

## East Area Planning Committee

7<sup>th</sup> September 2016

**Application Number:** 16/01565/FUL

**Decision Due by:** 13th October 2016

**Proposal:** Installation of underground heating pipes, electrical cabling, communication cabling and associated works to allow the transfer of energy and high capacity/high speed data between the John Radcliffe and Churchill Hospitals, together with the creation of temporary car parking and construction compounds for the duration of construction activities (part retrospective).

**Site Address:** Land Running From Churchill Hospital To John Radcliffe Hospital Headley Way (**site plan: appendix 1**)

**Ward:** Headington Ward

**Agent:** Mr Mark Worcester

**Applicant:** Vital Energi

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### Recommendation:

East Area Planning Committee is recommended to approve planning permission for the following reasons:

- 1 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 Materials
- 4 Tree Protection Plan (TPP) 2
- 5 Arboricultural Method Statement (AMS) 2
- 6 Monitoring and Supervision of Trees
- 7 De-compaction of RPAs
- 8 Noise mitigation measures
- 9 Temporary Car Park
- 10 JR Compound
- 11 Churchill Compound

- 12 Welfare Compound
- 13 Visitor Permits
- 14 Construction Traffic Management Plan
- 15 Hours of Work
- 16 Arch - Implementation of programme
- 17 Use of Pipework
- 18 Air Quality Measures

## **Main Planning Policies**

### **Oxford Local Plan 2001-2016**

- CP1** - Development Proposals
- CP13** - Accessibility
- CP10** - Siting Development to Meet Functional Needs
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- CP22** - Contaminated Land
- CP23** – Air Quality Management Areas
- HE2** - Archaeology
- HE3** – Listed Buildings and their Setting
- HE7** - Conservation Areas
- NE15** - Loss of Trees and Hedgerows
- NE16** - Protected Trees
- TR1** - Transport Assessment
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities

### **Core Strategy**

- CS2\_** - Previously developed and greenfield land
- CS9\_** - Energy and natural resources
- CS11\_** - Flooding
- CS12\_** - Biodiversity
- CS15\_** - Primary healthcare
- CS18\_** - Urban design, town character, historic environment
- CS30\_** - Hospitals and medical research

### **Sites and Housing Plan**

- MP1** - Model Policy
- HP14\_** - Privacy and Daylight
- SP23\_** - John Radcliffe Hospital Site
- SP8\_** - Churchill Hospital & Ambulance Resource Centre

### **Relevant Site History**

16/00101/FUL - Installation of energy pipe (retrospective) – WITHDRAWN

16/00607/FUL - Installation of above ground (LTHW) (Low Temp Hot Water) mains – Approved

15/00921/VAR -Variation of condition 2 (approved plans) of planning permission 13/02369/FUL (installation of new mechanical plant, new louvres and new CHP dry air cooler compound) to allow for an additional dry air cooler requiring a larger external compound and repositioning of the energy link heat exchanger externally with GRP enclosure – Approved

15/03185/FUL - Erection of plant room – Approved

15/03114/FUL - Erection of enclosure - Approved

### **Statutory Consultees:**

#### Oxfordshire County Council Highways

No objections subject to conditions relating to a construction traffic management plan being required prior to commencement. The submitted construction traffic management has been agreed in principle as acceptable but a condition would ensure that this is a live document that can be edited prior to commencement to respond to any changes required. A condition is also recommended to deal with the temporary car park at the JR; this is specifically sought because of a lack of clarity around pedestrian access to the car park.

