

**West Area Planning Committee**

10 March 2015

**Application Number:** 14/03445/FUL

**Decision Due by:** 20th March 2015

**Proposal:** Demolition of existing building. Erection of school boarding house on 3 and 4 storeys, plus basement. Provision of 2 car parking spaces, cycle and bin stores, landscaping and ancillary works.

**Site Address:** 376 Banbury Road, **Appendix 1**

**Ward:** Summertown

**Agent:** TSH Architects

**Applicant:** D'Overbroecks and  
Carnegie Capital Estates

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**Recommendation:** Approve subject to conditions

### **Reasons for Approval**

1. The application site has been used as a hostel of various kinds since the 1960s but is currently vacant. The present planning application involves the demolition of an attractive but unremarkable building and its replacement by a distinctive, contemporary designed structure providing good quality accommodation for its intended purpose close to the proposed sixth form teaching accommodation to which it would relate. The architecture of the building exploits its prominent corner location and relates well to its more traditionally designed neighbours. Car and cycle parking is provided at an appropriate level supported by a Travel Plan. Conditions relating to materials and landscaping would ensure the development is of a quality appropriate to the site, whilst other conditions would mitigate any potentially adverse impacts. The proposal is therefore considered to accord with the requirements of the relevant policies of the Oxford Local Plan and Core Strategy.
2. The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

## Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials
- 4 Boundary treatment
- 5 External lighting
- 6 Obscure glazing to north facing windows
- 7 Landscape plan required
- 8 Landscape carry out after completion
- 9 Landscape management plan
- 10 Landscape hard surface design - tree roots
- 11 Landscape underground services - tree roots
- 12 Tree Protection Plan
- 13 Arboricultural Method Statement
- 14 Landscape top soil retention
- 15 Amendment to parking spaces
- 16 Cycle parking - details
- 17 Variation of Road Traffic Order
- 18 Travel plan
- 19 Students - No cars
- 20 Full time students
- 21 Supervision of students
- 22 Use as boarding school only
- 23 Contamination - risk assessment
- 24 Archaeology - evaluation
- 25 Biodiversity - bird and bat boxes
- 26 Construction management plan
- 27 Ground resurfacing - SUDS compliant
- 28 Piling methods
- 29 Mechanical plant
- 30 Extraction equipment
- 31 Noise attenuation
- 32 Drainage strategy
33. Repeat bat survey.

## Legal Agreement / Community Infrastructure Levy (CIL)

Policy HP6 of the Sites and Housing Plan describes the circumstances under which a financial contribution is required from student accommodation towards affordable housing provision. The policy is silent on school boarding houses however, which in many cases exist on the same site as the school to which they relates. Whilst there are similarities between student accommodation and a school boarding house, (which may be considered to be a variation of that use), the latter typically accommodates younger people normally in the range of 16 to 18, as is the case here, with on - site residential supervision by house parents etc. At this age the students are unlikely to occupy open market accommodation which could be otherwise available to permanent residents, and in this case all of the school's existing students currently live at their normal home address; with host families; or in its existing boarding house accommodation at 106 and 338/340 Banbury Road.

Moreover there is no loss of family accommodation in this case, and indeed the existing accommodation could be used for the intended purpose without further permission. A contribution towards affordable housing would not therefore be required in this case.

The development does however generate a contribution of £80,100 under Community Infrastructure Levy arrangements.

### **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
- CP14 - Public Art
- CP17 - Recycled Materials
- CP19 - Nuisance
- CP21 - Noise
- TR1 - Transport Assessment
- TR2 - Travel Plans
- TR12 - Private Non-Residential Parking
- TR14 - Servicing Arrangements
- NE14 - Water and Sewerage Infrastructure
- NE15 - Loss of Trees and Hedgerows
- NE23 - Habitat Creation in New Developments
- HE2 - Archaeology

#### Core Strategy

- CS9 - Energy and natural resources
- CS10 - Waste and recycling
- CS12 - Biodiversity
- CS13 - Supporting access to new development
- CS17 - Infrastructure and developer contributions
- CS18 - Urban design, town character, historic environment
- CS19 - Community safety
- CS24 - Affordable housing
- CS25 - Student accommodation

#### Sites and Housing Plan

- MP1 - Model Policy
- HP5 - Location of Student Accommodation
- HP6 - Affordable Housing from Student Accommodation
- HP9 - Design, Character and Context
- HP11 - Low Carbon Homes
- HP14 - Privacy and Daylight
- HP15 - Residential cycle parking
- HP16 - Residential car parking

### Other Planning Documents

- National Planning Policy framework (NPPF).
- Planning Policy Guidance.
- Affordable Housing and Planning Obligations SPD.
- Parking Standards, Transport Assessment and travel Plans SPD.

