

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0913-22 **Applicant:** Mr D Cook
Proposal: Residential Development - Erection of 5 Houses
Location: Off Farrow Avenue Holbeach Spalding
Terminal Date: 13th October 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
28	The Natural Environment
29	The Historic 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 12 Achieving well designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC	0	0	0	1

ENVIRONMENT OFFICER				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	3	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The proposal is an outline scheme for residential development for up to 5 houses with all matters reserved.

An indicative layout has been submitted showing each house having a small amenity area, and are grouped in two rows of dwellings with a pair of semi-detached properties at the front of the plot and three terraced dwellings at the rear.

The scheme was originally for 6 houses but amendments were necessary due to comments received from the IDB, due to the presence of an IDB drain at the front of the site along Farrow Avenue, acting as a constraint on the site because no development can occur within 9m of the drain according to the IDB's regulations.

The scheme has also been amended to allow for sufficient amenity space for each dwelling, to demonstrate that 5 dwellings with sufficient amenity space can physically fit onto the site.

Amendments have also been made to in relation to boundary hedges. The hedge along the corner of Farrow Avenue and Hunters Close is to be retained, the Leylandi hedge fronting Hunter's Close is to be removed. Neither of these hedges are subject to Tree Preservation Orders and the site is not within a Conservation Area.

Site Description

The site is within an area of housing within the settlement boundary of Holbeach, on the northern side of Hunter's Close, the western side of Farrow Avenue, and south of Fishponds Lane. The site is a former commercial site, now vacant, mainly laid to grass with hedging around the perimeter.

In the immediate locality there are a variety of housing styles at differing heights with a mixture of bungalows and two storey houses. Hunters Close has modern two storey properties, whereas Farrow Avenue has bungalows opposite the site. Number 38 Fishpond Lane lies to the north with a rear garden of approximately 9 metres and is a bungalow. Numbers 26 and 34 are two storey dwellings.

1 to 4 Hunters Close have habitable rooms facing the application boundary, but are interspersed with Hunter's Close and all have front driveways. Number 4 Hunters Close has an intervening single storey detached garage which acts as a partial screen to the development site, and is approximately 7m from the boundary. Number 3 Hunter's Close is approximately 11.6m from the boundary, and 1 and 2 Hunter's Close are situated approximately 15m from the boundary.

Number 38 Fishponds Close is to the north of the site and has a garden of approximately 9 metres. Its neighbour, number 36 is similarly located to the north and has protecting extensions extending almost along its garden along the western boundary. Number 34 has only a small portion of its rear

garden adjoining the application site and number 32a sits set back off Fishpond Lane and shares a rear garden with the application site, of approximately 9m, facing the application site with habitable rooms and is a single storey bungalow. All are in relative close proximity with the application site.

The site had agricultural sheds which were been demolished and the use has not been active for at least a decade. The site is therefore Previously Developed Land.

History

H09-0121-22 - Demolition of Sheds - Approved subject to conditions - 8th March 2022

Consultation Responses

Local Highway Authority and Lead Local Flood Authority

No objection - private drive to be gravel apart from entrance to site which is to be tarmac to LCC Highways requirements. No objection to existing hedge at front to be retained, trimmed back and lowered.

Principle is acceptable. Layout not been considered at this stage.

Please make the applicant aware of the requirements for access, parking, visibility, turning and layout as detailed within the Lincolnshire County Council Design Approach. In order to support any further application, there will be a requirement to provide a frontage footway extending both north and south of the development site making connection with the existing for the safe passage of pedestrian movements. Additionally, sufficient information will be required to demonstrate that the use of a suitable drainage system for the management of surface water run-off is appropriate for this site to mitigate concerns with flooding of the property and surrounding land and the applicant should be made aware of the Internal Drainage Boards comments.

LCC Historic Environment

No archaeological impact.

SHDC Environmental Protection

Requests standard contamination conditions.

South Holland Internal Drainage Board (IDB)

The site is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. The ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consent.

Response dated 5-10-22

The IDB noted that The piped Board Maintained watercourse (DRN197P0601 - F06 Brick Pits Drain Branch) is adjacent to the eastern site boundary. They objected due to conflict with regulations which require no development within 9 metres of a drain. They noted that consent may be required under Byelaw 3 in relation to potential discharge of water into a watercourse (treated foul or surface water). No details for how surface water or foul water is to be dealt with. Consent is required under Byelaw 3 if discharging treater foul water to a watercourse.

