

West Area Planning Committee

11th November 2014

**Application Number:** 14/01273/OUT

**Decision Due by:** 18th August 2014

**Proposal:** Demolition of existing building. Outline application (seeking approval of access, appearance, layout and scale) for the erection of new building on 4 levels consisting of Class B1 offices on ground floor and 17 x 1-bed and 13 x 2-bed flats at upper levels. Provision of cycle and bin stores plus communal garden area (amended description and plans)

**Site Address:** Part Of Former Travis Perkins Site, Collins Street, Site plan  
**Appendix 1**

**Ward:** St Clement's Ward

**Agent:** Mr Nik Lyzba

**Applicant:** Cantay Estates Ltd And A2  
Dominion Developments  
Ltd

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**Recommendation:** West Area Planning Committee is recommended to support the proposal in principle, and delegate to Officers to issue the decision notice subject to conditions on completion of an accompanying legal agreement. If a legal agreement is not completed, then committee is recommended to delegate Officers to refuse the planning application.

**Reasons for Approval:**

1. Officers consider that the proposed development makes best and most efficient use of the land, whilst retaining the protected employment use and providing for more employees, and providing 50% affordable housing. Whilst the development does not provide large family homes, contrary to BODs, due to material considerations an exception can be accepted in this case. It does provide adequate indoor and outdoor residential amenity space and the amenities of neighbouring properties are not significantly harmed. The development would have an impact on the adjacent protected Sycamore tree, but this could be mitigated by conditions. Car free office and housing is acceptable in this sustainable location and adequate cycle parking is provided. On balance therefore the proposal is considered to accord with the requirements of relevant policies in the Oxford Local Plan, Sites and Housing Plan, Core Strategy and the NPPF.
2. The Council has considered the comments raised in public consultation but consider that they do not constitute sustainable reasons sufficient to refuse planning permission and that the imposition of appropriate planning conditions

will ensure a good quality form of development that will enhance the appearance of the street scene and relate satisfactorily to nearby buildings, preserve the special character and appearance of the area.

**Conditions:**

1. Time – outline / reserved matters
2. Plans – in accordance with approved plans
3. Materials – samples agree prior to construction
4. Contamination – prior to construction
5. Biodiversity – measures for wildlife
6. Restrict B1 Office use & no change use allowed
7. Turning/ servicing area, for turning only; no parking
8. Residents exclude from CPZ
9. Construction Traffic Management Plan – details prior to construction
10. Cycle & bin storage – further details
11. Fourth floor – roof and terraces; restrict use to maintenance, other than designated terraces
12. Windows – obscure glazing, as on approved plans; at all times
13. Public Art – scheme for implementation inc details & location
14. NRIA – build in accordance with; provide further details of PV, water butts
15. SUDS – build in accordance with
16. Tree - Tree Protection Plan
17. Trees – Details of methods of working (construction and demolition)
18. Tree – no dig
19. Tree – pruning – detailed specification required.
20. Tree – underground services
21. Details of boundary treatment prior to occupation
22. Details of additional privacy division on rear balconies at first and second floors prior to construction.

**Legal Agreement:**

50% of flats on site as affordable units.

**Community Infrastructure Levy (CIL)**

Payable at reserved matters stage only

**Principal Planning Policies:**

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP14 - Public Art
- CP17 - Recycled Materials
- CP18 - Natural Resource Impact Analysis
- CP22 - Contaminated Land

TR1 - Transport Assessment  
TR3 - Car Parking Standards  
TR4 - Pedestrian & Cycle Facilities  
TR12 - Private Non-Residential Parking  
TR13 - Controlled Parking Zones  
TR14 - Servicing Arrangements  
NE14 – Water and sewerage infrastructure  
NE15 – Loss of trees and hedgerows  
NE16 – Protected trees  
NE21 - Species Protection  
NE23 - Habitat Creation in New Developments  
HE10 - View Cones of Oxford  
EC1 - Sustainable Employment  
HE2 – Archaeology

