

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0201-24 **Applicant:** Mr P Leo

Proposal: Change of use from vacant building society offices to restaurant & takeaway & installation of extraction flue system to the rear, together with a 1 person flat (Class C3) to the first and second floor

Location: 15 Sheep Market Spalding

Terminal Date: 10th May 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
21	Houses in Multiple Occupation and the Sub-Division of Dwellings
24	The Retail Hierarchy
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 5 - Delivering a sufficient supply of homes
Section 7 - Ensuring the vitality of town centres
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SPALDING & DISTRICT CIVIC SOCIETY	0	0	0	1
SHDC INTERNAL	0	0	1	3
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks full planning permission for the change of use of the building from current vacant building society offices, to a mixed use comprising of a restaurant and a takeaway, along with 2x one person flats on the upper floors. External alterations are also proposed, including the installation of an extraction flue system to the rear. A separate application for the advertisement was previously approved.

The existing vacant building society on the ground floor would be converted to a restaurant and takeaway. The restaurant would provide twenty-three seats, spread over a floor space of 49.6sq m. To the rear of this would be the kitchen and staff areas. In order to accommodate the restaurant, an extraction flue is proposed, coming from the rear of the property and extending to the roof line. A refuse storage area would be located to the rear of the property, within a covered area.

Above the restaurant would be two, one-bedroom flats, with one flat per floor. Access to both flats would be obtained via the rear, along Chapel Lane. Entrance to both flats is via a shared lobby, to which the restaurant would have some access for refuse storage.

Flat 1, located on the first floor, would have a floor space of 41.45sq m. It would feature a 9.75sq m bedroom, a shower room, kitchen/dining space, and a sitting room. Flat 2, located on the second floor, would be slightly larger with a floor space of 50.8sq m. The property would be comprised of a bedroom (11.56sq m), an open plan living/ kitchen space and a bathroom. An additional window is proposed to serve the bedroom. This window would face onto Chapel Lane. Refuse storage for both flats would be located to the rear of the ground floor, alongside the restaurant storage.

Site Description

The site is within the settlement boundary of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The site is within the defined Town Centre of Spalding, and as such is characterised by commercial units. The unit occupies a prominent space within the historic core of the settlement. Despite this, the property itself is not a listed building, being a fairly modern three storey unit; however, does lie within Spalding Conservation Area. The site is currently vacant.

Relevant History

H16-1108-23 - Advertisement. Proposed Signage. Approved 28/03/24.

H16-1099-23 - Prior approval application. Change of use from vacant building society offices (Class E) to restaurant (Class E) and takeaway (sui generis) including installation of an extraction flue system to the rear together with provision of a 1 person flat (Class C3) to the first and second floor. Withdrawn 06/03/24.

H16-0862-17 - Advertisement. Proposed signage. Approved 6/11/17.

H16-0602-14 - Advertisement. Proposed signage. Approved 15/12/14.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

SHDC Food Health and Safety

"As I have advised before when considering the South Holland Toilet Policy (See attached) you will see that one disabled facility is inadequate (only allows for less than 15 persons). If it is the applicants intention to have more then 15 then the guidance needs to be considered especially table 4."

Conservation Officer

No objection

SHDC Environmental Protection - Contamination

"No comment regarding land contamination"

SHDC Environmental Protection - Noise

"No consideration has been made within the noise assessment for the potential transmission of noise from the restaurant dining area to the first floor flat. Please provide details of proposed control measures."

Further comments - received 17/04/24

Happy for noise impact to be controlled via standard condition

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, one letter of objection has been received.

This can be summarised as:

- Concerns regarding the potential smell
- Concern over the increase in noise pollution

Key Planning Considerations

Evaluation

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

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

adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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.

The site is within the settlement of Spalding which is classed as a sub-regional centre within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

The NPPF outlines, within Paragraph 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".

Paragraph 70 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 paragraph 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.

Paragraph 90f of the NPPF states that "planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites".

As the site is within Spalding, development within this location is considered appropriate. The proposal would support the settlement's role as a sub-regional and make a positive contribution to the local economy and housing stocks.