Byelaw 3

Consent may be required under Byelaw 3 due to the discharge of water to a watercourse (treated foul or surface water).

A drainage strategy for the site is required. Any discharge should be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS). The Board is unlikely to grant consent for discharges in excess of greenfield rate.

Byelaw 10

Consent is required under Byelaw 10 in terms of works within 9 metres of a Board maintained watercourse..

Byelaw 10 From the drawing 'SD19-026/2' it appears that the applicant intends to erect the proposed dwellings and car parking area within 9 metres of the aforementioned Board maintained watercourse. This proposal is not acceptable under the Board's Planning and Byelaw Strategy due to the proximity of the proposed dwellings to the Board Maintained watercourse, therefore the Board

objects to this proposal. I recommend the applicant contacts this office as soon as possible to discuss these proposals further.

Section 23, Land Drainage Act 1991

A piped Board Maintained watercourse (DRN197P0601 - F06 Brick Pits Drain Branch) is adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. 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).

Response dated 31-3-2023

The IDB reported that the Board had received an application for Land Drainage Consent to enable the proposal. The application number was 23_21532_C.

Response dated 3-05-23

The IDB noted application had not been granted and was still under consideration.

Response dated 10-07-23

The IDB confirmed that consent was granted for Byelaw 10 on 23/05/2023.

If the applicant proposes any additional works within 9 metres of the Board maintained watercourse at any point in the future (including, but not limited to, the installation of underground services and/or fences within 9 metres), additional consent from the Board would be required.

Holbeach Parish Council

Initial response: site layout issues. Responses following amendments and reduction in units: no objections, no comments.

Former Councillor Biggadike

Site is suitable location, need detailed plan. Suggest houses on the front car parking at the rear, refuse collection point not where it can encourage others to dump. Support housing on this site.

Public

In total 14 responses from Local residents were received, but 6 of the responses were either duplicate objections, or the same respondent making the same objections. Four of the objections were also of the same households with two duplicates. The objections raise some or all of the following points:

- loss of 3.5m existing hedge. Fence is inadequate. Keep hedge. Hedge removal will cause damage.
- Overlooking from plots. Will give them direct sight to front of property into living room. Loss of privacy. Plots 1, 2 and 3 will give full sight to front of house. Bungalows would be better fit.
- Parking should not be at front. Parking problems. Blind bend.
- Refuse collection problems. Insufficient parking for 3 bedrooms.
- Objects to refuse collection point. Rat problems would be made worse by this. Unsightly.
- Construction disruption.
- Asbestos on site. Need for ground testing. Contamination concerns.
- Housing not necessary. Lots of housing built nearby.
- One storey would be more in keeping, then there would be no issues with loss of privacy, especially if hedges were to remain.
- Increased noise pollution.
- Parking should be at rear of site. Already experience parking problems.
- Boundary shows plan going up to Farrow Avenue, but plan shows boundary does not go up to Farrow Avenue. Does someone own narrow strip of land? Narrow strip of land should be converted to pavement. Land should be kept clear due to retirement homes opposite.
- 3 or 4 houses facing Farrow Avenue would be more suited to the site.
- Vibration issues during demolitions.
- Does not fit to the area - already lots of building. Cramming in 6 houses.
- Damage to property concerns. Problems with previous contractors.
- Lack of consultation.
- Use of soakaways could lead to contamination being spread to nearby properties. Flooding

concerns. Concerns about accuracy of Flood Risk Assessment.

-Detailed plan needed. Need to see elevations. Concerns about window position.

-Object to removal of 12 foot hedge. Hedge is not dead and maintained by Hunter's Close being trimmed annually. The hedge is green and grows their side. Removal would mean loss of privacy from all at Hunter's Close and uprooting these established conifers would damage private drive as rights are set right up to tarmac boundary. Have photos to show.

-Concerns re: lack of frontage boundary treatment due to drain.

-No frontage footway shown. Do not want area at front left as verge.

-Parking problems, Hunters Close a blind bend.

-Site used for commercial purposes. Concerned change of use occurred. No consultation on change.

-Overlooking, some properties are single storey, not be in keeping with area.

-2 parking bays per property are insufficient, additional cars will be parked on Farrow Avenue, causing problems for residents and retirement bungalows.

-6 houses too many. Conflicts with 'right to light or air'.

-Properties will be higher than others in the area, causing more overlooking. Will soakaways lead to flooding? Who will be responsible for damage? Will soakaways be built further than 5 metres away from our properties? Error in Flood Risk Assessment. Are other elements incorrect?

