DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0046-24**	**Applicant:**	**IG Khan Investment Ltd**
Proposal:	Erection of two dwellings - two storey house with garage and bungalow		
Location:	Land Adjacent To 17 Barbers Drove North Crowland Peterborough		
Terminal Date:	22nd April 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
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 2023

Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

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

RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for 2 dwellings on two adjacent plots. One dwelling is two storey with four bedrooms, an integral garage and 2 car parking spaces, and the other dwelling consists of a bungalow with 2 bedrooms and 2 parking spaces.

Site Description

The site is an undeveloped parcel of two plots of land that fronts Barbers Drove North as it intersects with James Road, fronting a larger development site that is behind. There are a mixture of bungalows and two storey dwellings along this road, although bungalows dominate at this end of the road, with bungalows opposite. A partially completed two storey dwelling is immediately adjacent to the two plots. The design of houses along Barbers Drove North are of various designs, time periods and materials. The land to the rear (north east) is open, being prepared for implementation of the larger scheme. The land to the south is open countryside beyond James Lane, interspersed with individual dwellings. This means plot 2 of this scheme is highly visible in the locality.

The application consists of two plots which were part of a set of 3 considered at outline together (H02-0564-22), separated from the larger development to the rear to ensure these three plots were started at an earlier point to the remaining dwellings at the rear. The application site is the other side of the access road to the larger scheme, (closer to James Lane) which shares the access to 17 Barbers Drove North. Together with a further dwelling and access road, this separates the plot from 15 Barbers Drove North, a bungalow adjoining the overall development.

The plot closest to 15 Barbers Drove North has been granted reserved matters approval for one dwelling (H02-0189-23) and is under construction.

A riparian watercourse exists alongside James Road which is not IDB maintained.

History

H02-0564-22 -Outline - Residential development of 3 dwellings - Approved 31 January 2023.

H02-0189-23 - Plot 1 Adjacent to 17 Barbers Drove North, Crowland - Reserved Matters - Proposed Dwelling (Plot 1) - outline approval H02-0564-22. Approved 26th April 2023.

H02-0016-23 - Full - Land adjoining 17 Barbers Drove North - Erection of 2 dwellings and garages. Approved 14 June 2023.

H02-1062-23 - Non-material amendment - Plot 1 Adjacent to 17 Barbers Drove North, Crowland. Re-positioning of w.c. resulting in change in size of window on rear elevation. Approved 11 December 2023.

Applications as part of Larger Site

H02-0064-21 - Full - Demolition of existing dwelling and erection of 41 dwellings - Approved 1 February 2022.

H02-0696-21 - Full - Residential development of 40 dwellings, new site access, internal roads, footpath links and landscaping - undetermined.

Consultation Responses

Highway and Lead Local Flood Authority

No objections.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

The proposal is for the erection of two dwellings - two storey house with garage and a bungalow. The land was previously paddock land. The proposal is for 1 x 2bed and 1 x 4bed. The site is located at a turning head off a dead end road that is public highway. Adequate parking has been demonstrated for the size of dwellings. The proposal will not have an adverse impact on the public highway.

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.

Crowland Parish Council
Have concerns regarding the access and parking arrangements for the properties.

North Level IDB
No objection in principle to the application.

It has been noted that soakaways are indicated as the preferred method of surface water disposal. It needs to show that soakaway drainage would be effective, allowing for all relevant factors such as peak groundwater levels, required distances between buildings and soakaways, ensuring they would be below current ground levels and not too close to the watercourse (when bank stability may be affected).

SHDC Environmental Protection
No comments regarding land contamination.

