

Relevant Planning Policies:

Local Policy:

Central Lincolnshire Local Plan 2012-2036

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP5: Delivering Prosperity and Jobs

LP6: Retail and Town Centres in Central Lincolnshire

LP13: Accessibility and Transport

LP16: Development on Land Affected by Contamination

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

LP55: Development in the Countryside

The CLLP is available to view here: <https://www.n-kesteven.gov.uk/centrallincolnshire/local-plan/>

Caistor Neighbourhood Plan:

Policy 1 – Growth and the presumption in favour of sustainable development

Policy 2 – Type, scale and location of development

Policy 3 – Design Quality

Policy 7 – Community Facilities

Policy 8 – Leisure Facilities

National guidance

National Planning Policy Framework (NPPF)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

National Planning Practice Guidance (NPPG)
<https://www.gov.uk/government/collections/planning-practice-guidance>

Listed Building Legal Duty

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Main issues

- Principle of Development
- Residential Amenity
- Visual Impact
- Area of Outstanding Natural Beauty (AONB)
- Economic Benefit
- Listed Building
- Foul and Surface Water Drainage
- Highway Safety
- Other matters

Assessment:

Principle of development

The NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas both through the conversion of existing buildings and well-designed new buildings.

Paragraph 86 of the NPPF indicates that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses (such as D2 uses) should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

The proposed use would be more appropriate in a location in the nearby Caistor Town Centre as it would support the function of the viability and vitality of Caistor and would be more readily accessible to members of the public by means other than the car. A sequential assessment is required for potential accommodation in Town Centres, then edge of centre and on then out of centre. A right move search conducted on the 09/05/2019 shows that the only premises available in the Caistor Area were The Paper Shop and the former Settlement premises both in the Market Place.

The submitted design and access statement has detailed why these properties are unsuitable for the local business use [Soul Healthy] which is the

proposed end user for the unit's subject of this application. However, it has recently been brought to the case officer's attention that Soul Healthy has closed down as the owner of the business is moving abroad imminently. This was stated in a social media post (dated 25 April 2019). The post was put online several weeks after this application was validated on the 03/04/2019.

As such there has been no detailed analysis of whether these buildings would be suitable a general D2 Gym Use not just specifically for this local business that has now closed. It is therefore considered that a satisfactory sequential assessment has not taken place. In the proposed location the use is considered to be contrary to the advice in the NPPF in relation to sustainable development making development inaccessible by other means than that of the private car and policies contained within the Central Lincolnshire Local Plan namely LP1, LP2, LP5, and LP13 as well as Policy 8 of the Caistor Neighbourhood Plan.

Policy LP1 of the Central Lincolnshire Local Plan seeks to support sustainable development in accordance with the NPPF. Furthermore, the proposal does not fit comfortably with the categories contained within Policy LP5 but it is considered to be an expansion (in use) to the existing Rural Enterprise Units (and their uses) granted under planning permission 135031. The policy states that expansion of existing businesses will be supported provided that:

- Existing buildings are reused where possible;
- They do not conflict with neighbouring land uses;
- They will not impact unacceptably on the local and/or strategic highway network; and
- The proposal would not have an adverse impact on the character and appearance of the area.

It is considered that the proposal to allow a D2 (Leisure/Gym Use) on this site within two of the units (No.14 and No.15) granted under planning permission 135031 has the potential to conflict with neighbouring land uses (the residential property to the south and other business units on the site) and impact unacceptably on the highway network (these issues are explored below). Furthermore, no sequential test for a non specific D2 Gym Use (not for the local business that has now closed down) has been undertaken as part of this application and in its proposed location the use is considered to be unsustainable making the development inaccessible by other means than that of the private car.

Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance. The policy also applies to future occupants of development proposals under consideration.

The nearest residential dwelling (Hillcrest House) is located approximately 66 metres to the south of the proposal site (Units No.14 and No.15). Firstly the

submitted noise assessment survey (and associated noise management plan) is the same survey submitted for application 135031 (application for 17 Rural enterprise units) and does not take into account the noise from a D2 gym use i.e. increased noise from visiting cars, customers coming to and from the building and noise from within the building from equipment and music playing together cannot be ascertained. Secondly the application including the design and access statement is predicated on a local business use moving into the unit's subject of this application (139273). This local business [Soul Healthy] has closed as the owner will be imminently moving abroad. The impact therefore of a speculative D2 Gym use must therefore be much more general and may not meet the more specific trading ethos of Soul Healthy.

Although, the separation distance is approximately 66 metres to the nearest neighbouring dwelling it has not been possible to ascertain whether the proposal will have a harmful impact on the living conditions of neighbouring dwellings or the other business uses on the site. Therefore, it is considered to be contrary to the NPPF and Policy LP26 of the Central Lincolnshire Local Plan.