-Question 14 not completed. There was asbestos on the site. Has contamination assessment been submitted?

-Safety, environmental issues, potential damage, flooding to existing properties, problems with owner's site contractors.

-Design and Access Statement - pre-application information omitted.

-Applicant lives in Nottingham. Governed by greed.

-Waste removal vans and emergency vehicles are unable to drive into Hunters Close. Could be fatal.

-Hunters Close suffers from loss of sunlight. Should not be 2 stories or higher otherwise there will be overshadowing.

-Do not object in principle, but 6 houses would cause existing residents to be overlooked and deprived of light. Bungalows would be more in keeping with the area. Traffic concerns re: Fishpond Land. Wants Fishpond Lane to be one way. Many houses do not have garages and have to park on the road, which is a hazard.

Planning Considerations

Principle and Sustainability

Policy 1 of the South East Lincolnshire Local Plan 2019 (SELLP) relates to the overall settlement hierarchy of the district and encourages development in more sustainable locations. The site is in the Main Service Centre in Holbeach, within the settlement boundary. Development within Main Service Centres are sustainable and therefore the proposal does not conflict with Policy 1 of the SELLP.

Layout and Design

Policy 2 of the SELLP states that proposals requiring planning permission for development will be permitted subject to impacts including size, scale, layout, density, impact on amenity, character and appearance of the area and the relationship and impact on existing development and neighbouring land uses, the quality of design, access and vehicle generation level and visual intrusion.

All considerations associated with layout and design are reserved for the reserved matters stage. However, an indicative layout has been amended which fits 5 dwellings on site which takes into account the constraint on the site associated with the drain along the front of the plot. The arrangement demonstrates that the site can accommodate 5 dwellings. Detailed design needs to ensure that no front boundary treatment is proposed, and that the front of the properties need to incorporate permeable material at the front such as a landscaped garden. No large trees or further hedges can be planted, but the existing hedge can be retained.

Scale and height are not to be considered in detail at this stage. However, it is noted that nearby residents object

on the basis of loss of privacy and overlooking due to the proximity of the site to them. Many also cite overshadowing and the 'cramming in' of 6 houses. These concerns have been carefully considered and taken into account. Amended plans have been received to reduce the number of houses to a maximum of 5 which can be conditioned to that effect. The applicant has agreed that

one and a half stories will be incorporated into the rear terrace of 3, and employ a detailed design which does not have dormers or windows on the flanks for properties due to the potential impact on neighbours. This can be controlled via conditions and help safeguard against significant loss of privacy or overlooking. Further consideration on this can be given to this issue at the reserved matters stage. The applicant has agreed that the rear terrace will not have flank dormers or roof lights. A condition is suggested to this effect.

Subject to conditions and the consideration of design at the reserved matters stage it is not considered that the proposal in principle is unacceptable and conflicts with Policy 2 of the SELLP.

Impact on Neighbouring Residents/Land Users

Policy 3 of the SELLP requires all development to create distinctive places, with inclusive design and layout, be sensitive to the landscape character.

It is acknowledged that objections have been received associated with the impacts on neighbouring properties including overlooking. The site was an commercial site within a residential area, and in principle therefore, as it is previously developed land, a residential use in comparison would be appropriate. It is noted that some objectors object to the overall amount of housing in this location - but this is one of the most sustainable locations within the district, and infill housing cannot be resisted in principle. Whilst it is acknowledged that residential neighbouring properties are in proximity to the site, with appropriate design, it is considered that a scheme can be devised at the reserved matters stage which does not adversely impact neighbouring dwellings. An indicative plan shows that it is physically possible to achieve 5 dwellings on site.

Conditions are suggested to ensure that the scale, height and layout are considered as part of reserved matters, that PD rights being restricted as the plot sizes are small, and that the rear terrace is 1 and a half stories. A further restriction is placed via condition of windows and doors on the flank elevations of plots 1, 3 and 5 to protect amenity and privacy. This is taking into account the loss of the high hedge fronting Farrow Avenue. These conditions are considered sufficient to ensure that the residential amenity of nearby properties would not be adversely affected.

Some objections relate to noise, construction disruption and contamination due to asbestos. Conditions associated with a construction management plan, standard contamination conditions can be applied to mitigate these concerns. Noise from occupiers associated with housing cannot be resisted in planning terms - any complaints associated with household noise is controlled via environmental legislation rather than planning.

