DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-1133-23**	**Applicant:**	**Hexagon Care Services Ltd**
Proposal:	Change of use of children's care home (Use Class C2 Residential Institutions) to an independent school - Learning and Non-Residential Institution (Use Class F1 (A) Provision of Education)		
Location:	Three Chestnuts Fen Road Holbeach		
Terminal Date:	10th 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
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

12 - Achieving well-designed and beautiful places
14 - Meeting the challenge of climate change, flooding and coastal change
15 - Conserving and enhancing the natural environment

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application at Three Chestnuts, Fen Road, Holbeach for the change of use of a children's care home (Use Class C2 Residential Institutions) to an independent school - Learning and Non-Residential Institution (Use Class F1 (A) Provision of Education). The proposal is to operate the property as a school for children with special educational needs. The school will teach pupils with a range of complex needs, who have struggled in previous education placements.

The proposed room uses at ground floor levels will be three classrooms, three student wcs, two conservatory / breakout rooms, a staff office, a dining room, food technology room, a flexible learning space. At first floor five classrooms are to be provided, along with two staff wcs, a student wc, a shower room and a medical / wellbeing room.

There are to be no extensions to the existing building. There are to be no alterations to the existing fenestration save for the infilling of windows on the ground floor student wc, and the first floor staff wc. A 1.8 metre high timber fence is proposed for the perimeter of the site.

The nine car parking and three cycle parking spaces are to be retained. The number of employees will be 8, and the independent school will operate from 09:00 to 17:00 Monday to Friday and be closed on Saturdays and Sundays. The school will operate during school hours and term times only.

A site visit was conducted on Friday the 12th of January 2024.

One amendment has been made to the application, with the site boundary amended.

SITE DESCRIPTION

The site is located outside of defined settlements in the open countryside. The site is accessed via the B1168 Fen Road. The property benefits from a large area of hardstanding for vehicular parking with suitable turning area to enter and leave the site in forward facing gear. Grass / garden amenity areas are located to the perimeter of the property. One metre high post and rail fencing, hedgerows and scattered trees form the boundary treatment to the application site. The nearest dwellings are Mill House - 228 metres to the west, Pennington Farm - 168 metres to the south and Greenacres - 656 metres to the north-east.

The site is located in Environment Agency Flood Zone 3, and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Drainage is to remain as existing with foul sewage addressed via a septic tank.

RELEVANT HISTORY

H09-0563-02

Full - Erect two storey extension and alteration to existing access - Approved - 30 July 2002.

H09-1204-02

Full - Erection of conservatory to side elevation - Approved - 03 January 2003.

H09-1230-04

Section 191 Lawful Use Certificate - Use of premises as a Children's home for up to six persons living together as a single household (Use Class C3) - Approved - 12 November 2004.

H09-1042-17

Full - Erection of two storey extension and use of premises as a care home under Use Class C2 - Approved - 06 December 2017.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 05 January 2024 to 26 January 2024)

None

Responses Received following Re-consultation (Consultation period between 09 January 2024 to 30 January 2024)

Holbeach Parish Council - 09 January 2024

"Entrance & access concerns with up to 36 vehicles coming and going each day on a 50-60mph road and close to a bend. Would suggest decision is brought to Committee."

South Holland District Council - Environmental Protection - Oliver Abrams - 18 January 2024

"No comments regarding land contamination at this location."

Lincolnshire County Council - Highways & SUDS Officer - 29 January 2024

No objections:

"The anticipated school arrival and departure times (Monday - Friday) will be approximately 9am - 3.30pm. The children will be transported to and from school via a school transport vehicle, either a minibus or private taxi. The school will facilitate the education of up to 24 pupils, it can be anticipated that a maximum of 6 school transport vehicles (4 pupils per vehicle) will be utilised for school arrival and departures. The pupils will be dropped off and collected within the application site. There will be eight employees (Teaching staff) on site. The application site facilitates the provision of 9no. Vehicular parking spaces available for use by employees if required. In addition the external garage provides a suitable cycle storage facility for employees who cycle to work. No alterations are proposed to the existing site access off the B1168 Fen Road."

"The change of use of the building will utilise the existing access from Fen Road which is subject to a 50mph speed limit and serves the current use and meets the guidelines set out in Manual for Streets for visibility. Adequate provision for car parking and turning space has been provided within the limits of the site to enable vehicles to enter and leave in a forward gear allowing drivers intending entering the highway to judge if it is safe to complete the manoeuvre. Additionally, there has been no recorded Personal Injury Accidents (PIA) in the vicinity of this junction in the last five years."