Public

One letter of objection has been received which raises the following:

Since heavy trucks and lorries have been coming up barbers drove North the road has been destroyed we have even ended up with a massive sinkhole and for the past two months we have had to end up with half of the road being cut off and the noise and the pipes had been burst and this is just getting ridiculous there is no way that too future houses should be built and connected to the pipework in the road and absolutely no access from the Peterborough Road end of barbers drove North should be allowed at the moment the James Road access has been opened to allow Anglia water to get in to fix the sinkhole and the pipes this now needs to be reclosed off so that this road does not turn into a rat run again for all in sundry and every truck that decides that they've gone in the wrong direction for the housing estate been built by seagate if by some god forsaken choice these two houses are allowed to be built our problems are going to increase and the only thing is that they would have to open up the James Road end again to allow construction traffic in the tarmac on this road is only just over one inch thick and was never made to take heavy vehicles we have now got rises and dips that are anything from a foot high in the middle down to a 14-inch drop on the outside edges the whole Road need to take up and a proper surface put under the tarmac instead of the black grit and soil that is under there now we have hundreds of pictures to show you the state of what this road looks like underneath from a sinkhole that was formed by heavy vehicles driving up and down this road I completely object to these other two houses being built to start digging up the road again to have construction traffic coming down it is just horrendous what we are having to put up with and the seagate properties that are being built and their water has also got to be connected to this road we're just waiting for them to go through another pipe because the pipe has been burst five times now and enough is enough somebody really needs to come down and

look at the state of this road and the kind of obstructions we've had to put up with the kind of noise and vibration we have to put up with going without water for 15 hours at a time because they've burst the pipes are pipes being blocked not being able to use the toilets this is totally unacceptable and planning need to really relook at the way that this building site is being built and the two houses that are going to be built on the front need to only be allowed access if they are passed from James Road.

Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, 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 within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2023) 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 and Sustainability

The South East Lincolnshire Local Plan 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; in order 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 South East Lincolnshire Local Plan 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 site is located within the settlement boundary for Crowland as set out in South East Lincolnshire Local Plan (2019) and is part of an allocated housing site (ref. Cro11). Permissions have previously have been granted for residential development on this site. The principle of residential development on the application site has therefore already been established. There is no conflict with Policy 1 of the SELLP as a result.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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 South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Two x 2 storey dwellings have been granted planning permission on this site as part of reference H02-0016-23. It is understood that the dimensions of the approved dwellings could not be implemented on site so a revised scheme had to be submitted. The proposal now relates to one two storey dwelling and one bungalow.

The dwelling approved under reference H02-0189-23, which is immediately adjacent to the application site, is being constructed on site and is nearing completion. Amended plans have been obtained for this scheme to ensure that the building line of that dwelling is respected and that the proposed dwellings are no further forward than the adjoining dwelling under construction. The previous drawings were set further forward and not acceptable, which gives context to the concerns of the Parish Council and Local Highway Authority in this regard. A two storey dwelling would be situated next to the dwelling under construction and a bungalow would be situated at the end of the row closest to James Lane.

The revised design pulls back the front main wall of the dwellings, which has a much better relationship with the adjoining dwelling and the street scene. The external appearance of the dwellings are acceptable, and do not adversely affect the street scene or character of the area.

Four of the properties opposite are bungalows (albeit number 20, which also operates as a guest house, has a first floor dormer on the flank roof). From number 12 onwards there are a mixture of bungalows and two storey dwellings, some of a large size and with a variety of designs and materials. Due to the variety of houses that exist in the locality, the existence of one two storey dwelling and one bungalow would not be out of character with the street scene.

Barbers Drove North at this point is approximately 3m wide. The bungalows opposite are set back from the road and have front drives which are approximately 9m in depth. This means that the front boundary of the application plots will be at least 12 metres from the main front wall of the bungalows opposite. In addition, the proposed houses will be set back from the road due to the proposed car parking on the front, particularly now the scheme has been amended. Given the separation distance between the front main wall of the proposed properties and the front main walls of the bungalows opposite, it is not considered that significant overlooking, overshadowing, loss of outlook or loss of privacy would occur to such a severe impact that would justify refusing planning permission.

The building line along the north east side of Barbers Drove North is variable, with 15, 11 and 9 Barbers Drove all gradually tapering back from the front of their respective plots. The proposed dwellings have been amended to incorporate a front drive, in line with the adjacent two storey dwelling for consistency. Whilst the plots will be closer to the road than the bungalows opposite, which have very spacious front drives, the set back envisaged is considered adequate and not out of keeping with the road given the variability of front building lines. This is considered to be sufficient to not adversely affect the street scene, or neighbouring properties.

