

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-0803-24 **Applicant:** Mr L Petts

Proposal: Demolition of Existing Buildings & Erection of Two Single Dwellings & Four Apartments

Location: 186 Bridge Road Sutton Bridge Spalding

Terminal Date: 25th December 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
17	Providing a Mix of Housing
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework December 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
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

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON	0	0	0	1

OFFICER - FLOOD RISK ASSESSMENT				
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	4
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks outline planning permission for the demolition of the existing buildings within the site, and the erection of two dwellings and four apartments.

The two detached dwellings are proposed to be located towards the rear of the plot, whereas the proposed apartments would be located within a building within the front portion of the site. 10 parking spaces are proposed in between.

Although the application is an outline application, the applicant has indicated within the application form that the application seeks consent for the reserved matters of the proposed access, landscaping, layout, scale and appearance. This is not considered to be procedurally correct, and further details relating to this are set out within this assessment. The applicant was advised to remove at least one of the reserved matters from the submission, however, the applicant has not responded to this request. Notwithstanding this, the application has been determined on the basis of the submitted plans.

Site Description

The application site comprises land at 186 Bridge Road, Sutton Bridge. The site features a two storey building with one dwelling and ground floor hot food takeaway unit.

The site is located within a relatively central position within Sutton Bridge. Bridge Road is one of the main routes through the village. The site is mostly surrounded by residential development, however, Nene Pharmacy is located to the east of the site.

Relevant Planning History

H18-0307-02: Erection of a two-storey rear flat-roof extension - approved 14 May 2002

H18-0193-09: Alteration and extension to existing shop and living accommodation - approved 07 May 2009

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

South Holland Internal Drainage Board: I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3. 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. There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Lincolnshire Police: No objections.

Lincolnshire Fire and Rescue Fire Service: The Fire Authority would make no objection to the application provided that the following items were included within the development:

- 1) Access to buildings for fire appliances and fire fighters must meet with the requirements specified in Building Regulations 2010 Part B5. These requirements may be satisfied with other equivalent standards relating to access for fire-fighting, in which case those standards should be quoted in correspondence.
- 2) Lincolnshire Fire and Rescue also requires a minimum carrying capacity for hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2010 part B5. This weight limit would also apply to any private/shared access roads in order to achieve the above item.
- 3) Lincolnshire Fire and Rescue recommends that fire hydrants be installed within this development at the developer's expense. However, it is not possible, at this time, to determine the number of fire hydrants required for fire-fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

Highways and SUDS (Lincolnshire County Council): Please make the applicant aware of the requirements for access, parking, visibility, turning and layout as detailed within the Lincolnshire County Council Design Approach. The applicant needs to make further consideration of the parking standards in accordance with South East Lincolnshire Local Plan, where 2 spaces for dwellings with three or less bedrooms are required and 3 parking spaces for dwellings with four or more bedrooms are proposed. Although sufficient parking spaces has been provided for the 2no. dwellings, there is still a short fall in spaces for the 4no. apartments, as 8no. spaces are required. In addition to the above, the application is only showing an access width of 3.75 metres and this needs to be a minimum of 4.1 metres for the first 10.0 metres, to enable the passage of two-way vehicular movements in accordance with Manual for Streets. As this would be a private drive, the applicant needs to consider suitable storage area close to the access for kerb side collection, as refuse vehicles will not enter a private drive. Sufficient information will also 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.

Environment Agency: No objections subject to a condition requiring compliance with the submitted Flood Risk Assessment.

Historic Environment Officer: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Environment Protection: Standard working hours of 7:30-18:00 Mon-Friday and 8:00-13:00 Saturday should be observed during demolition and construction phase. Suitable dust protection measures should be used during the demolition phase, and no burning should be permitted within the site to protect the amenity of neighbouring properties.

