DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0848-23**	**Applicant:**	**Mr O Read**
Proposal:	Proposed Dwelling		
Location:	Land Adj. Sea Breeze Marsh Road Gedney Drove End		
Terminal Date:	24th November 2023		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
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

This is a full application seeking permission for a proposed three storey dwelling on land adjacent to Sea Breeze.

Site Description

The site lies within the defined settlement boundaries of Gedney Drove End as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The area where the proposed dwelling will be situated is one of the only areas of land which is yet to be developed within this area. The majority of properties along Marsh Road are bungalows, with the exception of a few dwellings in the immediate area.

History

H06-0202-18 - Erection of two new dwellings with vehicular access - Approved

H06-0868-21 - Erection of pair of 2 bed semi-detached dwellings - Approved

H06-1116-22 - Details of contamination of land or pollution of controlled waters (Condition 4 of H06-0868-21) - Refusal

Consultation Responses

Gedney Parish Council

Council object to this application due to the ground level where the build is proposed already being higher than surrounding properties which will make the new property overbearing to its neighbours and those opposite.

South Holland Internal Drainage Board

Byelaw 3 (Surface Water)

The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. 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.

Byelaw 3 (Treated Foul Water)

I note that the applicant intends to treat foul waste using a package treatment plant, however I

cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

I note from the Flood Risk Assessment (Ellingham Consulting Ltd, Sept 2023) that there is a riparian watercourse present on the south-west boundary of the site, however this is not shown on the plans. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4)

Byelaw 10

There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply. The closest Board maintained watercourse known as K29 Gedney Drove End (DRN201G2901) is located south-west of the development site.

Lincolnshire County Council Highways

Approve with conditions -

This proposal is for the erection of a single with vehicular access from Main Road. Adequate provision for car parking and turning space can be provided within the limits of the site to enable vehicles to enter and leave in a forward gear and sufficient visibility is available to allow drivers intending entering the highway to judge if it is safe to complete the manoeuvre. Therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety.

Highway Informative 03 -

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb.

Highway Informative 08 -

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - https://www.lincolnshire.gov.uk/traffic-management

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.

Environment Agency

The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if the requested planning conditions are included.

South Holland District Council Environmental Protection

Request that a standard contaminated land condition to be applied.

Public Representations

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

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 within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Principle of Development

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

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Other 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 the Gedney Drove End, a 'Other Service Centre', and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an

appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

In any event, as mentioned, the site is located within the settlement boundary for Gedney Drove End as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The principle of developing a residential plot at the proposed location was confirmed to be acceptable in the previous full permission through two different applications H06-0202-18 and H06-0868-21.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria. 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 key material considerations are addressed below.

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

Section 12 of the National Planning Policy Framework (2021) specifically relates to 'Achieving well-designed 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 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, that they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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. 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.

The walls of the proposed dwelling are made from blue engineering brickwork up to the DPC level with a k-rend in off white and vertical fibre cement cladding above the DPC. The roof will be standing seam roof panels with matching fascias and soffits. Both the windows and doors will be aluminium in anthracite grey and finally, the proposed boundary treatments will keep the existing 1.8m close boarded fence along the north west and south east boundaries and shall feature a hedge to enclose the garden and a 1.2m close boarded fence to part of the rear boundary. The cladding shall be situated on the right hand side on the front elevation and from there shall be on every other elevation, the whole ground floor will be made of k-rend with the left hand side of the front elevation also featuring this material. There shall be large open windows both on the front and rear elevation to allow for natural light with minimal windows on the side elevations to reduce impacts on amenity.

To the eaves the property will be 7426mm with a total height to the ridge of 9748mm. The design of the property makes it a three storey dwelling, which could make it look out of context in comparison to other properties within the vicinity, as the majority of dwellings within the neighbouring sites are of single storey bungalows with some slight exceptions.

However, a main factor benefitting this proposal is the construction of 'Olive Tree House' which is a modern dwelling constructed within close proximity along marsh Road. This dwelling is of a similar height and is also three storey of similar design; therefore, the proposed dwelling on this land will not appear out of context, as there is a further dwelling of a similar stature and nature. The dwelling has a total width of 9220mm with a length of 10500mm, again this is somewhat similar in respect of scale as 'Olive Tree House', further benefitting the proposal. Furthermore, this makes the proposed dwelling appear less overbearing and less harmful to the street scene when viewed overall.

The layout of the proposed dwelling is as follows: on the ground floor there will be an entrance lobby leading to the rear and providing access to a WC, garden store and utility room. Adjacent to this there will also be a large garage which can be accessed through the utility room at the rear and externally. On the first floor there will be one bedroom with an en-suite at the rear and on the opposite side it shall feature an open plan kitchen/dining and living area with a set of bi-fold doors providing access to the balcony at the rear. The balcony is another feature on the dwelling

mentioned previously and despite it not being a common theme within Gedney Drove End, it shall be at the rear and therefore not harm the locality; subject to conditions. Finally, on the second floor there will be two bedrooms both with en-suites with the main bedroom featuring a walk in wardrobe and at the front a study/ snug area. This proposed layout of the rooms within the house provides adequate floor space for the residents.