The garden of the bungalow has an overall depth of 8.995m. This is considered to be an acceptable

garden size. The depth of the garden of the two storey from the rear main wall is 8.667m, not including the rear projecting element. Without this, the garden is 5m, which extends across 6.5m of the garden (with an overall width of 10.7m. Whilst this garden is small, it does not extend across the entire garden, and in this situation, it is imperative that the front drive can accommodate vehicle parking. As such, it is considered that garden depths are acceptable in design terms.

Overall, whilst it is acknowledged that the proposed 2 storey dwelling will be larger than the bungalows opposite, the distance from the bungalows opposite (particularly 18 and 20 Barbers Drove North) is considered sufficient to ensure that there would not be a significant impact on the street scheme and the amended layout is considered satisfactory to the extent that the scheme is not considered to be in conflict with policies 2 and 3 of the SELLP in terms of layout or character in the street scene.

Effect on Residential Amenity

Policy 2 of the SELLP states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to, amongst other things, impact on amenity, character and appearance of the area and the relationship and impact on existing development and neighbouring land uses. Policy 3 of the SELLP requires all development to create distinctive places, with inclusive design and layout, be sensitive to the landscape character, and take into account residential amenity.

Both of these dwellings are situated on the other side of the house under construction which is next to number 15 Barbers Drove North. The dwelling approved under reference H02-0189-23 shields the proposed dwellings from that property. As a result there will be no significant impact upon the residential amenity of number 15 Barbers Drove North.

As explained in the previous section, the distance from the bungalows opposite, with their spacious front drives, will not adversely affect these properties in terms of loss of light and outlook. It is therefore considered that their residential amenity will be unaffected.

One objection cited noise affecting amenity from construction disruption. It is considered that a construction management plan is appropriate which would assist in controlling noise from construction vehicles. It is not accepted that noise associated with a housing use for 2 houses would result in increased noise compared with the surrounding houses. In addition, problems associated with building the 40 plus unit scheme behind cannot be used as a reason for refusal for two houses on this site which has had permission previously. Refusals need to be based on impacts directly associated with the proposals being applied for, and it is considered that construction disruption can adequately be managed via a condition.

As such it is considered that the proposals do not adversely affect residential amenity and are not in conflict with policies 2 and 3 of the SELLP in this regard.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 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.

Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire 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 two storey dwelling comprises 4 bedrooms which requires a total of 3 car parking spaces. The dwelling is in line with the bungalow's front wall, and amended plans have set back the properties,

which now incorporates a 8.73m long drive (excluding the porch) which is 9.905m in width. The site can accommodate 2 car parking spaces. The two storey dwelling has a small integrated garage to the side with dimensions of 3m x 6.6m. A total of 3 car parking spaces is possible on site which conforms with Appendix 6 of the SELLP for a four bedroom house.

The bungalow has two bedrooms which requires 2 car parking spaces according to Appendix 6 of the SELLP. The layout shows a revised front drive which is 9.1m from the front boundary to the front main wall of the dwelling. The access is 5.695m wide. The site can accommodate 2 cars on the front using the access. This conforms with parking requirements.

It is acknowledged that the Parish Council have concerns regarding parking and access arrangements. However, the revised scheme raises no concerns from the Local Highway Authority and the proposal can accommodate parking in line with current standards. Given the planning history of the site, with an approval for two properties, refusal on highway safety grounds is not considered to be justified.

A local resident has submitted a strong objection in relation to construction disruption, damage to the road surface and difficulty with large vehicles using the roads. Whilst these concerns are acknowledged, planning permission has been granted for 2 dwellings in this location already, so the principle has been established. A construction management plan condition is considered to be the appropriate means by which construction associated with this application (not the larger development site behind) should be reasonably controlled.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations

Section 14 of the National Planning policy Framework (December 2023) 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".

