

DECISION DELEGATED TO HEAD OF PLANNING**DECISION DELEGATED TO HEAD OF PLANNING**

Application No: H01-0234-23 **Applicant:** Coda Builders Limited

Proposal: Erection of three detached dwellings - previously approved under H01-0452-21. Amendments to house types, drainage details and boundary treatments.

Location: Land North Of 68 Stonegate Cowbit Spalding

Terminal Date: 24th May 2023

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
19	Rural Exception Sites
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

NPPF 2021.

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
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PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the erection of three detached dwellings, to the north of Stonegate. The proposal comprises an amended scheme of the previously approved application H01-0452-21. The alterations include amendments to house types, drainage details and boundary treatments.

Plot one lies to the south of the plot, immediately north of the neighbouring No.68 Stonegate. The proposed dwelling would be two storey in scale, incorporating an open-plan layout to the ground floor, alongside a living room, study and adjoining garage. To the first floor, the dwelling comprises five bedrooms (two with en-suite) and a bathroom.

Plot two, the central plot within the proposal, is sited as to be west facing and would also be two storey in scale. The dwelling would comprise an open-plan kitchen/diner, living room, cloak store and study to the ground floor, with five bedrooms (two with en-suite) and a bathroom to the first floor.

Plot three comprises the northernmost plot within the proposal and consists of a sizeable, detached dwelling which comprises a marked increase in scale in comparison to the extant permission on site.

The submitted Flood Risk Assessment proposes minimum finished floor levels of of 2.8m OD, which is between 250mm and 1.0 metre above the existing ground levels on the site and approximately 150mm above the ground floor level of the existing house on the site.

The application has been revised since submission to resolve surface water matters and boundary treatments, as a former drainage channel/ditch has been reinstated.

Site Description

The application site lies to the northern side of Stonegate, Cowbit and consists of residential garden of approximately 0.42ha. The site is accessed via Stonegate, with access also being achieved, in its current form, as part of the garden of No.68 which contains a number of mature trees.

The site lies within the defined settlement boundary of the area, which is characterised by residential properties of varying ages, scales and designs. The site also lies within Flood Zone 3.

History

H01-0452-21. RESERVED MATTERS. Erection of 3 dwellings - outline approval H01-0759-18. Also, modification of Condition 8 relating to visibility splays, in accordance with H01-1075-18. APPROVED 09-09-21.

H01-0759-18. OUTLINE. Residential development (3 dwellings). APPROVED 20-09-18.

H01-1075-18. SEC 73 MODIFICATION. Residential development (3 dwellings) - approved under H01-0759-18 - Modification of Condition 8 relating to visibility splays. APPROVED 27-11-18.

Consultation Responses

Cowbit Parish Council

The Parish Council has no objection to the changes to the house types, but is still concerned about the 9 additional vehicles exiting from this driveway onto Stonegate.

With regard to the revised drawings, The Parish Council has no further comments to add.

SHDC Environmental Protection

Suggest a precautionary condition.

LCC Highways and Lead Flood Authority

No objection.

On the understanding that this Application seeks only to change the house types from those previously Consented under reference H01-0452-21 and that all other details would remain the same as those which have been Consented, the highway authority does not wish to object to the grant of Consent for this Application.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Suggest informatives and conditions.

South Holland Internal Drainage Board

Comments on original scheme

Having reviewed the updated FRA, I note that the applicant intends to dispose of surface water via soakaway, however they haven't evidenced that this proposal is viable in this location. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Note that the FRA states that the IDB is responsible for maintenance of 'internal watercourses' in the area. I would like to clarify that the Board takes on maintenance for responsibility of certain watercourses that it considers 'arterial' to the district. In the case of this site, there is an arterial watercourse to the north however this is not adjacent to the site boundary. The watercourses adjacent to the eastern and western site boundaries are riparian, therefore the responsibility of the adjacent landowners to maintain. The Board is the regulator of these watercourses and if any alteration were proposed to these watercourses consent would be required under Section 23 of the Land Drainage Act 1991 and Byelaw 4, however the Board does not maintain them and the applicant should be aware of their responsibility to keep these watercourses clear and free flowing.

Comments on revised details

Having reviewed, we have no objection to the applicant's proposals to discharge plots 1 and 2 by soakaway, provided the LPA is satisfied that this is sustainable and will not increase flood risk. I maintain our previously raised concerns about the distance to groundwater of the base of the proposed soakaways, and the testing having been carried out in June (as opposed to the winter when groundwater levels are likely to be higher), however the tests do evidence that infiltration is viable in line with the BRE365 digest methodology.

The proposal to discharge surface water from plot 3 to a watercourse will require consent from the Board under Byelaw 3 as previously discussed. I recommend that the applicant makes an application for this consent at their earliest convenience. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, no representation has been received.