To further protect amenity, a condition restricting external lighting is suggested on plots closest to Hunters Close.

Subject to these safeguards, it is considered that the impact on amenity can be managed, and as such the proposal does not conflict with policy 3 of the SELLP.

Flooding Considerations

Policy 4 of the SELLP relates to the approach to flood risk and details how development proposals will be determined, including sequential testing and other relevant considerations. A Flood Risk Assessment was included within the application.

Environment Agency LIDAR shows that the ground levels within the site range between +2.9 above OD and 3.1m above OD. The Farrow Avenue carriageway is at a level of 3m above OD. Surface Water at the site drains through the network of local drains into the IDB drain system. The nearest IDB watercourse is a high priority pipeline below the carriageway of Farrow Avenue.

The site is within Flood Zone 3 with a high probability of flooding. The Environment Agency Long Term Flood Risk maps show that the site has a low risk of flooding from rivers or the sea (annual probability between 0.1% and 1%); has a very low risk of surface eater flooding (annual probability of less than 0.1%, and the site is not within an area at risk of reservoir flooding. A Sequential Test is required. The use is classified as more vulnerable in terms of Flood Risk and Coastal Change categories, therefore an Exception Test is required.

Large parts of South Holland are within Flood Zone 3, so opportunities to undertake the development at an alternative site with a low flood risk are limited. The SFRA states it is necessary

to use the refined flood risk information (hazard and depth maps) to assist with the Sequential Test. The refined flood risk information in the SFRA shows the site is not at risk during the 1% annual probability fluvial and 0.5% annual probability tidal event in 2115. The site therefore has a low probability of flooding and is considered to pass the Sequential Test.

The Exception Test requires consideration of the wider benefits of a development and that the development would be safe and residual risks managed. The Local Plan seeks to locate development in the most sustainable locations, and the site is within one of the most sustainable locations within the district. Additionally, flood mitigation measures are proposed to reduce the risk of flooding and not increase flood risk elsewhere. As a result it is considered that the Exception Test is passed.

Should there be a failure of the Little Holland Pumping Station or the Sutton Bridge Outfall Sluice, the Internal Drainage Board would take emergency action to maintain the drain level or serving using temporary pumping equipment.

It is noted that several residents are concerned about flooding and if the drainage strategy and drainage details, including soakaways will increase flooding to their properties. It should be noted that the Lead Local Flood Authority does not object to the proposals and conditions can be attached to the permission to ensure adequate surface water details are dealt with.

The Flood Risk Assessment suggests finished floor levels to be 0.3m above surrounding floor levels and not less than 0.3m above the carriageway level of Farrow Avenue. It is recommended that there is 0.3m flood resilient construction above finished floor levels. Sleeping accommodation is to be on the first floor. The eventual occupiers of the dwellings should be made aware of the risks of flooding and be part of the Environment Agency's flood warning system. It is also recommended that surface water run-off is managed so that stormwater from the development would not affect any adjoining properties or increase the flood risk elsewhere. Again, concerns were expressed about the heights of finished floor levels and the impacts upon neighbours. A detailed levels survey condition is suggested to ensure that the detailed design does not adversely affect neighbouring properties.

Subject to a suitably worded condition it is considered that the proposal does not conflict with Policy 4 of the SELLP.

Foul and surface water drainage

Foul water is to be dealt with via drains to the public sewer. Surface water drainage is to be dealt with via soakaway.

The IDB initially objected to the proposal due to the presence of buildings within 9m of the drain. This has now been resolved and drainage consent has been obtained, demonstrating, via the indicative plans, that 5 dwellings can be put on site without affecting the 9m easement zone next to the drain. The site will need to be kept clear of development in this area. Now that drainage consent has been obtained that resolves the IDB objection.

Whilst the IDB noted that a drainage strategy had not been devised, this matter can be dealt with via condition. Concerns were also expressed by local residents in terms of surface water and flooding which is acknowledged and taken into account. It is considered that a levels survey and drainage conditions can adequately control these matters at subsequent stages.

These details at this outline stage are therefore considered satisfactory.

Highways and Parking

Policy 36 of the SELLP relates to transport and highways and Appendix 6 relates to car and cycle parking. Detailed car and cycle parking is not being considered at this stage.