### **Core Strategy**

CS1 – Hierarchy of Centres  
CS2 - Previous developed land & greenfield land  
CS9 - Energy & natural resources  
CS10 - Waste & recycling  
CS12 - Biodiversity  
CS13 - Supporting access to new development  
CS17- Infrastructure & Developer contributions  
CS18 – Urban Design, townscape character and historic environment  
CS19 - Community safety  
CS22 -Level of housing growth  
CS24 - Affordable housing  
CS23 - Mix of housing  
CS27 - Sustainable economy  
CS28 - Employment sites

### Sites and Housing Plan

HP2\_ - Accessible and Adaptable Homes  
HP3\_ - Affordable Homes from Large Housing Sites  
HP9\_ - Design, Character and Context  
HP11\_ - Low Carbon Homes  
HP12\_ - Indoor Space  
HP13\_ - Outdoor Space  
HP14\_ - Privacy and Daylight  
HP15\_ - Residential cycle parking  
HP16\_ - Residential car parking  
SP56\_ - Travis Perkins, Chapel Street

### Other Planning Documents

Supplementary Planning Documents:

- National Planning Policy Framework
- Planning Obligations Supplementary Planning Document
- Natural Resource Impact Analysis
- Parking Standards, Transport Assessment and Travel Plans

## Public Consultation:

### Statutory Consultees Etc.

- Drainage Team Manager: No objection. Build in accordance with SUDs
- Thames Water Utilities Limited  
Thames Water would advise that with regard to sewerage infrastructure capacity and water infrastructure capacity, they do not have any objection. They advise with regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- Highways Authority: No objection subject to conditions excluding the development from CPZ and construction traffic management plan.
- Environment Agency Thames Region No objection to the application, subject to a condition relating to contamination requiring a remediation strategy to be submitted and agreed if contamination identified, to ensure that any unexpected contamination encountered during the developments is suitable assessed and dealt with, such that it does not pose a unacceptable risk to ground or surface water.
- English Heritage Commission:  
Not necessary for this application to be notified to English Heritage

### Third Parties

Oxford Design Review Panel (ODRP): (note: a desktop appraisal was done by ODRP in this case on the submitted proposal. It was not involved at pre-app stage).

Comments are summarised as:

- Proposed density is a strain on site;
- Design quality, north facing single aspect of some units, privacy/ overlooking issues a concern;
- Needs careful design management due to proximity to student accommodation;
- High quality materials, internal / external spaces/ detailing is needed to compensate for intensification;
- Commercial units on ground floor should be designed with interim uses in mind if they remain vacant to ensure street feels safe and active;
- Planting space along Collins street could be more generous;
- Access and design of communal gardens should be improved, without compromising privacy of ground floor flats.

### Individual Comments:

The main points raised were:

- Overdevelopment of Travis Perkins as a whole, (inc. existing student development);
- Effect on character of area – existing buildings look like a prison. Design is not of a particularly high standard and out of keeping with area;
- Effect on sewers, gas, water pipes, electricity etc overloaded;
- Effect on privacy– impacted on already by existing development;
- Height of proposal;
- Daylight/sunlight – impacted on already by existing development;
- Should remain as an open space for children to use;
- Parking provision – should be provided; pressure for on-street parking;
- Effect on traffic from office parking and movements;
- The provision of additional housing is encouraged;
- Density and site coverage does not provide enough amenity and buffer space resulting in an adverse effect on the adjoining school and residential units;
- Although the 256 sqm of office space should support required employment level net usable floor area will be less due to toilets etc. provided.

### Planning History:

04/02259/OUT - Demolition of existing buildings on site. Outline application for 2044 sq.m of Class B1(a) office use and residential development, notionally of 57 x 1 and 2 bedroom flats (All matters reserved). (Travis Perkins, Chapel Street). PER 14th March 2006.

09/02518/OUT - Demolition of existing buildings on site. Outline application (with all matters reserved) for up to 2100sq m of class B1(a) offices and up to 200 student study rooms. Provision of cycle and car parking, landscaping and ancillary facilities.. PER 22nd September 2010.

11/01712/RES - Demolition of existing buildings on site. Erection of 166 student study rooms and 4 fellows flats in two blocks on 3 and 4 levels, together with sunken gym, single storey pavilion amphitheatre, 5 car parking spaces, 90 cycle parking spaces, landscaping and ancillary works. (Reserved Matters as part of Outline planning permission 09/02518/OUT seeking approval of details of layout, scale, appearance, access and landscaping) (Amended description and plans). PER 19th October 2011.