Ecology Officer: The BNG assessment and PEA appears rigorous and sound and I would support all of the recommendations within the PEA. However, I have two minor concerns related to the BNG provision, which is also related to the design. I would query the feasibility of managing those three little sections of public open space as a "modified grassland" in "moderate" condition. It could be possible, but there would also need to be some effort made to maintain the appropriate species diversity over the 30 year period given the likely disturbance pressure from people, vehicles, pets, probably use of herbicide around the base of the trees, etc. Overall, I would expect the BNG to be

acceptable and that we could be reasonably confident that they will achieve the 10% net-gain requirement. Especially, if they implement the other biodiversity provision measures recommended in the PEA (e.g. integrated bird-nest bricks, bat boxes, hedgehog highways, etc.).

Sutton Bridge Parish Council: No response received.

Cllr C J T H Brewis: No response received.

Cllr M D Booth: No response received.

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, representations from three households have been received. The key concerns raised within the responses are summarised below:

- The development would lead to increased levels of noise and disruption.
- The height of the trees at the end of a neighbouring garden could not be reduced without the neighbouring property being overlooked.
- Concerns over loss of privacy and overlooking.
- Concerns due to overshadowing.
- Overdevelopment of the site.
- Insufficient parking.
- Bridge Road is a busy road and parking is already a problem.
- There would be a visibility splay problem due to the access that is proposed.

Key Planning Considerations

Development Plan

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.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Flood Risk;
- Heritage; and
- Biodiversity.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan 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 site is within Sutton Bridge which is defined as a 'Main Service Centre' by Policy 1. Policy 1 sets out that within Main Service Centres, development will be permitted that supports the role of the settlement, helps sustain existing facilities or helps meet the service needs of other local communities. The principle of providing residential development within the site is therefore acceptable, subject to ensuring that the development accords with other relevant considerations such as ensuring that an appropriate design can be accommodated.

Design and Visual Impact

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

Paragraph 135 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.

Policy 2 of the 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 NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The proposed development is for a two-storey building which would contain four apartments within the southern portion of the site. The submitted plans show that two of the apartments would feature two bedrooms and the other two apartments would each feature one bedroom. The building would be located within the front portion of the site, on part of the existing building footprint. Consent is also sought for the erection of two detached dwellings towards the rear of the site. The submitted plans show that the proposed dwellings would each feature four bedrooms.

The site is mostly surrounded by residential development, except for Nene Pharmacy which is located to the east of the site. Most of the nearby dwellings on Bridge Road are located near the road frontage, with long linear gardens located to the rear. Dwellings to the north of the site are located on Charles Road and these dwellings also feature relatively long linear gardens to the rear. Where dwellings are set back from the road frontage, they are normally detached and within relatively spacious plots.

Policy 3 of the Local Plan sets out 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. It is considered that the proposed development would represent an overdevelopment of the site, resulting in a cramped appearance that would be out of keeping with the surrounding area. The proposed layout would diverge from the existing development pattern and the proposed dwellings towards the rear of the site are considered to comprise inappropriate backland development. Backland development proposals should generally confirm to existing plot sizes and not to lead to overdevelopment or a cramped appearance. The proposed development therefore does not accord with Policy 3.

The visual impact of the proposed development is unacceptable. The proposed development is out of keeping with the character of the area and is considered to represent an overdevelopment of the

site, particularly when compared the layout of other neighbouring properties. The proposed development therefore does not accord with Policies 2 and 3 of the Local Plan, or Paragraph 135 of the NPPF.

Impact on 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; 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 Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

In terms of the proposed dwellings at the rear of the site, the only windows on the side elevations at the first-floor level would connect to bathrooms. These windows would need to feature obscure glazing. With obscure glazing installed, the positioning of these windows would not result in an unacceptable degree of overlooking with neighbouring properties.

There is approximately 18m between the rear elevation of apartment building and the front elevation of one of the proposed dwellings. It is generally recommended that there should be 21m between facing habitable rooms to prevent an unacceptable degree of overlooking between dwellings. This distance is widely accepted as a suitable separation distance and this would not be achieved in this case. As such the impact would be unacceptable in terms of the degree of overlooking between the proposed properties.