Visual Impact

Local Plan Policy LP26 states that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing and form. The policy also states that the proposal should respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area and should use appropriate, high quality materials which reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

The proposal is contained within Units No.14 and No.15 of the approved planning permission 135031 (although no additional car parking provision is provided). It is therefore considered that the proposal would not have an adverse visual impact on the approved development under planning permission 135031, the street scene nor the countryside.

Area of Outstanding Natural Beauty

The proposal is contained within Units No.14 and No.15 of the approved planning permission 135031 (although no additional car parking provision is provided). The proposal will therefore have no adverse effect on the character and appearance of the Lincolnshire Wolds Area of Outstanding Natural Beauty.

Economic Development

Both the NPPF and the Central Lincolnshire Local Plan support economic growth but the application form and other documentation does not state that any specific additional jobs will be created through this proposal.

Competition is not a material planning consideration.

Listed Building

There is a Grade II Listed Dwelling (Top House, Farm) located approximately 161 metres to the north west of the site across the A46. The proposal is contained within Units No.14 and No.15 of the approved planning permission 135031 (although no additional car parking provision is provided). It is therefore considered that the proposal will preserve the setting of this listed building.

Foul and Surface Water Drainage

Foul sewerage and surface water was dealt with under planning application 135031 and the subsequent discharge of condition application 136232.

No additional car parking to that granted under application 135031 is being provided. Therefore, a condition requiring that any hardstanding should be constructed from a porous material and be retained as such thereafter or should be drained within the site is not needed.

Highway Safety

Both the NPPF and Policy LP5 and LP13 of the Central Lincolnshire Local Plan state that proposed development should take into account either highway safety or the effect on the existing network.

The application seeks permission to vary condition 24 of planning permission 135031 to allow a D2 (Leisure/Gym Use). Currently the rural enterprise premises given permission under 135031 are limited to A1, A3, B1a, B1c, B2 and B8 uses. The application was submitted with a site plan showing a red line drawn around units 14 and 15 of Block 4 (approximately 106 sq. metres in size) which is located in the north west corner of the site and fronts the A46.

The submitted design and access statement is predicated on a local business [Soul Healthy] moving into the proposed units. It has recently been brought to the Case Officer's attention that Soul Healthy has closed down as the owner of the business is moving abroad imminently. This was stated in a social media post (dated 25 April 2019). The post was put online several weeks after this application was validated on the 03/04/2019. No additional car parking is provided above the provision made under application 135031 for the 17 rural enterprise units.

The design and access statement states that 'The approved planning application 135031 allows for 17no allocated spaces for the units (one per unit) and 35no visitor spaces. The proposed gym will utilise 2no units and therefore will be allocated 2no spaces, one for the owner and one for visitors. Additional visitors during the peak times of spinning classes can utilise the 35no visitor spaces; if 5no spaces are taken by the gym this would still allow 2 visitor spaces per unit for the other units'.

Lincolnshire County Council Highways stated that 'the parking level of three spaces for the gym [as shown on the submitted site plan with an additional space for staff] is not secured for sole use of the two units and therefore may

not be available for use at all times. As purely a one to one therapy based operation, parking may not be an issue. The fact it is two units and operates spin classes would follow that a parking provision in excess of what is generally available for the sole use of the premises would be required. It is stated that a maximum of six spaces would be needed but this doesn't take into account the arrival for one class as the other ends and the overlap and subsequent extra parking needed.

It is noted that the two spin classes are in the evening, however there is one proposed during the working day and that is when the available parking provision is required most. Concerns are therefore raised that although the limited information indicates a one to one therapy based service with three spin classes per week, a change of use would allow any increase over and above this without the need for permission and without adequate parking provision assigned to be available for the sole use of the two units.' This would increase concerns as to the impact of this proposal on the operation of adjoining units, parking levels and hence highway safety and residential amenity.

As the application is predicated on a local business [Soul Healthy] moving into the proposed which has closed down there is no information submitted with this application that justifies the level of parking provision required for a non-specific D2 Gym Use. Some indication of member numbers, attendance, staff, hours of operation etc. would be required. There is also nothing to say that the spaces available would be so for the entirety of the day raising further concerns over how the proposed use would operate with other businesses all times. It is unlikely the proposal has enough parking for it's needs raising concerns that it would detrimentally impact on existing/ future businesses at Caistor Top or worse highway safety.

Furthermore, the limited parking provided on the proposed site plan is located outside of the red line of this application. It is therefore, concluded that no workable condition could be added to a planning permission to control the proposed parking to be used solely for the D2 use.

The information provided by the agent is not considered satisfactory as no definitive information has been provided that details the specific activities that will take place and the number of people (staff and customers) that might use the a non specific D2 use and no additional car parking provision to that granted under application 135031 (which was conditioned in terms of the floor space levels as it was felt important to control the use and levels of use on the site, so that traffic is not unacceptably generated at this site which is close to the very busy junction of the B1225 and the A46 Grimsby Road) is planned.

However, it is reasonable to expect (without evidence to the contrary) that a D2 use will generate a greater number of visiting members of public to the site, than could be expected from the already permitted business uses.