### **Representations**

4 Beech Road, 34 and 53 Latimer Road, 73, 89, 104 and 129B Lime Walk, 18 Nursery Close, 63 and 89, Old Road, 18 St Annes Road, 26 Stapleton Road, 51 Stapleton Road (2 x responses) objections:

- Impact on access
- Impact on car parking
- Impact on traffic
- Disruption to local residents
- Noise
- Pollution
- Concerns about lack of information provided with application
- Concerns about consultation process carried out by applicant
- Specific legal concerns about development being on land that is not owned by the highway authority and is owned by 'frontagers' (this is expanded upon further in the report).
- Concerns about costs/benefits of proposals
- Lack of public benefits arising from proposed development (versus harm caused to residents)
- Alternative temporary car parking proposals are not adequate or practical
- Concerns about impact of parking arrangements on shift workers
- Concerns about temporary traffic light and access arrangements (Construction Traffic Management Plan)
- Concerns about cumulative impacts with Access to Headington improvements
- Concerns about parking provision in light of other proposals at hospital sites
- Objections to weekend working (impact on noise and disturbance)
- Concerns about impact on schools

- Proposals for temporary car parking are not practical for people with specific mobility issues
- Effect on character of area
- Effect on adjoining and nearby properties
- Concerns that a shorter or better route may be available and this should be considered
- Doubts and concerns over proposed timeframes for work being carried out
- Concerns about practicality of proposed visitor permit proposals
- Concerns about impact on parking conditions in adjacent roads (not covered by the proposals)

St Annes Road, Gathorne Road, Rock Edge and Margaret Road Resident's

Association: Objections:

- Approval cannot be granted because the applicant does not own the land (if the development were implemented it would be trespass)
- The publicity provided by the trust and applicant relating to the benefits of the project is totally misleading.
- Doubt over costs/benefits of pipeline
- Concerns over transparency of project
- Significant access and highways obstructions causing disruption to residents
- Recommend alternative option of separate CHP at Churchill and JR be explored.

4 Latimer Road, comments:

- Access to St Luke's Hospital should be maintained at all times

**Site Location and Description**

1. The application site encompasses an area of land approximately 1.5m in width (although varying throughout) and extending between the existing energy centre at the north-western edge of the John Radcliffe Hospital Site (JR) over a distance of approximately 2.2km to the centre of the Churchill Hospital Site (CH) (close to Churchill Drive). The route over this distance includes parts of the following residential roads:
  - Woodlands Roads South;
  - Sandfield Road,
  - London Road (A420);
  - Latimer Road;
  - All Saints Road;
  - Lime Walk;
  - Old Road; and
  - Churchill Drive
  
2. In addition to the above mentioned area, the application site also includes two areas adjacent to Woodlands Road and a small area adjacent to Ivy Lane and St Andrews Road (near to the junction with Osler Road). Lastly there is another larger rectangular area of land included in the site area at the southern end of Churchill Drive on the Churchill Hospital Site. The total site area is approximately 1.73ha.

## Proposed Development

3. Planning permission is sought for the installation of an underground energy link to allow for the transfer of heat, electricity and high speed data between the JR and CH hospitals. The proposed energy link forms part of a wider hospital energy project (for which some aspects have already received planning permission, including the developments at the JR hospital's energy centre). The proposals for this application involve the following aspects:
  - The excavation of a 1.5m wide trench across 2.2km with a depth of 1.1m and the installation of heating pipes (containing low temperature hot water (LTHW)), high voltage cables and communication cables. This is the proposed 'energy link'.
  - A temporary car park (adjacent to Woodlands Road and next to the existing tennis courts) with a capacity for 20 cars. The car park would be provided for residents who would be affected by the construction of the proposed energy link (providing replacement parking for people who normally rely on on-street parking in the Controlled Parking Zone and residents who would have a driveway or private parking space obstructed during construction).
  - A construction compound (temporary) at the former tennis courts at the JR Hospital (near to Woodlands Road) (to provide contractor parking, storage of materials and pipework spoil).
  - A construction compound (with similar uses to those above) is proposed at the southern end of Churchill Drive on the CH site.
  - It is proposed to provide a welfare compound close to Ivy Lane St Andrews Road; this compound is for offices and welfare needs of contractors.
4. Parts of the above development have already either commenced or been implemented; including the construction compounds and welfare compounds. In addition to this, a trench and cabling has already been dug along Woodlands Road from the JR Energy Centre to the junction with Sandfield Road. Other parts of the proposed energy link route had already commenced in early 2016 but excavations have been backfilled and work ceased. As a result of the partial commencement of works, this application is part-retrospective.
5. The main element of the proposed development is the proposed energy link. The construction of the energy link is proposed to be carried out in thirteen phases. Each of the phases would involve excavating 120m long sections of the route; the total time proposed to carry out the work would be over a seventeen week period. Each phase of the development would involve the following works:
  - (i). Fencing construction areas off (which would involve partial obstruction of the highway)
  - (ii). Alignment of trench which is cut out by an excavator and spoil removed by a dumper truck.
  - (iii). Pipework is brought in and lowered into excavated trench