12/01388/RES - Demolition of existing buildings on site. Erection of 190 student study rooms in two blocks on 3 and 4 levels together with 2 bedrooms in gatehouse buildings, 5 car parking spaces, 100 cycle parking spaces, landscaping and ancillary works. (Reserved Matters of outline planning permission 09/02518/OUT seeking approval of details of layout, scale, appearance, access and landscaping) (Amended plans). PER 23rd August 2012.

13/01215/FUL - Erection of three storey block of student accommodation consisting of 9 cluster flats and 14 bedsit/studios (59 units) plus ancillary accommodation, cycle parking and bin storage (amended document). Withdrawn

14th October 2013; Contrary to Policy.

Pre-application consultation:

The applicant undertook pre-application discussions with Officers prior to submission of the application.

**Officers Assessment:**

**Background to the Proposal:**

1. The site was formally occupied as a builders yard, for many years known as Tuckwells Yard. Subsequently it was occupied by Travis Perkins also as a builders yard who in recent times have relocated to a site at Sandy Lane. Part of the site was developed in the early 1980s for residential purposes accessed off East Avenue at what is now Ablett Close.
2. In 2004 planning permission was sought to redevelop the remainder of the site with outline planning permission being granted in 2005 for 57 x 2 bed flats and 2044 sq m of business floorspace under reference 04/02259/OUT. At that time the outgoing 1997 Local Plan was still in force which did not allocate the site for redevelopment, though the successor Local Plan intended to identify the site as a key employment site under policy EC2. In the event the Plan was adopted in November 2005 as the 2005 Local Plan though by this time the outline permission had been granted.
3. In 2009 a further outline application was submitted under 09/02518/OUT which was similar to the previous one but substituting student accommodation for the residential element. This was granted permission.
4. The outline permission was followed up by a reserved matters application for the student accommodation on only part of the development under reference 11/01712/RES, with St. Hilda's as the intended occupier. However the college withdrew its interest in the development and as a consequence a revised reserved matters application was submitted as 12/01388/FUL which remained essentially as the previous one but without some of the features which the college had sought, such as the central buildings accommodating fitness and meeting rooms etc. This permission has been completed and is occupied.
5. In 2013 an application was submitted on the remainder of the site to the front, comprising student accommodation under ref 13/01215/FUL. However this proposal was considered unacceptable in principle due to the loss of the protected key employment site and further student accommodation, over and above the student accommodation constructed under 12/01388/FUL, contrary to Policy CS28 of the Core Strategy and Policies SP56 and HP5 of the SHP by then in force. The applicant subsequently withdrew the application.

**Current Proposal:**

6. This application is for outline approval of access, appearance, layout and scale, with only landscaping reserved.

7. The proposal is for a four storey building fronting Collins Street comprising a mix of office and residential use, 50% of which would be affordable. On the ground floor are 3 office units to the front (256sqm of space) and 5 flats to the rear made up of 2 x 1beds and 3 x 2 beds. At first and second floors are 6 x 1beds and 4 x 2 beds. Finally at fourth floor are 3 x 1beds and 2 x 2 beds. This floor is set back from the main façades.. A total of 30 units would be provided. Originally 31 units were proposed but reduced following design issues and as there would be under 50% affordable housing provision. The affordable housing is provided in conjunction with A2 Dominion, who is also named as joint Applicants. The flats have a mix of private terrace on the top floor and balconies elsewhere together with a communal rear garden. The office units each have their own access direct onto Chapel Street and the flats have two entrances also from Chapel Street but also two secondary side accesses. Cycle and bin storage is provided for both office and residential units, with the development would be car free. The site lies with in the East Oxford Controlled Parking Zone.
8. Officers consider the principal determining issues to be:
  - Principle of mixed use development;
  - Balance of Dwellings;
  - Affordable Housing;
  - Site layout and built forms;
  - Amenities;
  - Impact on neighbours;
  - Tree;
  - Parking and transport;
  - Contamination;
  - Biodiversity; and
  - Sustainability.