Where applications are made for the subdivision of dwellings, Policy 1 is supported by Policy 21 of the SELLP. While this application is not strictly for the subdivision of a dwelling, it does involve the conversion of a unit into smaller residences and, as such, Policy 21 is considered to be the most relevant policy to assess this proposal against. Taking each criterion in turn, the following is considered:

- 1.The proposal would not result in the loss of a family sized dwelling. The proposal conforms to criterion 1.
- 2.The proposed dwellings would not cause adverse impact upon neighbouring amenity. That being said, this consideration strictly refers to the creation of the two dwellings and not the creation of the store. The amenity impact is assessed in further detail below.
- 3.The creation of the dwellings would have a minimal character impact. Residences above shops are typical in the area and therefore, the addition here would not appear out of character.
- 4.Refuse is to be stored within a 1.9sq m store to the rear of the ground floor. It would then be moved to the street side collection point on the day of collection. Given the constraints of the site, this is considered to be an adequate arrangement, which prevents visual impact via the intrusion of refuse sacks.
- 5.As the site is within the town centre, the need for vehicular parking is low. Residents could access all necessary amenities via foot.
- 6.As stated above, the site is within the defined town centre of Spalding, providing residents with good access to all necessary services.
- 7.Adequate amenity space has been provided internally. The proposal conforms to the Nationally Described Space Standards, while providing reasonably sized living accommodation.
- 8.The site does not benefit from outdoor amenity space. That being said, many of the comparable

flats within the immediate area also do not have garden space. Given the constraints of the site, and its town centre location enabling access to parks or other amenity spaces, it is considered acceptable in this instance.

Policies 10 and 11 of the SELLP outline the district's housing needs, indicating areas where development is required most. Within Policy 11, it is identified that 5510 homes are needed in Spalding. Policy 17 expands upon this, outlining the need for a mix of housing. While this policy identifies that two or three bedroom family homes are in the highest demand, it goes on to state that one bedroom homes are also required. As such, the proposal is considered to make a small, but important, contribution to local housing needs; helping to achieve the aims of Policies 10, 11 and 17.

Within town centre locations such as this, Policy 1 is further supported by Policies 24 and 25 of the SELLP. Policy 24 states that within Spalding town centre "planning permission will be granted for retail, food and drink outlets, (..) and residential development." Within paragraph 6.2.6 of the reasoned justification for this policy, "non-retail uses, such as cafes and restaurants, can add to the vitality of centres". As such, some weight is given in favour of the proposal. Paragraph 6.2.6 goes on to state that "poorly-placed non-retail uses and an over-proliferation of similar uses such as hot-food takeaways and betting shops, particularly within the Primary Shopping Area, can negatively impact on the local amenity and activity within a centre and, therefore, will be resisted." While the site is within the Primary Shopping Area, within the immediate area there are a low number of comparable businesses. As such, it is not considered that there is currently an over-abundance of restaurants in the immediate area, and therefore, the proposal is considered to comply with Paragraph 6.2.6.

Policy 25 of the SELLP, supporting the vitality and viability of Boston and Spalding town centres, gives weight in favour of the redevelopment and reuse of land within the town centre. The proposal would occupy a currently vacant unit within a fairly prominent portion of the town centre, aiding in the vitality of the area. As such, some weight is given in favour of the proposal.

Therefore, the proposal is considered to be in accordance with Policies 1, 10, 11, 17, 21, 24 and 25 of the SELLP, as well as Paragraphs 60 and 70 of the NPPF. The principle of development on this site is considered acceptable subject to other material considerations being met.

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

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states 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 NPPF, 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. Developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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 NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character

of the area is not compromised.

The proposal would be in keeping with the character of the area. Within the wider Spalding area, restaurants such as this are fairly commonplace. This typicality would naturalise the proposal to a certain extent. The use of fairly muted colours and typical materials would further help to ensure that the proposal appears well blended into its setting. Currently, the unit is vacant with whitewashed windows. As such, the proposal here represents a visual improvement, which helps to maintain the vitality of the street scene.

The proposed rear alterations are minor. The flue and window would go largely unnoticed due to their minor scale and typicality.

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 SELLP and Section 12 of the NPPF.

Impacts Upon Residential Amenity

Paragraph 135 of the NPPF 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.