- (iv). Sections of pre-insulated pipe are welded together on site in the trench and checked
  - (v). High voltage and communications cabling is installed
  - (vi). The trench is backfilled with sand, stone is used as a sub base layer and the road surface is reinstated in agreement with the local highway authority.
  - (vii). Fencing and equipment is removed (then works start on the next section)
6. As a result of the nature of the application, much of the development proposed would not materially affect the appearance of the area in the long-term; in fact much of the development proposed is either temporary in nature or if implemented would be inconspicuous.
  7. The principal determining issues of the application are:
    - Principle of development
    - Car parking, access and highway impacts (during construction)
    - Impact on residential amenity, including noise, disturbance and air quality (during construction)
    - Flooding and surface water drainage
    - Biodiversity

### **Background to Proposals**

8. The proposed energy link (and associated development) forms part of the hospital energy project which follows a bid to the Carbon Energy Fund (CEF) for energy projects in the NHS. The proposals would allow for the replacement of existing energy equipment for heating and hot water at both the JR and CH hospital sites; the application states that some of the equipment at the sites is more than 50 years old.
9. The planning statement submitted with the application states that the development would reduce the bills for the NHS Trust (that operates the JR and CH Hospitals) and provide savings of up to £11.5 million over 25 years.
10. The application states that there would be a 30% reduction in carbon dioxide from the hospital sites as a result of the proposed development (and this is a reduction of 270,000 tonnes of carbon dioxide over the 25 year period).
11. It is suggested that the proposed development would provide a greater resilience for the energy needs for the hospitals.
12. The proposed development is specified to allow for a greater use of resources by transferring excess heat from the energy centre at the JR hospital to the CH hospital site.
13. Other works are proposed as part of the hospital energy project which includes replacement of 7000 light fittings and savings of up to 75% in

efficiencies (though this development does not require planning permission).

### **Environmental Impact Assessment (EIA)**

14. An environmental screening opinion has been provided (in connection with the requirements of the Town and Country Planning (Environmental Impacts Assessment) Regulations 2011, Regulation 5). The development proposed is not considered to be EIA development.

### **Officer Assessment**

#### **Principle of Development**

15. The Core Strategy (2011), Local Plan 2001-2016 and Site and Housing Plan (2013) provide relatively limited planning policy that relates specifically to the installation of an energy link. The development proposed must therefore be considered in the wider context of the Council's policies and the National Planning Policy Framework (NPPF), as well as other materials considerations.
16. The NPPF requires that Local Planning Authorities should plan for a low carbon future which includes support for improvements to existing buildings; as already suggested, the application states that there would be significant energy efficiency improvements that would arise from the proposals. The proposals are a means of distributing heat and power from a modern Combined Heat and Power (CHP) plant at the JR site; this kind of development could therefore be argued to be 'low carbon' given that the CHP replaces a principally oil fuelled heating system (and mains electricity from the grid) which have higher carbon dioxide emissions, the plant would be more modern and efficient and there would be a greater use of heat from the plant (facilitated directly by the proposed energy link). In relation to low carbon development, paragraph 95 of the NPPF states:

*'To support the move to a low carbon future, local planning authorities should:*

- *plan for new development in locations and ways which reduce greenhouse gas emissions;*
- *actively support energy efficiency improvements to existing buildings;...*