### **Public Consultation**

#### Statutory Consultees Etc.

- County: Highway Authority: Recommend approval subject to conditions to exclude site from eligibility for parking permits in CPZ; students not to bring cars to Oxford; Travel Plan (required to relate in particular to arrangements at the start and end of term); provision of cycle parking and Construction Travel Plan; notes that deliveries would be from street and that one parking space lost to provide extended dropped kerb; no objection of principle to pedestrian crossing, but separate to planning application.
- Environment Agency: No objection.
- Thames Water: Waste: Condition suggested requiring drainage strategy. Water: No objection; suggest condition on any piling to be undertaken; prefer use of sustainable drainage.

#### Individual Comments:

The main points raised were:

- disproportionate height;
- overdominate area / too large;
- not beneficial to area;
- object to demolition of existing building;
- out of character of area;
- development should be in character within Victorian architecture;
- will generate additional parking requirement;
- insensitive design;
- traffic generation at start and end of term;
- staffing arrangements unclear;
- design different to those displayed at public exhibition;
- appearance muddled;
- overlooking across Hemes Road;
- increased comings and goings;
- support proposals;
- support: will consolidate architecture of this part of north Oxford.

Only a limited number of responses have been received to normal consultation procedures on the planning application as submitted, with the majority of respondents having some concerns about the form of the development and access arrangements etc. There are also some comments supporting the development.

In addition to the above the applicant undertook two public consultation events on the proposals as then emerging on 5<sup>th</sup> September and 13<sup>th</sup> November 2014,

which included its separate proposals for sixth form teaching accommodation for D'Overbroeck's at 333 Banbury Road, since when both proposals have been amended in their designs.

Lastly, on 11<sup>th</sup> September 2014, a presentation was also made to the Oxford Design Review Panel on the emerging proposals. Generally the Panel supported direct access from Banbury Road and suggested investigating a pedestrian crossing at this point, linking the site to 333 Banbury Road. It suggested private amenity space be provided for the two houseparent's flats and if possible increasing the landscaping on the site. In building terms the Panel suggested that the development would benefit from a wider context analysis, testing massing, height and roof profile. The design could be bolder, to respond to the Victorian and Edwardian buildings along Banbury Road but with a simpler but bold roof. It was suggested that there be some cross referencing with the proposals for 333 Banbury Road in terms of materials, details and boundary treatment. The Panel supported the provision of a landscaped courtyard.

### **Officers Assessment:**

#### **Background to Proposals**

1. The planning application relates to a rectangular parcel of land to the north side of the junction of Hernes Road with Banbury Road. It has a site area of approximately 0.9 ha. (0.22 acre) and falls within a triangle of land bounded by Banbury Road, Hernes Crescent and Hernes Road. **Appendix 1** refers. The other properties within the triangle are all flatted developments constructed in relatively recent times. The application site is located to the east side of Banbury Road equidistant between the Summertown District Centre to the south and the Oxford Ring Road / A40 to the north. The locality generally is residential in character with a mix of two storey housing interspersed with larger blocks of flats and houses on 3 and 4 levels.
2. The building currently occupying the site will have been built in the inter War years as a domestic house. It is constructed of brick and render under a tiled roof with gable features to its frontage onto Banbury Road. The accommodation is generally laid out on two floors with some additional floorspace within the roof space. In 1960 planning permission was granted for its use as a hostel for Oxfordshire County Council, with the property extended along the return frontage to Hernes Road in 1966. It continued in hostel use for the County Council for many years but has been occupied by students of Oxford Tutorial College and Oxford International College in more recent times. As the 1960 hostel permission was unrestricted, no further permission was required for such occupation. The property is currently vacant.
3. In August 2008 planning permission was granted for demolition of the property and construction in its place of a small hotel providing some 34 guest bedrooms on 4 levels. Car parking was provided in an underground car park. That permission was renewed in 2011 but lapsed in December of last year. Also in 2011 planning permission had been refused for a large block of 9 flats on 5 floors with underground car park.