Paragraph 168 details "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.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site is within Flood Zone 3 which has the highest probability of flooding - however, it is also part of a housing allocation in the Local Plan and is therefore a sequentially preferable site in flood risk terms.

The submitted Flood Risk Assessment identifies that finished floor level of the 2 storey dwelling should be set at a minimum level of 2.3 metres above OD, and the finished floor level of the single storey dwelling should be set at least 2.5m above OD, and that there should be 0.3m of flood resilient construction above finished floor levels. Full details of existing and proposed floor and ground levels can also be secured by condition.

The Local Highway and Lead Local Flood Authority asked for an informative to be added to the effect that The existing ground level of the site must not be raised above the ground level of any surrounding land without further consultation with the Lead Local Flood Authority and Local Planning Authority, to consider suitable mitigation measures to ensure that surface water flood risk is not created or increased to land adjacent to the permitted development. The condition relating to floor and ground levels can be used to control this aspect, as well as a condition relating to surface water drainage.

In terms of drainage, the proposal is for surface water to be discharged via a soakaway. The IDB do not raise an objection to the proposals but do request that soakaway drainage would be effective, allowing for all relevant factors such as peak groundwater levels, required distances between buildings and soakaways, ensuring they would be below current ground levels and not too close to the watercourse (when bank stability may be affected). A condition relating to full details of surface water drainage is suggested together with a note added to the decision notice highlighting the comments of the IDB.

Foul water would be discharged to the existing sewerage network and no objections have been received in this regard.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Biodiversity

Section 15 of the National Planning Policy Framework (NPPF) and Policy 28 of the SELLP seek to provide net gains for biodiversity. The precedence of previous approvals for the site should be considered relevant in biodiversity terms.

The existing site is a field with no vegetation, and makes no contribution towards biodiversity at present. The installation of 3 swift boxes for the 2 storey dwelling, in line with the previous condition imposed for the 2 dwellings on this site, together with a landscaping scheme for the garden for each dwelling is considered to make a contribution towards biodiversity. Swift bricks are unlikely to be used on a bungalow so it is suggested that swift bricks are not insisted upon for the bungalow.

There are several trees that are shown on the tree survey numbered T28 to T31. These are along the boundary. Trees T31 and T30 are in proximity of the bungalow. Trees T29 and T28 are outside of the application site. The site boundary is not at the same extent as the garden of number 15. Trees T28 and T29 are beyond the boundary of number 15. These trees are not affected. T30 is the larger tree and is outside the boundary of the bungalow garden. This will not be affected by the development. T31 is close to the red line boundary of the bungalow but the trunk appears to be on the red line boundary or just outside. As T31 is within the garden of the bungalow, it is not anticipated that it will be affected by the development. It is not of a size that would result in post development pressure to fell. T31 can be incorporated into a landscaping scheme and as such it is not anticipated that the proposals would have an adverse impact on trees.

The proposal is considered to be in compliance with policy 28 of the SELLP.

Impacts of Climate Change

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

Given that the site has an approval for 2 houses on the site, and is part of an allocation, there is no evidence to suggest that the current proposals worsen the impacts on climate change.

Taking the above into account it is considered that given the details submitted and those required by suitably worded condition, the proposal is acceptable in this regard. The proposal would therefore be in accordance with Policy 31 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework (December 2023).

Planning Balance

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

In economic terms, future occupants of the houses may work locally, support local services and

therefore make a contribution to the local economy. There would be short term economic benefits associated with the construction of the dwellings and minor long term benefits of increased spends associated with the households. The economic benefits weigh in favour of the proposal.

In community terms, the proposal would make a contribution, albeit small, towards providing 2 houses that contribute to housing supply in the district. This weighs in favour of the proposal.

In environmental terms, the installation of swift boxes via condition and the lack of significant impact upon residential amenity weighs in favour of the proposal. The issue of construction disruption can be controlled by condition.

The benefits of the proposal therefore outweigh any harm in the overall the planning balance and as such there is no compelling reason to withhold planning permission.

Conclusion

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.