**Principle of Mixed Use development:**

9. This part of the former larger Travis Perkins site is allocated under Policy SP56 which states that planning permission will be granted for a mix of residential and employment. As a Protected Key Employment site, the existing level of employment should be retained on site. Planning permission will not be granted for any other uses. The development will be expected to minimise car parking spaces on site. Applicants will be expected to demonstrate how the development mitigates against traffic impacts and maximises access by alternative means of transport. Pedestrian and cycle links through the site should be enhanced.
10. The supporting text goes on to clarify that any redevelopment [of the larger Travis Perkins site] would be expected to retain the existing level of employment, which means the number of employees not employment area. This could potentially be achieved by making more efficient use of the site by developing the employment at a greater density on a smaller footprint. The remainder of the site would be suitable for residential.
11. As the rear of the site has been development for student residential use this front half of the site naturally falls to provide the replacement employment use. The

outline permission of 2009 established this principle because whilst the overall amount of employment land on this site was significantly reduced the employment generated would be greater as the builders yard employed relatively few people. It was on this basis that this proposal was supported. This outline has now lapsed however and therefore the reserved matters that secured this employment cannot be submitted.

12. Policy CS28 of the Core Strategy and supporting text sets out the Councils policy for employment sites and states clearly that planning permission will not be granted for development that results in the loss of key protected employment sites. The policy allows for modernisation of an employment site where it can be demonstrated that new development secures employment; allows for higher-density development that seeks to make the best and most efficient use of land; and does not cause unacceptable environmental intrusion or nuisance.
13. Policy SP56 in conjunction with Policy CS28 protect the employment use, but do not prevent the further development of this part of the site for mixed residential and employment use.
14. The builders merchant / yard employed between 15 - 20 people with the office units now proposed likely to provide in the range of 20-25 employees depending on the nature of the business occupiers. Therefore, whilst the amount of office floor space provided is relatively small it would still create employment and provide for more employees than the previous builders yard, and is therefore in accordance with SP56. It also makes efficient use of land, providing much needed housing, including 50% affordable, and would not lead to any unacceptable environmental intrusion or nuisance in accordance with CS28.
15. It is therefore concluded that the proposal accords with the requirements of both the above policies and can be accepted accordingly.

#### **Balance of Dwellings (BODs):**

16. CS23 of the CS requires an appropriate mix of residential dwellings and is supported by the BODs SPD. The site lies within a neighbourhood area highlighted as 'red' in the BODs SPD requiring developments of 10 or more units to provide a mix of sized units including family units of 3 or more beds. This current proposal does not provide any 3 or 4 bed units and therefore is contrary to the SPD. However it is considered that there are other material considerations in this case which mean development of this site is not suited to family units and therefore an exception to the BODs requirement can be fully justified. The size of the plot and its rectangular shape and the need in urban design terms for the building to front the road frontage means that the garden area to the rear is relatively small and north facing. Family units require a private garden, and it has not been possible to provide adequate garden area for a family, together with communal garden and other private space for the ground floor flats and the necessary ancillary bins and cycle storage requirements. Together with its proximity to the student development behind and the orientation the family garden space would be somewhat overlooked and overshadowed and therefore not apposite in the circumstances to use by a family. Nor is there any parking



provision. In weighing up these other considerations and the benefits of the development Officers take the view that on balance the site is not suitable to development for 3 or 4 bed family flat units. Whilst contrary to the overall principles of BODs the development provides for a mix of units and much needed affordable housing provision in accordance with CS22 and CS23 of the CS.

### **Affordable Housing:**

17. In addition to the general principle of mixed use development on this site, it is considered that the mixed nature of the development itself makes best and most efficient use of the land whilst meeting the need for affordable housing. In this respect the proposal is compliant with Policy CS24 of the CS and HP3 of the SHP as it would provide 50% affordable housing; creating 15 flats of mixed tenure with a 80:20 split of social rent to shared ownership. The Affordable Housing Officer has raised no objection to provision of 1 and 2 bed units, in light of the above issues regarding mix. The affordable housing would be secured via a S106 agreement.