Should car parking arrangements be found to be unsuitable this would lead to adhoc parking across the site, hampering the operation of other businesses

on the site, whether with respect to parking or manoeuvring or indeed access and/or exit of the site itself increasing safety and operational concerns. It may also on a lesser point affect amenity due to noise and nuisance.

The application is therefore considered to be contrary to the NPPF and Policy LP5, LP13 and LP26 of the Central Lincolnshire Local Plan.

Other matters:

Contamination

It is accepted that the site has been the subject of a number of uses which could cause the site to be contaminated. Planning permission 135031 was conditioned to ensure that the site is suitably investigated and, if necessary remediated.

Pipeline

It is recommended that the application is refused therefore there is no need to contact the pipeline operator [National Grid].

Conclusions:

The decision has been considered against Policy LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP5: Delivering Prosperity and Jobs, LP13: Accessibility and Transport, LP16: Development on Land Affected by Contamination, LP17: Landscape, Townscape and Views, LP26: Design and Amenity and LP55: Development in the Countryside of the adopted Central Lincolnshire Local Plan in the first instance and policies contained in the Caistor Neighbourhood Plan (Policy 1 – Growth and the presumption in favour of sustainable development , Policy 2 – Type, scale and location of development , Policy 3 – Design quality and Policy 6 – Business Units and Start up Units, Policy 7 – Community Facilities and Policy 8 – Leisure Facilities) and guidance contained in National Planning Policy Framework and National Planning Practice Guidance and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In light of this assessment, the proposal is refused for the following reasons on the grounds that the site is an unsuitable and unsustainable location for a town centre use without adequate assessment of alternatives, insufficient evidence has been provided to show the gym would not create unacceptable levels of noise and nuisance and no additional car parking provision is provided to that granted under application 135031 which has the potential to impact highway safety and the viability of the other rural enterprise units on the site

RECOMMENDATION: Refuse permission for the following reasons:

1. The proposed use is for a Main Town Centre Use (D2 – Assembly and Leisure). Paragraph 86 of the NPPF indicates that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. The application is predicated on a local business [Soul Healthy] moving into the proposed units. It has

recently been brought to the Case Officer's attention that Soul Healthy has closed down as the owner of the business is moving abroad imminently. Therefore, no sequential test has been undertaken as part of this application for a non-specific D2 use which is considered contrary to the NPPF and policies contained within the Central Lincolnshire Local Plan namely LP1, LP2, LP5, and LP13 as well as Policy 8 of the Caistor Neighbourhood Plan.

2. The nearest residential dwelling (Hillcrest House) is located approximately 66 metres to the south of the proposal site (Units No.14 and No.15). Firstly the submitted noise assessment survey (and associated noise management plan) is the same survey submitted for application 135031 (application for 17 Rural enterprise units) and does not take into account the noise from a D2 gym use i.e. increased noise from visiting cars, customers coming to and from the building and noise from within the building from equipment and music playing together cannot be ascertained. Secondly the application including the design and access statement is predicated on a local business use moving into the unit's subject of this application (139273). This local business [Soul Healthy] has closed as the owner will be imminently moving abroad and therefore further consideration should be given to potential wider impacts that a speculative gym use would have. No such evidence has been provided.

Although, the separation distance is approximately 66 metres to the nearest neighbouring dwelling it has not been possible to ascertain whether the proposal will have a harmful impact on the living conditions of neighbouring dwellings or the other business uses on the site. Therefore, it is considered to be contrary to the NPPF and Policy LP26 of the Central Lincolnshire Local Plan.

3. As the application is predicated on a local business [Soul Healthy] moving into the proposed which has closed down there is no information submitted with this application that justifies the level of parking provision required for a non-specific D2 Gym Use. Furthermore, the limited parking provided on the proposed site plan is located outside of the red line of this application. It is therefore, concluded that no workable condition could be added to a planning permission to control the proposed parking to be used solely for the D2 use, whether for a tenant specific use or not.

The information provided by the agent is not considered satisfactory as no definitive information has been provided that details the specific activities that will take place and the number of people (staff and customers) that might use the a non specific D2 use and no additional car parking provision to that granted under application 135031 (which was conditioned in terms of the floor space levels as it was felt important to control the use and levels of use on the site, so that traffic is not unacceptably generated at this site which is close to the very busy junction of the B1225 and the A46 Grimsby Road) is planned.

However, it is reasonable to expect (without evidence to the contrary) that a D2 use will generate a greater number of visiting members of public to the site, than could be expected from the already permitted business uses.

Should car parking arrangements be found to be unsuitable this would lead to adhoc parking across the site, hampering the operation of other businesses, whether with respect to parking or manoeuvring or indeed access and/or exit of the site itself increasing safety and operational concerns. It may also on a lesser point affect amenity due to noise and nuisance.

The application is therefore considered to be contrary to the NPPF and Policy LP5, LP13 and LP26 of the Central Lincolnshire Local Plan.

Recommendation

It is recommended that Planning Committee delegate powers to officers to refuse the application.