Policies 2 and 3 of the SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions. These policies are supported by Policy 30 with regards to pollution, including odour and noise pollution.

The proposal does not represent a significant overlooking concern. The proposed new window would offer views onto a decked area of the adjacent dwelling. However, any views would be at an oblique angle and, in terms of loss of privacy, are comparable to existing views at street level. All other views from all other windows would be purely into the public realm.

By virtue of the nature of the proposal, no additional overshadowing would occur.

An objection has been received concerning the impact of noise and odour upon neighbouring dwellings. In order to minimise the potential impacts arising from the proposal, the steps outlined within the acoustic report should be followed and the condition requested by Environmental Protection should be imposed.

It is noted that Class MA of the GPDO would allow for the conversion of upper floors to residential use, subject to the submission of a Prior Approval application. As such, the scope of this must also be taken into consideration; however, this would not be possible in this instance given the extent and nature of the remaining aspects of the development and uses comprising both restaurant and hot-food takeaway. In any event, the requirements of a Prior Approval under Class MA specifically details the need to review "impacts of noise from commercial premises on the intended occupiers of the development".

As such, the recommendation includes conditions that would seek suitable detail in regard to appropriate mitigation of noise.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 115 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

As stated above, there is no requirement for onsite parking for the residences due to their town centre location. Residents could easily access all necessary facilities via sustainable modes of transport and would have convenient access to public transport for trips further afield.

Provision has been made for cycle storage to the rear. From the diagrams submitted, two spaces have been provided. This is inline with the requirements of Appendix 6. One space per flat would be required, while no spaces are required for the restaurant space.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

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: applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 of the NPPF states " 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". The sequential approach is 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 SELLP 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 SFRA as a basis to apply the sequential test.

Within the SFRA the site is not classed as at risk of flooding. As the site is classified as not at risk of flooding within the SFRA, the tangible risk of flooding is low. As the residences would be located on the first and second floor, above flood levels, the residential properties would be safe from the impacts of flooding. The submitted flood risk assessment has recommended the installation of waterproof tiling on the ground floor in order to reduce the impacts of flooding should it occur. This is considered appropriate given the location.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Environmental Sustainability

In respect of the climate emergency, Section 14 of the NPPF 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'.

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 180 and 185 ensure sites of biodiversity value are protected through the planning system; while Paragraph 186 states that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".

In line with both aforementioned sections of the NPPF, Policies 28 and 31 of the SELLP ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place.

The application was submitted prior to mandatory requirements for Biodiversity Net gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) which requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. For applications such as the current scheme, which involve a change of use and were submitted prior to the introduction of this requirement, it is not considered necessary to request a net gain condition.

Taking the above into account it is considered that given the details submitted, and those required by suitably worded condition, the proposal is acceptable with regards to environmental sustainability. The proposal would therefore be in accordance with Policies 28 and 31 of the SELLP and Sections 14 and 15 of the NPPF.

Heritage and Conservation

Policy 29 of the South East Lincolnshire Local Plan, alongside Section 16 of the NPPF, relates to the preservation of the historic environment. Both outline that all applications within the Conservation Area should preserve or enhance the setting locale.

In this regard, in respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The NPPF expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the NPPF. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river

frontages, structures and their settings through high-quality sensitive design.

While the proposal is within the Conservation Area, the building itself is of little architectural or historic merit. The proposed alterations would involve the addition of a window and flue to the rear of the site. These alterations are typical and would not appear out of place. While details of the materials have not been submitted, it is considered that the use of materials to match the host (i.e., timber for the windows and a matte black covering for the flue) are appropriate. The proposal would see the reuse of a vacant unit, improving the character and vitality of the area.

The Conservation Officer has raised no objection to the proposal.

For the above reasons, it is considered that the proposal would preserve the historic environment and represents an improvement over the existing vacant store, with no harm being caused.

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 defined settlement boundary. 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 SELLP and the provisions of the NPPF when viewed as a whole.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 10, 11, 17, 21, 24, 25, 28, 29, 30, 31 33, 36, and Appendix 6 of the SELLP, as well as Sections 5, 7, 9, 12, 14, 15 and 16 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

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

In light of the above, it is recommended that the application be approved conditionally, under delegated authority.