### **Site Layout and Built Forms.**

18. The building is a contemporary rectilinear design and minimalist in detailing, using clean lines. The use of set backs and a mix of hung tiles and render materials serve to give vertical emphasis and break up the massing to the frontage. The balconies are glass and the top floor set back from the front façade and of a lighter weight construction to reduce the visual impact and appearance of overall height. Each employment unit has its own entrance to Collins Street, as do the flats, which is in line with urban design principles of active frontages and design against crime.

19. The character of the surrounding area varies from the large Victorian period building of the adjacent school, the domestic scale Victorian terrace houses along East Street and the commercial buildings of Tesco's and other properties along the Cowley Road, not to mention the three and four storey contemporary student accommodation to the rear of the former Travis Perkins site. Whilst the comments of the ORDP are noted Officers consider that the development as now proposed is suited to its location and given the mix of architectural styles would not be harmful or detrimental to the varied architectural mix in the immediate locality. Whilst it is a four storey building, this is not considered unacceptable, given the top floor is set back and against the back drop of the existing development behind, the tall school building adjacent and three storey Hooper building opposite. The design has been altered during the application process; reducing the number of units on the ground floor by one which has improved the layout and quality of these flats, enlarging balconies, improving privacy and re-adjusting the bins/ cycle storage to provide an improved garden space.

20. The development is therefore considered acceptable in accordance with Policies CP1, CP8, CP9, CP10 of the OLP and HP9 of the SHP and CS18 of the CS.

### **Amenities:**

21. The flats are of the required floor area set out in HP12 of the SHP and two units are wheelchair accessible and all are to Lifetimes Homes standard in accordance with HP2 of the SHP. The flats have private balconies and access to a communal garden to the rear. Ground floor flats have their own private terrace area which would be screened off using landscaping. Most balconies and terraces are to minimum standards but one or two are just below but combined with the communal area the amount of outdoor amenity space is acceptable in accordance with Policy HP13 of the SHP.
22. Bin storage is provided for both employment and residential uses, details of which can be secured by condition.

### **Impact on neighbours:**

#### *Overlooking / Privacy*

23. The building has been carefully designed to avoid overlooking to the neighbouring school and its playground, using angled oriel windows. To the rear overlooking to and from the student accommodation has been overcome using obscure glazed panels (as used on another flatted development to the rear of the former Blackwell's building on the Cowley Road) and glazed windows. On the fourth floor there are no private terraces to the rear. To East Avenue the balconies / terraces are again screened using obscure glazing and due to the set back from the façade at fourth floor views from the building are impaired. The building faces Hooper House (offices) opposite across Collins Street where any amenity issues are reduced across this public space. The setback at fourth floor level and balcony screening also impair views. The obscure glazing could be secured by condition.

#### *Sunlight / Daylight*

24. The student accommodation to the rear is occupied on a long term lease with occupiers usually out of the building during the day after breakfast, returning in the evening. The applicant has submitted a solar study and, further to concerns expressed by Officers, a 3D solar study. Whilst the development will have some shading and loss of sun light to the front facing study bedrooms, taking into account the nature of occupation of the building, it is not considered harmful to their amenities such as to warrant refusal of planning permission.
25. In respect of other neighbouring properties it is considered that there would be no significant adverse impact on daylight or sunlight.

#### *Overbearing*

26. Despite the overall massing of the development, it is considered that the proposal is sufficiently distanced away from neighbouring properties, including the student accommodation behind and its lodge, not to appear overbearing.
27. In summary therefore Officers consider the development acceptable in accordance with Policy HP14 of the SHP.

### **Tree:**

28. To the west of the site, on the boundary, is a mature Sycamore tree, which stands within the grounds of the adjacent East Oxford Primary School. This tree makes a significant contribution to public amenity and is now protected by a provisional Tree Protection Order.
29. The development would come with-in the canopy of the tree at second, third and fourth floor levels, as the canopy begins above the ground floor. Branches which overhang the site will have to be pruned to accommodate the building during construction phase of development. The impact of the development on the public amenity value of the tree will increase the further the tree is pruned back from the line of the proposed building from 1st floor and above during construction. 1.5 metres is usually the minimum space required to erect scaffolding for example and this would be significantly harmful.
30. However, Officers consider the impact can be minimised by conditions that require a detailed pruning specification and detailed statement setting out the methods of working where the branches overhang which takes account of the need to minimise any pruning of the tree and to avoid impact damage to its branches during both the demolition and construction phases of development. Pruning to provide space for scaffolding will not be permitted unless there is evidence that construction cannot reasonably be undertaken in any other way. These arrangements have been agreed following a detailed negotiation between the applicant's arboriculturalist and the Planning Service's Tree Officer.
31. On the basis of these conditions the potential harm to public amenity in the area can be mitigated in accordance with OLP policies CP1, CP11, NE15 and NE16.