"The National Planning Policy Framework (NPPF) is clear in its advice, that developments should be resisted or refused only where the residual cumulative transportation impacts are severe, or that the development would have an unacceptable safety impact. This is clearly not the case from this application, as the the overall impact of vehicle trips created by the development on the highway network will be negligible and therefore it is considered that the proposed development would not have a severe residual cumulative impact on highway safety or capacity issues in accordance with the NPPF."

"No obvious constraints have been identified that may impact the proposed development and the type of mitigation measures that can be used to reduce the flood risk as there is no change to the existing building and therefore, there is no increase in the flood risk to others."

South Holland Internal Drainage Board - 29 January 2024

Consent is required for works within 9 metres of a Board maintained watercourse. This is due to the placing of a 1.8 metre high fence within 9 metres of a drain beyond the western site boundary.

"I note that the applicant intends to erect fencing (drawing number 2312-04 - Ribble Valley Architecture, December 2023) within 9 metres of the aforementioned Board Maintained watercourse. To enable this proposal, consent would be required under Byelaw 10, and I recommend that the applicant contacts this office to make an application for this consent at their

earliest convenience. To avoid conflict between the planning process and the Board's regulatory regime, we recommend that the required consent is sought prior to the determination of this planning application."

South Holland District Council - Environmental Protection - Diane Gordon - 31 January 2024

"ensure perimeter fence marked in red of close board construction to provide a level of acoustic protection, to protect amenity of nearby residents."

Holbeach Parish Council - 05 February 2024

"As per previous comments."

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

EVALUATION

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

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

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

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of Development and Sustainability

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 SELLP indicates that 'the rest' of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. Within the 'Countryside', development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic,

community or environmental benefits.

When assessed against the relevant criteria the following can be observed:

Economic - There is not considered to be an economic impact from the proposal. The proposal will operate as an educational establishment for children that struggle in mainstream environments.

Social - There is not considered to be a social impact from the proposal. The proposal will operate from 09:00 to 17:00 Monday to Friday and be closed on Saturdays and Sundays. The school will operate during school hours and term times only. Therefore it is considered that the intensity of use of the site is to be reduced, and amenity impact reduced, as it will not be in operation outside of normal term time hours.

Environmental - There is not considered to be a material environmental impact from the proposal. The supporting statement states: "Anticipated school arrival and departure times (Monday - Friday) will be approximately 9am -3.30pm. The children will be transported to and from school via a school transport vehicle, either a minibus or private taxi. The school will facilitate the education of up to 24 pupils, it can be anticipated that a maximum of 6 school transport vehicles (4 pupils per vehicle) will be utilised for school arrival and departures. The pupils will be dropped off and collected within the application site."

"There will be eight employees (Teaching staff) on site. Employees will be encouraged to car share, cycle or use public transport if suitable transport links are available. The minimal vehicular movement to and from the site for pupils and staff will not have any significant or negative impact to the local highway."

In accordance with Policy 28 of the Local Plan the applicant will be required to demonstrate a biodiversity uplift on site as a result of the proposed change of use. This matter will be addressed by condition.

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; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the amenities of neighbouring buildings, and parking provision which are discussed in turn as follows.

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 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.

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.

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.

The character and appearance of the area is not considered to be materially impacted by the proposal works. The 1.8 metre high boundary fence will help to provide a secure environment for the pupils. The fencing will prevent access to the drain to the west of the site, as well as Further Old Gate to the south, and Fen Road to the east. The fencing will be sited approximately 1.6 metres from the Further Old Gate and 2.8 metres from Fen Road. The Environmental Protection Officer has requested that the fencing is close boarded to provide a degree of acoustic protection to nearby residential properties. There are no external works to the existing building save for the removal of windows on the north elevation serving the ground floor student wc and the first floor staff wc.

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

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 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.

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

There is not considered to be an amenity impact from the proposed application. The proposal is not considered to represent overdevelopment as there is not an increase in the size of the proposal building. There is not considered to be an overshadowing impact from the proposal as the building is not being increased in size. Additionally, the nearest dwelling is 126 metres away from the proposed 1.8 metre high boundary fencing. With regard to overlooking, there are no external works to the existing building save for the removal of windows on the north elevation serving the ground floor student wc and the first floor staff wc.