It is noted that requests have been made that parking should be at the rear, with housing at the front. This is not possible due to the presence of the drain and the need to keep 9m in front of the drain clear. Some parking will be allowed in this zone if using gravel utilising grasscrete or similar, to allow for permeable material to be added so as to not worsen flooding. A small amount of tarmac is to be allowed by the IDB under their regulations to ensure the access in principle can be accommodated, however this is also reserved for future consideration. Highway requirements can be added as a note on the permission to guide the detailed design.

It is noted that car parking concerns are evident from the responses. These have been taken into account. A planning condition can be added which ensures that the correct amount of on site parking can be incorporated into the detailed design along with cycle parking, in accordance with Appendix 6 of the SELLP, connected with paragraph 36. The Local Highway Authority does not object to the proposal and there is no conflict with paragraph 111 of the NPPF in terms of an adverse impact on the highway network. There is no reason to refuse this application on highway grounds given that the indicative plan can accommodate adequate car parking. The proposal conforms with policy 36 of the SELLP as a result.

Trees and Landscaping

There are no preserved trees on site and the site is not within a Conservation Area. There is a mature hedge on the corner of the plot that consists of privet, this wraps around the front of Hunter's Close. There is then a metal fence along Hunter's Close. A tall Leylandi hedge continues along the remainder of Hunter's Close.

Objections have been received requesting that the hedges are retained, because of their amenity, biodiversity and visual value to the site. A particular concern relates to the very tall hedge fronting Hunters Close which provides privacy screening to the neighbouring properties. This has been carefully considered. The leylandi hedge in particular has been maintained by occupiers of Hunters Close, and they do not want it removed.

This has received consideration by the applicant, but he wants to remove the Leylandi hedge, as he states it is in a poor condition. Residents strongly dispute this. Since this hedge can be removed without needing consent, whilst it is acknowledged that it offers a degree of privacy for the occupiers of Hunters Close, it is considered that planning permission cannot reasonably be withheld if it is removed. Other design aspects can be employed to ensure that privacy or overlooking does not occur to the occupiers of Hunters Close, by paying close attention to the detailed design of the dwellings at the reserved matters stage, and to not allowing permitted development and also disallowing flank windows by condition, and restricting the overall storey height at the rear.

A 1.8m fence would be installed in place of the Leylandi hedge which is a standard form of boundary treatment. It is considered that this would be acceptable and whilst regrettable that the applicant has chosen not to retain the Leylandi hedge, it is not considered that this could be resisted at the detailed matters stage.

The applicant has indicated that the front hedge is healthy and will be retained as part of the landscaping. This can be controlled via a suitably worded landscaping condition.

The IDB have said that no structures should be introduced on the front of the premises due to the presence of the IDB drain. The retention of the hedge will provide a form of boundary treatment if retained. No further hedging would be permitted however, and the front gate will need to be removed.

Subject to its maintenance, the retention of the front hedge would provide a positive impact on the street scene.

A condition is suggested to ensure the submission of an appropriate landscaping scheme. This is important given that no boundary treatment can be introduced along the front of the properties due to the presence of the IDB drain.

There is no impact on landscaping subject to the imposition of this condition.

Biodiversity

Section 15 of the National Planning Policy Framework (NPPF) seeks to protect sites of biodiversity value, minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. These concepts are reflected in policy 28 of the SELLP.

The details associated with biodiversity are not being dealt with at the outline stage. Conditions are suggested relating to landscaping, the installation of swift bricks and a more general biodiversity condition to ensure that the site makes a contribution to biodiversity. Subject to the imposition of these conditions, it is considered that the proposal does not conflict with Policy 28 of the SELLP.

Planning Balance

Section 38 (c) 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. To determine whether the proposal accords with the Local Plan it is necessary to undertake a planning balance exercise having regard to economic, social and environmental objectives.

The construction of the dwellings would make an economic contribution to the local economy in uncertain economic times in terms of providing temporary jobs during construction, and economic spend of the occupants of the housing. This weighs in favour of the proposal.

In community terms, the provision of additional housing would make a contribution to the local housing market within a sustainable location. This weighs in favour of the proposal.

In environmental terms, the loss of the boundary hedge along Hunter's Close weighs against the proposal, but the retention of the corner privet hedge weighs in favour of the proposal. However, a landscaping condition and biodiversity improvements requiring items such as swift and bat bricks, would make a contribution towards biodiversity. This is considered neutral in terms of the planning weighting overall.

Overall, the economic and community benefits of the proposal outweigh any harm in environmental terms in the overall planning balance. It is therefore considered that the proposal is acceptable.

Conclusion

The proposal is considered acceptable and should be approved.

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.