#### **Transport:**

32. The development site lies with in the East Oxford Controlled Parking Zone and the proposal would be car free. Whilst just slightly outside the District Centre, and behind the Cowley Road, the site is extremely sustainable; it is close to shops and facilities with good public transport links in and out of the City. There are car clubs close to the site which residents could engage in and which are popular in this part of Oxford. Public car parking is also available at the adjacent Union Street car park. As the site is within the CPZ, then car parking can be controlled. The Highways Authority has raised no objection to the development subject to a condition excluding residents from eligibility for parking permits, which could be secured by condition. No objection is therefore raised by Officers to a car free development in accordance with HP16 of the SHP and TR1, TR3 and TR13 of the OLP.
33. 62 cycle spaces are proposed (2 per unit) and 8 spaces for the Office units (1 space per 55sqm of office space), which is accordance with the Policy requirements of HP15 of the SHP and TR4 of the OLP.
34. There is an area allocated on site for turning of delivery vehicles because as Collins Street is not a through route. This is a requirement of the Highway Authority and can be controlled by condition in accordance with TR14 of the OLP.

#### **Biodiversity:**

35. The existing two storey building on this part of the site is to be demolished. A bat survey was undertaken and a Report submitted by Eco-consult dated 2012. No bats were found. The Biodiversity Officer agrees with the report findings and suggests a condition to secure measures to create new habitats for wildlife within the development. The proposal is therefore in accordance with Policies CS12 of the CS and NE21 and NE23 of the OLP.

#### **Sustainability :**

36. A Natural Resource Impact Assessment (NRIA) has been submitted under Policy CS9 of the Core Strategy and CP14 of the OLP and the NRIA SPD indicates that the development would achieve a score of 6 out of a maximum of 11.

37. The development will have photovoltaics on the roof and air source heat pumps for the commercial units to provide in excess of 20% renewable energy. It will also feature gas combination boilers, water efficient fittings, including water butts for garden maintenance, and will have a high efficiency fabric, low air permeability and fixtures and fittings to reduce carbon dioxide emissions. Sustainable materials and recycled aggregates will be used.

38. Officers consider that adequate energy efficiency measures are shown as being provided in accordance with CS9, CP14 and the SPD and further details of PV's and water butts and their implementation in accordance with the NRIA can be secured by condition.

#### **Other Matters:**

##### **Public Art:**

39. Public Art is required under Policy CP14 of the OLP and no details have been given at this stage. The provision can be secured by condition and therefore no objection is raised.

##### **Archaeology:**

40. The Historic Environment Record has been consulted and it is concluded that, on present evidence, this scheme would be unlikely to have significant archaeological implications. The proposal is therefore in accordance with Policies HE2 of the OLP.

#### **Conclusion:**

41. Officers consider that the proposed development makes best and most efficient use of the land, whilst retaining the protected employment use and providing for more employees. It also provides 50% affordable housing. Whilst the development does not provide large family homes, and is not therefore fully in compliance with BODs, in view of the other benefits of the development and the physical constraints of the site the proposed mix of units can be accepted in this case. The development provides adequate indoor and outdoor residential amenity space and the amenities of neighbouring properties are protected. The development would have an impact on the adjacent protected Sycamore tree, but this could be mitigated by conditions. Car free office and housing is acceptable in

this sustainable location and adequate cycle parking is provided.

42. On balance therefore Officers conclude that the development can be supported subject to conditions and accompanying legal agreement.

#### Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

#### Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:** 14/01273/OUT

**Contact Officer:** Felicity Byrne

**Extension:** 2159

**Date:** 15th October 2014

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