4. The current proposals are for a school boarding house to operate in conjunction with new sixth form accommodation for D'Overbroeck's sought under separate planning application 14/03255/FUL. A report on that proposal appears elsewhere on this agenda.
5. D'Overbroecks is an independent school offering courses for 11 to 19 year olds, including international students, based at a number of separate sites, at Leckford Place, 111/113 Banbury Road, St. Giles and Ewert Place. It currently has approximately 257 sixth form students enrolled who would transfer to 333 Banbury Road if that application were successful. Of its 257 sixth formers, approximately 160 are boarders, 38 of whom currently live in existing boarding accommodation at 338/340 and 106 Banbury Road, and the remainder with host families. These proposals would provide accommodation for 58 students adjacent to the new sixth form teaching accommodation. Currently all D'Overbroeck's students are housed either in boarding school accommodation, with host families, or at their normal family address. During vacation periods, it is intended that the accommodation be occupied by the applicant's short course summer school students.
6. Officers consider the principle determining issues in this case to be:
  - use of land;
  - built forms;
  - relationship to neighbouring properties;
  - highways, access and parking;
  - trees and landscaping; and
  - sustainability

### **Use of Land.**

7. Policy HP5 of the Sites and Housing Plan identifies locations where student accommodation may be located subject to other considerations, namely on or adjacent to existing academic or research sites; in the city centre or district centres; on a main thoroughfare; or at an allocated site. The policy is silent on school boarding houses however which would most usually be found on existing school sites. In this case the proposal has much in common with student accommodation, but differs insofar as it is designed specifically for younger pre university students sharing rooms. There would be a high degree of supervision in the form of 2 resident house parents plus two further resident assistants, with all meals provided for students. The boarding school would operate specifically in conjunction with the teaching accommodation at 333 Banbury Road if permitted where amongst other things main weekday meals for the students would be served.
8. In these circumstances where there is no loss of family residential accommodation, and where the existing unrestricted hostel could be used for a school boarding house without any further permission, then no objection of principle is raised to the use of the site for the intended purpose. However in view of its use specifically in connection with no.333 Banbury Road, it is suggested that a condition be imposed that it be permitted only as a school

boarding house in conjunction with the teaching accommodation there. In the event that future use as an unrestricted student hostel were contemplated, then a fresh planning permission would then be required.

## **Built Forms**

- 9.** The planning application seeks to demolish the existing building on site and construct in its place a building on 3 and 4 floors plus part basement to accommodate up to 58 boarders at D'Overbroeck's College, together with two house parent's flats and two assistant house parents rooms. Two car parking spaces and 38 cycle parking spaces would also be provided plus outdoor amenity spaces at ground floor and first floor levels. The building would be laid out almost as two linked L shaped arms, the first on 4 floors addressing the Banbury Road / Hernes Road corner, and the second on 3 floors to the rear. Between them would be a single storey link.
- 10.** In terms of the accommodation, the building has a clear vertical division in its various spaces with shared and support spaces generally at basement and ground floor level, and individual student rooms at upper levels.
- 11.** The part basement would provide a plant room, laundry and storage areas, linked to the upper floors by lift and stairs at the corner point of the four storey element. The main accommodation would be accessed via a gated main entrance off Banbury Road and lobby area leading to ground floor communal areas consisting of common room, dining area, kitchen, office and two house parents flats. At over 70 sq m in area each house parent's flat is of good size and possesses two bedrooms, kitchen, bathroom, living room and a small amount of external amenity space. It is intended that breakfasts would be served to students in the dining room each day, plus main meals at the weekend. During school days main meals would be taken at 333 Banbury Road. Also located on the ground floor is a single bedroom with en suite available as a rest room / sick room, or as an occasional overnight bedroom for a relief house parent. Externally an enclosed courtyard allows students to spill out from the ground floor common room to the south side of the building where is fronts Hernes Road.
- 12.** The student rooms are located at the upper levels, one half given over to male students, and the other to female students. Each room has its own en suite and would be occupied by two students sharing, with the exception of one single room located on the second floor. Also located at upper levels are two assistant house parents rooms, one on the first floor and one on the third. These assistants also have supervisory responsibilities and are most usually junior members of the teaching staff, often graduates in their first year of teaching. At first floor level are also located two smaller house common rooms, with access to an enclosed roof terrace above the single storey link. As well as lift access, two sets of stairs are located to the south - west and north - east of the building.
- 13.** Architecturally the proposal is of contemporary design, constructed of brick (probably buff / yellow) with timber and concrete detailing under a low pitched