17. Further to the above there is greater clarification in the NPPF of the approach that should be taken in the determination of planning applications which relate to renewable or low carbon energy development; Paragraph 98 of the NPPF states:

*'When determining planning applications, local planning authorities should:*

- *not require applicants for energy development to demonstrate the*

*overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*

- *approve the application\* if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*

*\*Unless material considerations indicate otherwise.'*

18. On the basis of the above, Officers consider that the principle of development, as a low carbon energy scheme may be regarded to be acceptable subject to the consideration of the impacts of the development and other relevant material considerations.

19. In relation to the Council's own development plan policies, Policy CS9 of the Core Strategy (2011) requires that all developments should seek to minimise their carbon emissions. The policy also requires qualifying sites to be considered in terms of Natural Resource Impact Analysis; the proposed development would not be a qualifying site for the purposes this policy. Policy CS9 is relevant to all developments to require low carbon and renewable energy as part of schemes but does not provide consideration for actual proposals for energy development (other than schemes for renewable energy development); therefore in summary its relevance to these proposals is very limited.

20. Policy MP1 of the Sites and Housing Plan, the model policy that deals with the consideration of all development proposals and states:

*'...Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, and unless:*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted.'*

21. On the basis of the above; Officers recommend that the principle of development is acceptable. The consideration set out in the report below focuses on the impacts of the development, weighed against the benefits and in reaching a recommendation takes into account the relevant parts of the NPPF.



## **Ownership of Land**

22. A substantial number of responses and objections from local residents relate specifically to a concern about the ownership of the application site. Much of the development proposed (specifically the energy link) would be carried out on highway land. The concerns relate specifically to whether or not Oxfordshire County Council (as the highway authority) actually own the land where much of the proposed development would take place. It is argued by some local residents that the land where the development would take place belong to landowners adjacent to the highway (sometimes termed 'frontagers'); that their ownership extends beyond the front gardens and into the mid-point of the highway where the development would take place. The applicant's agent has set out their position in relation to this matter:

*'Based on the advice received to date, it is Vital Energi's position that the Energy Link pipeline and associated cables are being placed in land which is vested within the highway pursuant to section 263 of the Highways Act 1980 and not the sub-soil beneath it. As such, Vital Energi does not consider that there is a requirement to obtain the consent of the freehold owners of the land which abuts the highway before carrying out the works.'*

23. For planning purposes it is only required that the requisite persons have been served notice of the submission of a planning application. The applicant has served notice on the Oxford University Hospitals Trust and Oxfordshire County Council Highways but has also served notice on all of the frontagers. As a result, it is the view of Officers that all that is required for a planning application has been carried out.

24. Further to the above, subject to the necessary notices being served, other ownership matters are not relevant to a planning decision. These matters are civil matters and the Council cannot provide judgements relating to who the actual owner of a piece of land is nor can this have a bearing on the planning decision.

25. It should be noted that a separate permission (through the granting of a Section 50 license) for carrying out works in the highway would be required to implement the development if planning permission is granted. Officers have recommended an informative be included to direct the applicant to this requirement.

## **Car parking, access and highway impacts**

26. The proposals would involve substantial impacts on access to properties and on traffic throughout the route of the energy link (and surrounding area). These impacts would be during construction and there would be no long-term highways impacts of the development (aside from in relation to long-term maintenance which is referred to below). The application contains a detailed Construction Traffic Management Plan (CTMP) which seeks to address all the

impacts and consultation that has been carried out with Oxfordshire County Council as the local highway authority.