There is not considered to be an increase in noise as a result of this proposal. The use will change from a children's care home to learning and non-residential institution. It is considered that due to the reduction in operational hours to weekdays and term time only, that there should be a reduction in noise as a result of this proposal. The Environmental Protection Officer has requested that the fencing is close boarded to provide a degree of acoustic protection to nearby residential properties. Further details of the proposed fencing design and siting will be addressed by condition.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the amenities of adjacent land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Parking / Highway Safety

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".

Within this context, development should give priority first to pedestrian and cycle movements,

facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility in relation to all modes of transport, safe, secure and attractive places, allow for efficient delivery and access for emergency services, and be designed to enable and encourage ultra-low emission vehicles in safe, accessible and convenient locations.

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

The proposal does not seek to alter the amount of parking provision on site.

The supporting statement states: "Anticipated school arrival and departure times (Monday - Friday) will be approximately 9am -3.30pm. The children will be transported to and from school via a school transport vehicle, either a minibus or private taxi. The school will facilitate the education of up to 24 pupils, it can be anticipated that a maximum of 6 school transport vehicles (4 pupils per vehicle) will be utilised for school arrival and departures. The pupils will be dropped off and collected within the application site."

"There will be eight employees (Teaching staff) on site. Employees will be encouraged to car share, cycle or use public transport if suitable transport links are available. The minimal vehicular movement to and from the site for pupils and staff will not have any significant or negative impact to the local highway."

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.

The County Highways & SUDS Officer states:

"The change of use of the building will utilise the existing access from Fen Road which is subject to a 50mph speed limit and serves the current use and meets the guidelines set out in Manual for Streets for visibility. Adequate provision for car parking and turning space has been provided within the limits of the site to enable vehicles to enter and leave in a forward gear allowing drivers intending entering the highway to judge if it is safe to complete the manoeuvre. Additionally, there has been no recorded Personal Injury Accidents (PIA) in the vicinity of this junction in the last five years."

"The National Planning Policy Framework (NPPF) is clear in its advice, that developments should be resisted or refused only where the residual cumulative transportation impacts are severe, or that the development would have an unacceptable safety impact. This is clearly not the case from this application, as the the overall impact of vehicle trips created by the development on the highway network will be negligible and therefore it is considered that the proposed development would not have a severe residual cumulative impact on highway safety or capacity issues in accordance with the NPPF."

It is considered that parking provision remains acceptable on site. Because the fencing is set back 2.8 metres from Fen Road and 1.6 metres from Further Old Gate, there is not considered to be an impact from visibility on vehicle users entering and exiting the junction.

Flooding Considerations / 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 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 lies within Flood Zone 3 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 in Environment Agency Flood Zone 3, and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Drainage is to remain as existing with foul sewage addressed via a septic tank.

The proposal is not for habitable accommodation and no amendments are proposed to the floor levels of the site. Consent is required for works within 9 metres of a Board maintained watercourse. This is due to the placing of a 1.8 metre high fence within 9 metres of a drain beyond the western site boundary.

"I note that the applicant intends to erect fencing (drawing number 2312-04 - Ribble Valley Architecture, December 2023) within 9 metres of the aforementioned Board Maintained watercourse. To enable this proposal, consent would be required under Byelaw 10, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience. To avoid conflict between the planning process and the Board's regulatory regime, we recommend that the required consent is sought prior to the determination of this planning application."

It is not considered that there is not a material impact on flood risk or surface / foul drainage from the proposed application.

Biodiversity and landscaping

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'.

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

Because the proposal is a major application there is a requirement to demonstrate a biodiversity net gain of 10% from February the 12th 2024 . However, because the requirement to demonstrate a biodiversity net gain for major applications commences for applications submitted on or after February the 12th 2024 this is not a requirement for this application. Landscaping and biodiversity does still remain of importance in local and national policy when assessing this application, with the proposal still expected to demonstrate a biodiversity uplift. It is considered that the application does

need a satisfactory landscaping and biodiversity uplift layout that would constitute a betterment for the site in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019, and wider national policy under Section 15 of the National Planning Policy Framework, December 2023.

A landscaping condition and a biodiversity condition will be added to the decision notice to ensure that the site is provided with a biodiversity uplift in accordance with local and national policy.

Outstanding matters from representation

None

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.

The proposal represents appropriate development within the open countryside. The development hereby proposed does not materially harm the character or appearance of the locality, 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 (December 2023) when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

CONCLUSION

This application is considered to accord with Policies 1, 2, 3, 4, 28 and 36 of the South East Lincolnshire Local Plan, 2019, as well as Sections 12, 14 and 15 of the National Planning Policy Framework, December 2023.

RECOMMENDATION

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.