zinc roof. Windows and doors would be of polyester powder coated aluminium. Externally permeable paving would be utilised for hard surfaces. The pallet of materials would be similar to that intended for the teaching accommodation at 333 Banbury Road, thereby providing a visual as well as functional link between the two buildings.

14. The detailed form of the building has emerged following a productive dialogue with officers and the Oxford Design Review Panel and now responds to accepted urban design and architectural principles by, for example, positioning its main entrance to Banbury Road, and creating an architectural feature at the corner of Banbury Road and Hernes Road which announces the presence of the building in longer distance views from the south in particular. The corner feature which is the building's most prominent element conceals a stair tower with full length glazing at upper levels, separated by slim protruding vertical columns which reduce an amount of solar gain whilst introducing an unusual but attractive feature to the building's architecture. The use of verticality in the elevations is repeated elsewhere, particularly in the fenestration of the upper levels of each L shaped block, giving a lightness of touch to the upper floor accommodation.
15. In terms of its height and massing the building is similar to that of the recently lapsed hotel permission, albeit that its architecture is very different. To its Banbury Road frontage the building rises to 11.9m to the top of its shallow pitched zinc roof, which is marginally lower than to the apex of the steeply pitched gable features of the hotel at this point. It is also taller by approximately 1.1m than the 1980s flats at 378 Banbury Road to the north. The corner architectural feature rises a little taller to 13.3m which is appropriate at this prominent corner. On the return frontage to at Hernes Road the building remains a little taller than the hotel, but then scales down to be lower than it as it approaches 1 Hernes Road. At this point the 3 storey element to the boarding house is approximately 0.45m lower than the apex of the pitched roof to the modern flats there. The building is also similar in its footprint to the hotel permission, though extending further to the south - west corner, but drawing in the centre point where the courtyard is indicated to the south side facing Hernes Road.
16. Overall therefore the proposed school boarding house is consistent with previous permissions on the site in terms of its relationship to nearby buildings, and in its height, scale and massing whilst being sympathetic in respect of its architecture and use of materials. The whole represents an attractive addition to the Banbury Road and Hernes Road streetscene, responding positively to the requirements of policies CP1, CP6, CP8, CP9 of the Local Plan and policy CS18 of the Core Strategy which seek to achieve well designed developments which relate to their context in an appropriate and efficient manner. The development can be supported accordingly

### **Relationship to Neighbouring Properties**

17. Overshadowing. In order to establish any impact on neighbouring properties in terms of shading and overshadowing a shadow analysis accompanies the



planning application which examines the impact on the nearest neighbours at 1 Hernes Road and 378 Banbury Road under 3 scenarios, ie at 9.00am, 12.00noon and 3.00pm for 21<sup>st</sup> March, 21<sup>st</sup> June and 21<sup>st</sup> December. It then compares the results for each of these conditions with those for the recently lapsed hotel permission. As the current proposals possess a very similar height and massing to the hotel permission, then the impacts are almost identical. In terms of 1 Hernes Road which is to the east of the new boarding school, there is very little impact as the main part of that development is set beyond a smaller two storey element built over the vehicle access to the rear car park there. Overall there is some overshadowing of that rear car park during the afternoon, but very little different to existing conditions. For 378 Banbury Road, there is some overshadowing of the rear garden, but during the afternoon period this is caused by the flats themselves which are to the west of its garden fronting directly onto Banbury Road. At other times some shadowing is produced by the trees on that site and at no time is the shadowing impact greater than for the hotel permission.