Overall, as mentioned throughout this section of the report, the dwelling is not considered to match, or closely resemble the majority of the other existing dwellings in the area due to the design being very modern through the use of the materials and the features throughout the property. However, due to the recent planning application which was approved by the Local Planning Authority and construction has been completed for Olive Tree House, which is less than 25m down from this application site, this development will feature an almost identical design, material and layout. As such, this design is considered to be acceptable as it will match very closely to 'Olive Tree House' and it would not warrant refusal in this case. There are some differences in some of the materials being used; however, for the most part they are similar and this will limit the ability for the proposed dwelling to stand out and its harm on the locality will therefore be minimal.

Taking account of the matters above, in respect of the surrounding context, design, scale and nature of the development, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area that would warrant the refusal of planning permission 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.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2023) 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.

The development has minimised windows on the side elevation to reduce the potential impact of overlooking, as such the only windows facing towards neighbouring properties are for en-suites/ bathrooms and therefore due to the nature of these rooms the windows shall be obscure glazed. To enforce this, a condition shall be imposed to ensure no overlooking from this windows will occur.

Naturally due to the location of the windows on the front elevation these also will not reduce privacy due to their outlook being towards the highway/footpath. Windows on the rear will face the large open fields which feature no development and again will not cause any impact on privacy. It could be considered that the balcony at the rear could provide an overview into the properties on either side of the development; however, the glass on the sides shall be obscure glazed to 1.8m above FFL to reduce this impact as this would be around the average eye height which shall be controlled by condition and therefore this would not result in prominent natural, or direct overlooking directly into the residents rear gardens on either side.

The adequate separation distance and and positioning of the dwelling significantly reduces on any potential overshadowing onto the nearby neighbouring properties. The plans also propose to include three tress on the curtilage closest to Sea Breeze and therefore this would also help to limit any potential issues should they arise. The development will also not appear to be overbearing on the area due to 'Olive Tree House' being a property of the same size, design and layout.

Overall, the proposal is therefore considered to be in accordance with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Flood Risk and Drainage

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".

Paragraph 162 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 lies within Flood Zones of the Environment Agency's Flood Maps. These 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.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. 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" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland 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.

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. The latter 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. However, the maps are broad brush and do not take into account any flood defences. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The SFRA indicates that the site is within an area identified as "Danger for All". However, it is not possible, consistent with wider sustainability objectives, for the development to be located elsewhere within Gedney Drove End with a lower probability of flooding due to the majority of Gedney Drove End being at high risk of flooding. The exceptions test should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The NPPF and the PPG set out two elements to the Exceptions Test.

The proposed development is not in a functional floodplain. Although the site is within flood zone 3 the actual risk of site flooding from any Environment Agency river system is low. Although the site is located within an Internal Drainage District with a minimum standard of drainage of 1 in 50 years which accord with Defra guidelines for rural development.

The Environment Agency were consulted on this application and had the following comments to make, they requested three conditions for this dwelling in an attempt to limit the potential impact of flooding and the harms on residents. These conditions are similar to the ones included on the previous application at this site, they state that the development must be carried out in accordance with the FRA that has been submitted, no habitable rooms must be included on the ground floor and can only be used for what has been included on the plans and finally, no extensions to provide additional habitable/ living accommodation shall be erected. These are all to be imposed to reduce the risk and impact of flooding in this area.

The developers plan to dispose of surface water from the site through soakaways and foul sewage through a package treatment plant and do not propose to connect to an existing drainage system. South Holland Internal Drainage Board were consulted on this application due to a drain situated around 60m to the rear of the site, within their response they stated that consent is not currently required under Byelaw 3 and Section 23 of the Land Drainage Act 1991. Despite this, further comments were made under these. The comment under Byelaw 3 (Surface Water) states that *'they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. 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 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'. This has therefore been outlined to show that the consent may be required should the onsite material not be favourable for infiltration. It is important to note that any discharge must be in line with the standards the IDB set out to ensure consent can be granted.

Further, Byelaw 3 (Treated Foul Water) refers to the treating of foul sewage through the package treatment plant, the IDB state that *'I cannot see that the applicant has indicated how they intend to dispose of treated foul water. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3'*. Section 23 of the Land Drainage Act 1991 states that *'There is a riparian watercourse present on the south-west boundary of the site, however this is not shown on the plans. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required'*, these both would be things for the IDB to look into in this instance, to cover this off a condition shall be imposed requesting details of foul water drainage. Finally, there are no board maintained watercourses within or adjacent to the site boundary and therefore in this instance Byelaw 10 does not apply.

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.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (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.

Further, 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.

The development proposes a dwelling with three bedrooms, as such there must be at least two spaces for vehicles. From the plans included it is apparent that the development has adequate parking along the side of the property with a turning area at the front. The garage on the ground floor also meets the requirements to count as an extra parking space as it is larger than 2.6m by 5.6m when measured internally.

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.

Planning Balance

As detailed above, 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.

The proposal represents appropriate development within the defined settlement boundary. Whilst the design is uncommon and is, to some degrees, at odds with the local and wider vernacular, the development hereby proposed does not significantly materially harm the character or appearance of the locality, notwithstanding some details mentioned throughout the report which has been justified as to why it is acceptable, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning

policy Framework when viewed as a whole.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 2, 3, 4, 29 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2023. Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

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.

Recommendation

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