Planning Considerations

The main issues in this case are:

Principle of Development

Layout and Design

Highway safety and parking

Refuse collection

Impact of neighbouring Residents/land users

Flooding considerations

Foul and Surface Water Drainage

Biodiversity

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated July 2021) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development

The SELLP sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area, whilst protecting and enhancing the environment; to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the SELLP sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most

sustainable locations for development are situated within the Sub-Regional Centres, followed by Main Service Centres. Lower down the sustainable development hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising of Other Service Centres and Settlements. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in sustainability terms.

Policy 1 (Spatial Strategy) of the SELLP indicates that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

The National Planning Policy Framework (NPPF) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Para 69 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance is within Cowbit and lies within the defined settlement boundaries. In the context of this, the principle of residential development within this location is considered to be of an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers and impact on highway safety, which are discussed in turn as follows.

Further to this, the application site has previously been subject to outline planning permission and subsequent reserved matters approval for the erection of three dwellings. Therefore, the site has previously permitted 3 dwellings on to this part of Stonegate.

Layout, Design and Appearance

Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. It is important that new residential development should be of the highest quality to enhance and reinforce good urban design characteristics. It is generally accepted that good design plays a key role towards sustainable development. Regard must be had towards the impact that the proposed dwelling would have on local character, including topography, street patterns, building lines, boundary treatment and through scale and massing.

Specifically, paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The proposed layout comprises an arrangement that would take up the vast majority of garden land; albeit the resultant garden space for No.68 Stonegate would look to replicate the existing scale of gardens associated with No.70-No.76 Stonegate.

The proposal forms backland development, providing three detached dwellings within a relatively stepped layout expanding from the highway of Stonegate, forming development that would typically be considered out of character with the prevailing linear form of development within this part of Cowbit. However, in this instance, the land subject to this application has been included within the settlement boundary for Cowbit, largely due to the previous permissions on site. This therefore forms a material consideration, as does the extant permission on site for three detached dwellings.

The siting of the three dwellings predominantly reflects that of the aforementioned extant permission; albeit the northernmost dwelling (Plot 3) comprises a considerably larger property than previously permitted in order to house a pool addition. Notwithstanding the enlargement in plot 3, the development when viewed as a whole would be of a relatively traditional form. The layout and design of the proposal, giving weight to the extant permission on site, is considered to read as a cohesive form of development and would not result in an unacceptable form of development that would adversely impact upon the character or appearance of the area to an unacceptable degree.

The gardens to serve the proposed dwellings, whilst not being of the size of the immediately neighbouring properties that exist along Stonegate, would be of a reasonable size, being adequate for the enjoyment of future occupiers. whilst remaining appropriate in respect of the surrounding character.

Furthermore, the access proposed is as per the extant permission, running along the western side of the site, following its initial point of entry from Stonegate, located marginally to the west of the existing point of access to No.68 Stonegate. This access is considered to be suitable as to not cause an unacceptable impact.

Taking the proposals design, scale and nature into account, as detailed above, the proposed development is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South east Lincolnshire Local Plan and section 12 of the National Planning policy Framework.

Highway safety and parking

Paragraph 111 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

The highway in which the site would gain access, Stonegate, is relatively straight and predominantly residential in nature, with a footpath on both sides of the carriage way at the point of the application sites access.

It is noted that within the previous submissions, details of access were considered at the stage of the first grant of planning permission, at which time a standard condition was imposed at the request of LCC Highways officers, to ensure adequate vision splays for the reasons of highway and pedestrian safety. These details were considered and subsequently seemed appropriate and are considered to be acceptable.

The access arrangements are as previously permitted, with the initial point of access from Stonegate being located to the west of the existing properties current access point. The access road would run along the western part of the site and would range from 3.75 to 4.5m in width.

Given that the access would be utilised by the occupants of the three dwellings and their visitors, the volume of traffic is not considered to be significant. Likewise, the resultant development is not considered to result in a significant mark rise in vehicular traffic, albeit this would introduce additional traffic. The vehicular access or subsequent pedestrian access, along with movements to, from or nearby to the sites, is not considered to cause detrimental harm to vehicular or pedestrian safety to this part of Stonegate.

Lincolnshire County Council Highways/SuDS, as Local Highway Authority, were consulted as part of the application process. No objections were raised, stating that "On the understanding that this Application seeks only to change the house types from those previously Consented under reference H01-0452-21 and that all other details would remain the same as those which have been Consented, the highway authority does not wish to object to the grant of Consent for this Application". This is subject to informatives being included to any subsequent approval.

Policy 36, to be read in conjunction with Appendix 6 of the Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms. The properties have adequate provision for parking, in addition to garages that also serve the properties. It is considered that, overall, the development has more than adequate parking is shown within the curtilages of each dwelling.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan policies 2 and 3, and Section 9 of the National Planning Policy Framework.