The proposed apartment building would be located next to the western boundary of the site, on part of the existing building footprint. The existing building features two storeys towards the front of the site, and gradually becomes smaller towards the rear of the site where there is also an outbuilding. The existing building causes some overshadowing of the neighbouring property, 188 Bridge Road, which is located to the west of the site. Due to the scale of the proposed apartment building, and the siting of the building adjacent to the boundary, it is likely that the proposed development would worsen the overshadowing of 188 Bridge Road. The impact on the amenity of residents of 188 Bridge Road is therefore unacceptable.

The proposed dwellings and apartments would feature sufficient internal living space, as minimum space standards would be achieved. However, very limited external amenity space is proposed around the apartment building and furthermore the proposed dwellings would also feature very small gardens. The depth of one of the proposed rear gardens for one of the dwellings is only 3m at one point and this would result in future occupiers overlooking the amenity space to the north to an unacceptable degree.

The proposed development would result in an unacceptable impact on the residential amenities of future occupiers and neighbouring properties. As such, the proposed development would not accord with Policies 2 and 3 of the Local Plan, or the provisions of Section 12 of the NPPF.

Highway Safety and Parking

Section 9 of the NPPF specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the NPPF 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.

Policy 2 of the Local Plan sets out 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 36 is intended to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan. This policy 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.

There is an existing vehicular access to the site which is located on the south-eastern corner of the

site, next to Bridge Road. The proposed site layout would continue to use this access and extend this towards the rear of the site where 10 parking spaces are proposed for both the dwellings and the proposed apartment building. No dedicated cycle parking is proposed.

Lincolnshire County Council's highways team have set out that not enough parking spaces have been provided. Although six spaces are proposed for the two dwellings towards the rear of the site, only four spaces are proposed for the apartment building. As there are four apartments, the parking standards within the Local Plan set out that two spaces should be provided for each apartment. There is therefore a shortfall in four spaces. This could result in future occupants needing to park on the surrounding streets such as Bridge Road, and this could pose a potential hazard in terms of highway safety.

The highways team have also set out that the proposed access measures 3.75m in width. The access is narrower than this on the submitted block plan within which it measures 3m at the site entrance. The highways team have set out that the access should be a minimum width of 4.1m for the first 10m, to enable the passage of two-way vehicular movements in accordance with Manual for Streets.

Lastly as the access would be a private drive, a suitable storage area close to the access for kerb side refuse collection should be considered, however, this is not shown. This is necessary as refuse vehicles will not enter a private drive.

Due to the lack of parking spaces and the insufficient width of the proposed access, the proposed development would be unacceptable in terms of highway safety. As such the proposed development would not accord with Policies 2, 3 and 36 of the Local Plan, and Paragraph 115 of the NPPF.

Flood Risk and Drainage

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps, as it most of the district of South Holland.

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 Local Plan is clear in that development that is proposed within Flood Zones 2 and 3 or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the SFRA will be permitted in instances where specific criteria is met.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. The proposed development is therefore required to pass the sequential and exception tests.

The application is accompanied by a Flood Risk Assessment (FRA). Section 3.3 of the FRA contains information relating to how the applicant considers that the proposed development passes the sequential and exception tests.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. It is not considered that there are any site-specific reasons as to why the proposed residential development needs to be located within Sutton Bridge as opposed to another settlement. The submitted FRA does not contain a site search exercise to demonstrate if other sites have been considered and discounted. Notwithstanding this, it is recognised that the vast majority of the council area is within Flood Zone 3 and there are limited opportunities for new housing within lower risk flood areas. The main areas within lower risk flood zones includes Moulton and Moulton Chapel, which are also Minor Service Centres. A search has been undertaken by the local authority to establish if there are any alternative sites within a lower risk flood area. No other sites were found. It is therefore considered that the sequential test is passed.