18. Privacy and Overlooking. As indicated earlier in this report the boarding school has its main orientation towards Banbury Road and to Hernes Road. As such whilst there are windows facing the rear gardens to 378 Banbury Road, they all serve non - habitable spaces such as corridors, or in a few cases secondary windows to bedrooms where their main windows face in other directions. A condition is suggested that all these windows be obscure glazed so as to protect the privacy of neighbouring occupiers, and indeed that of the occupiers of the boarding school itself.
19. Noise. With permanent house parents on site at all times, it is not anticipated that noise breakout from the development should cause nuisance to neighbouring occupiers, and indeed where there are external ground and first floor courtyards they are south facing towards Hernes Road and screened by the building itself from 378 Banbury Road and 1 Hernes Road. Nevertheless on the precautionary principle it is suggested that a condition be imposed that the residential accommodation should not exceed an internal noise level of 30 dB LAeq with no single event to exceed 45dB LAm<sub>ax</sub>. A separate condition is also suggested in respect of noise emanating from any mechanical part required.

### **Highways, Access and Parking**

20. Currently there is one vehicle parking space on site accessed via a vehicle crossover to the eastern end of the site adjacent to 1 Hernes Road. In these proposals 2 spaces are indicated in the same location, requiring an extended dropped kerb. Whilst there is no specific parking standard for a school boarding house, student accommodation is required by policy HP16 and Appendix 8 of the Sites and Housing Plan to provide for operational needs only. Officers have applied the same approach to this proposal.
21. Whilst the sixth formers occupying the boarding school would be required not to bring vehicles to Oxford it is also suggested that the site be excluded from eligibility for residents parking permits within the Controlled Parking Zone in

operation. Moreover as the site enjoys good public transport links and students are unlikely to be car drivers in any event, then two car parking spaces are considered to be adequate. Although it is nominally anticipated that the parking spaces would be available to the two house parents, it is suggested that priority use should be given to the requirements of any disabled student if the need arises with amendments to the laying out of one of the spaces being made accordingly. All these matters can be secured by conditions imposed on any permission granted.

22. In respect of cycle parking policy HP15 of the Sites and Housing Plan suggests a minimum of 3 cycle stands per 4 student rooms, but that this requirement may be relaxed to 1 stand per 2 rooms where the student accommodation is located in close proximity to the institution where its students would be studying. In this case the boarding school is intended to operate in conjunction with the new teaching accommodation to the west side of Banbury Road at no.333. The 38 stands indicated near the gated entrance to the boarding school off Banbury Road is therefore assessed as being sufficient for the likely demands of students and house parents and can be accepted accordingly. The facilities should be in covered, secure conditions however, no details of which are supplied with the planning application. A condition is suggested requiring details to be submitted and agreed.
23. Whilst this level of provision for car and cycle parking is considered to be appropriate for the normal operation of the school boarding house, arrangements for students arriving and departing at the beginning and end of term need also to be considered. In this regard Hernes Road is not a heavily parked up street and there are limited waiting spaces available here and in neighbouring streets. Also at these out of term times use can be made of the parking spaces at 333 Banbury Road which would not then be in full use. Nevertheless in reporting on the teaching accommodation at 333 Banbury Road officers had suggested a condition requiring a Travel Plan to be submitted and approved before occupation with an emphasis on arrangements at the beginning and end of term. It is suggested that the Travel Plan should be extended to also encapsulate the boarding school site within a single document, secured by condition and in place before first occupation of either development.
24. Lastly the applicant would wish to see this site linked to no. 333 by a pedestrian crossing at a suitable location. Whilst Highways and Planning Officers would not be opposed to such a facility in principle, it is not a requirement of the Highway Authority and as such the costs of providing a crossing (if agreement is reached with the Highway Authority) must fall solely on the applicant.

### **Trees and Landscaping**

25. An arboricultural report accompanies the planning application which indicates only large mature shrubs - elders, Philadelphus and lilacs - on the application site, but some 7 trees of various sizes and species just beyond its boundaries, including false acacia, yew, Lawson Cypress and cotoneaster shrub. None of

these are indicated for removal and indeed those within 374 Banbury Road and 1 Hernes Road are protected by Tree Preservation Order.