Refuse collection

Normally a carrying distance of over 30 metres to a collection point is not acceptable, as it exceeds the usual Building Control guidance and is an indicator of poor design. However due to the nature of this site and restricted width of the site as it passes the host dwelling, it is not considered on this occasion that it would be reasonable to insist upon an adopted highway or for a private refuse collection scheme to be put in place. The development is limited to three dwellings and the provision of a collection point on this occasion is not considered to result in a visually unacceptable development when viewed from the public realm.

It is considered that the proposal accords with Policies 2 and 3 of the SELLP and the intentions of the NPPF 2021 in this regard.

Impact of neighbouring Residents/land users

Paragraph 130 of the National Planning Policy Framework (2021) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed development proposes a layout that would ensure adequate separation distances to neighbouring properties, including those previously permitted neighbouring the site. Likewise, the separation distances and relationship between the three proposed dwellings are also considered to be appropriate as to ensure that no unacceptable adverse impact would be caused to the residential amenities of future occupiers.

The proposed development is considered to form an appropriate design as to minimise the potential for overlooking to the existing neighbouring dwellings. The additional projection to plot 3, housing a swimming pool, has been designed as to be single storey in scale with no fenestration to the eastern elevation, to minimise the potential for overlooking. Furthermore, conditions have been recommended, to remove permitted development rights for the insertion of further windows within the proposed development to maintain privacy to neighbouring dwellings.

Furthermore, the dwellings within the surrounding context also benefit from sizeable amenity spaces. The resultant garden space serving No.68 would be reduced; however, the resultant garden would remain adequate in scale. These garden spaces to neighbouring properties, whilst potentially being impacted to a minimal degree of overlooking which could be afforded to the ends of gardens, it is considered that sufficient private amenity space will be retained by adjoining occupiers, and the development would not result in overlooking or loss of privacy or amenity that would otherwise warrant refusal of planning permission.

As detailed above, the scale and design of the proposal is considered to be such that there would

be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties; and as such accords with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Flooding Considerations

The site is within Flood Zone 3 of the Environment Agency's Flood Maps. They have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below". Para 162 details that "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted, where:

1. It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed). The sequential test will be based on a Borough or District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced search area, i.e. there is a specific need for the development in that location. The sequential test is not required for sites allocated in the Local Plan, minor development or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site)", with 'minor development' in this instance taking the definition outlined within the NPPF and National Planning Practice Guidance in relation to flood matters.

The application proposal has been supported by a Flood Risk Assessment, prepared by S.Hemmings. This details that the proposed development has a flood risk vulnerability classification, in accordance with Table 2 of the guidance, as 'more vulnerable'. This goes on to state that "as the site is within a defended area the proposed development can be designated to be within Flood Zone 3(a) 'High Probability' as detailed on the Environment Agency's flood zone maps without defences, as defined in Table 1 of the technical guidance".

The FRA sets out that the ground floor level of the proposed new buildings should be a minimum level of 2.80m OD which is between 250mm and 1.0 metre above the existing ground levels on the site and is approximately 150mm above the ground floor level of the existing house on the site.

The FRA also sets out that the buildings should be designed to incorporate flood resistant and resilient techniques to allow it to be refurbished after being flooding to a depth of approximately 300mm above the finished floor level of the new building. The FRA advises that the developer should advise owners and occupiers of the properties to register with the Environment Agency's Flood line Warnings Direct Service. It is to be noted that LCC as Lead Flood Authority raises no objection.

It is also noted that the site has extant permission, as previously referred to, for the erection of three dwellings. This therefore establishes the acceptability of the development in principle.

It is considered that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF 2021 in this regard.

Foul and Surface Water Drainage

The proposal indicates that surface water would be discharged to soakaways from plots one and two. South Holland IDB details that they maintain "previously raised concerns about the distance to groundwater of the base of the proposed soakaways, and the testing having been carried out in June (as opposed to the winter when groundwater levels are likely to be higher), however the tests do evidence that infiltration is viable in line with the BRE365 digest methodology.

Plot 3 is detailed to discharge surface water to a water course. Comments detail the need for consent from the Board under Byelaw 3.

Biodiversity

Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

It is noted that a need for a 10% Biodiversity Net Gain is likely to be forthcoming within the near future; however, to date, this has not yet come into force. Whilst preferable, it is noted that the development indicates a level of uplift by the inclusion of swift boxes, which are to be required by condition attached to any subsequent approval.

Planning balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposal represents appropriate development within the settlement boundary of Cowbit. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking.

Taking the above considerations into account, the proposal is considered to comply with Policies 1, 2, 3, 4, 28 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, along with the identified sections contained within the National Planning Policy Framework (NPPF) 2021. There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

It is recommended that the application is approved conditionally.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be

balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.