In terms of the exceptions test, Paragraph 170 of the NPPF requires the following to be

demonstrated:

"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

In terms of part a, the submitted FRA sets out that the development would be located within an existing community and that the proposed dwellings would help sustain the local community. It is recognised that the proposed dwellings and apartments would contribute to the local housing supply which could benefit the community as future occupants could help sustain local services and facilities. National Planning Guidance sets out that examples of wider sustainability benefits can include the re-use of brownfield land and the provision of sustainable drainage systems (Paragraph: 036 Reference ID: 7-036-20220825).

Although the application is in outline form, approval is sought for the layout and no indication is given within the submission as to how surface water is proposed to be disposed of. For example, it is not clear if a sustainable drainage strategy, such as the incorporation of soakaways, has been considered or discounted. The proposed development would increase the impermeable area within the site. It is considered unlikely that soakaways could be incorporated within the site due to the cramped layout. Policy 4 sets out that the use of sustainable drainage systems should be incorporated unless it can be demonstrated that this is not possible. Some sustainable drainage measures such as permeable paving could however be incorporated. As such it is considered that the proposed development accords with part a), however, further details relating to the drainage strategy would need to be secured via condition.

In terms of part b, the SFRA sets out at Paragraph 9.1.5, that there are a range of factors to be considered when determining whether or not a development is 'safe'. However, the minimum measures required for each flood hazard zone are found within the standing advice matrix at Appendix C of the SFRA. Within the SFRA, areas of South Holland are categorised according to a hazard rating. In this case, the site is mostly located within a 'Danger to MOST' area and part of the northern area of the site is within a 'Danger to ALL' area. Within a 'Danger to ALL' area, Appendix C of the SFRA sets out that it is necessary to consult the Environment Agency (EA). In this case, the EA have been consulted and have set out that they do not object to the proposed development, however, a condition is recommended to ensure compliance with the submitted Flood Risk Assessment. As such it is considered that the proposed development would meet the requirements of Paragraph 170, part b.

It is therefore considered that in terms of flood risk, the proposed development accords with Policy 4 of the Local Plan and the Paragraph 170 of the NPPF.

Biodiversity

Policy 28 of the Local Plan outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly green space 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.

Section 15 of the NPPF relates to conserving and enhancing the natural environment. Paragraph 180(d) of the NPPF for instance sets out that planning decisions should provide net gains for biodiversity. Furthermore, the delivery of biodiversity net gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%.

In this case, the applicant has submitted a BNG calculation which sets out that a BNG of 11.43% can be delivered on site based on the submitted layout. The council's ecology officer has reviewed the submitted information and agrees with the proposals to deliver net gain on site. The officer has set out some concerns with the feasibility of managing the three small sections of public open space as a "modified grassland" in "moderate" condition. However, with the inclusion of the recommended biodiversity mitigation, it is considered that the proposed development would accord with Policy 28 of the Local Plan and Section 15 of the NPPF.

Other Matters

As set out previously, the application is an outline application, however, the applicant has applied for the proposed access, landscaping, appearance, scale and layout. This is not considered to be procedurally correct, and the applicant was advised to remove at least one of the reserved matters from the submission. No response was received from the applicant.

The Town and County Planning Act 1968 sets out the following (66(1)):

" " outline planning permission " means planning permission granted, in accordance with the provisions of a development order, with the reservation for subsequent approval by the local planning authority or the Minister of matters (referred to in this section as " reserved matters ") not particularised in the application."

If all of the reserved matters are applied for within the outline permission, then there would be no reserved matters to apply for at a later stage.

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 proposed development represents inappropriate development within the defined settlement boundary. The development would materially harm the character or appearance of the locality, the amenity of nearby residents and future occupants, and would pose a risk in terms of highway safety. The proposed development therefore does not with the Local Plan or the NPPF. Whilst there would be some benefits that arise from the proposed development, such as a small contribution to the district's housing supply, this is not considered to be sufficient to outweigh the harm that would result from the proposals. As such, the planning balance is against the development.

Conclusion

Taking the above considerations into account, the proposal would not accord with policies 1, 2, 3 and 36 (including Appendix 6) of the Local Plan, nor would it accord with Paragraphs 115 and 135 of the NPPF.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused 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.