- 26.** The most significant of the trees surrounding the site are the two false acacia within 1 Hernes Road to the immediate east of the application site which are of high visual quality. The position of the building footprint indicates that the root protection areas of these trees should not be adversely affected however providing the ground is not disturbed there. Neither are the trees outside the site to the north likely to be adversely affected as their crowns do not cross substantially into the application site and they stand on ground approximately 1.5m higher than that of the application site, indicating that the proposed design will not impact on their roots.
- 27.** This part of North Oxford between Summertown and the City's boundaries is distinctively suburban in character reflecting the spacious and sylvan qualities of the North Oxford Victorian Suburban to the south of Summertown. Although there are a number of flatted developments in the immediate vicinity of the application site, more typically this part of North Oxford displays conventional two storey family houses within good sized plots with trees and greenery set behind well defined boundaries. The locality's character is defined more by this leafy suburban feel than by its architectural quality which in most cases is attractive but unremarkable. In these proposals the new building footprint is set far enough back from the boundaries of the site to Banbury Road and Hernes Road that sufficient space exists to allow replacement planting in the form of new shrubs and perhaps 2 specimen trees to enhance the setting of the building itself and the wider leafy suburban character in which it would be located.
- 28.** In response to Local Plan policies CP1, CP11 and NE15 a raft of conditions is therefore recommended to protect existing landscaping in and around the application site and allow for appropriate additions.

## **Sustainability**

- 29.** The requirement to deliver low carbon, energy efficient and sustainable residential buildings is established in policy HP11 of the Sites and Housing Plan and policy CS9 of the Core Strategy which require an energy statement to accompany relevant developments. This is separate to the revised Part L of the Building Regulations which has its own requirements. The emphasis in this case is on producing a highly efficient building envelope which exceeds minimum requirements by the use, for example, of insulation, triple glazing and window positioning to the south side where heat loss can be balanced by solar gain through shading devices. To the north only small secondary windows are proposed, or windows serving non habitable spaces such as corridors. Rooms are naturally ventilated. In winter months a combination of mechanical ventilation with heat recovery with opening windows would operate, with ventilation systems to some areas such as the kitchen.
- 30.** In terms of renewable energy a gas combined heat and power (CHP) system is envisaged which would provide 35% of the energy requirement of the

development.

31. Other features of the development would include automatic light controls, and low flow sanitaryware, whilst all timber would be sourced with FSC certification

### **Other Matters**

32. Contamination. A short contaminated land survey accompanies the planning application. Whilst the questionnaire does not identify any contaminants on the land, and the Council's own records do not indicate as such either, nevertheless on the precautionary principle and in view of the sensitive nature of the development a condition is recommended by Environmental Development colleagues requiring a phased risk assessment to be carried out in accordance with government and Environment Agency guidance. On a related matter, as the development involves a small basement area, if piling is required for its construction, then details should be submitted for approval to ensure that there are no adverse impacts in terms of contaminants (if detected) and that no nuisance or damage is caused to neighbouring properties through the use of piling techniques.
33. Biodiversity. In April 2014 a survey of the property was undertaken to establish if any bat roosts were present within the building. The survey identified a number of potential sites but no actual roosts, or evidence of bat usage. However it was not possible to gain access to all parts of the building at that time. In the event of planning permission being granted a full, repeat survey would be required, together with a mitigation strategy in the event of any finds. In terms of the new building, due to its particular design with flat or low pitched roofs and an upper level courtyard, the City's ecologist advises that the development does not lend itself to enhancement features.

### **Conclusion**

34. The planning application represents an opportunity to provide a purpose built sixth form school boarding house which would operate in conjunction with teaching accommodation nearby to the west side of Banbury Road at no. 333, thus consolidating its position in this part of North Oxford. The contemporary architecture of the proposed building is supported and would possess a visual as well as a functional relationship to no. 333. The school boarding house would be subject to a management regime consisting of house parent staff on site at all times with controls in place to encourage sustainable modes of transport to the site. Conditions imposed on the permission would mitigate any adverse impacts.
35. Subject to the conditions listed at the head of this report committee is recommended to support the proposals accordingly.

## **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 grant planning permission, Officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:** Applications 60/09557/AH, 04/00276/FUL, 07/02903/FUL, 08/02720/FUL, 11/00755/FUL, 11/01928/EXT, 11/03008/FUL, 14/03445/FUL.

**Contact Officer:** Murray Hancock

**Extension:** 2153

**Date:** 27th February 2015

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