### Traffic and Access

27. In relation to public transport, the proposed development would have an impact on bus services within the Churchill site (using Churchill Drive), London Road (with works proposed in the outbound bus lane) and Old Road. The transport statement submitted with the application states that consultation has been carried out with bus operators and necessary diversions and traffic management would be implemented where appropriate. Work within the busiest areas of the route (particularly London Road) would be scheduled to take place outside of peak-traffic periods (during weekends, in agreement with the Local Highway Authority).
28. It is stated in the application that during work on London Road there would need to be a closure of Sandfield Road and Latimer Road junctions to decrease the impact on London Road traffic. Temporary signed diversions are proposed during this period (with details provided in the CTMP).
29. In Old Road, the proposed development would involve the temporary relocation of the bus stop between the Lime Walk junction and the junction for Churchill Drive. During the proposed works it is also proposed to switch off the pedestrian crossing in this area (with pedestrians required to use the alternative zebra crossing, approximately 150m away).
30. Temporary access restrictions are also proposed as part of the work during construction. This would involve phased road closures of sections of Sandfield Road, Latimer Road, All Saints Road and Churchill Drive. Lime Walk is proposed to be signal controlled during works in that section; with a single carriageway remaining open. In addition to the phased road closure there would also be periods of time for temporary traffic signals on Churchill Drive to assist with traffic movements at the southern end.
31. It is recognised that in addition to the roads mentioned above, the proposed work would also clearly have an impact on roads that branch off of roads along the course of the proposed energy link. These roads include Beech Road (off Sandfield Road), Latimer Grange (off Latimer Road), Barrington Close (off All Saints Road), Cecil Sharp Place and Nursery Close (off Lime Walk).
32. Specific measures are included to deal with access for emergency vehicles. Partial closures of Churchill Drive would necessitate some movements by ambulance to be diverted via Roosevelt Drive. During later phases of the development there would be access for ambulances via the existing footway at Churchill Drive. In relevant areas, there would be sufficient space provided to enable access by a fire truck (and staff are proposed to be on site 24 hours a day to remove fencing if required for access by emergency vehicles of closed sections of highway).

33. The transport statement sets out that the proposed development would not involve the closure of footways into the Churchill site but during closure of the northern part of Churchill Drive, all access for visitors, patients and staff in vehicles would be diverted via Roosevelt Drive.
34. There are proposals to provide a disabled drop-off zone or zone for drop off of deliveries etc. in close proximity to closed off areas of road.
35. The proposed measures and assessment to deal with the traffic impacts of the development are contained within the submitted Transport Statement and CTMP. County Council Highways have provided comments on the proposals and have agreed with the traffic management plan in principle. However, in order to provide updates to the document and arrange improvements to the measures proposed it has been recommended that a condition be included that the CTMP be submitted to the City Council for approval prior to work commencing on-site. Officers have included this condition in the list of recommended conditions.
36. There have been specific concerns raised about the proposed development being carried out concurrently with the Access to Headington Improvements. The requirement by condition to submit a CTMP prior to commencement would provide a greater opportunity to ensure that timings and impacts of other works can be addressed (and are based on the most up to date status of other projects). The development would also require separate arrangements to be made with the Highway Authority who would be in a position to ensure the timings of works did not coincide to the detriment of traffic and highway conditions.

#### Residents Car Parking

37. The proposed development would take place in an area which is a Controlled Parking Zone. The development would result in the temporary loss of on-street parking for residents in areas where there would be either a closure of partial closure of the road. The proposed development would also obstruct driveways or private car parking areas in some areas when being constructed. As a result, the application details a number of measures to mitigate for this impact on local residents and local traffic conditions:
- Temporary car parking for twenty car parking spaces at a new temporary car park proposed off of Woodlands Road.
  - Residents would be able to apply for reserved spaces at the Churchill Site (by applying to the Oxford University Hospitals Trust).
  - The developer has arranged for affected residents of Woodfield Road, Sandfield Road, London Road, Latimer Road, All Saints Road, Lime Walk and Old Road to apply for 25 visitor's permits in a neighbouring parking zone (of their choice).
  - It is stated in the application that advice in the form of a leaflet to explain the location of temporary car parking would be sent to residents two weeks prior to works commencing.
38. Oxfordshire County Council Highways have agreed the proposed

arrangements set out in the application as acceptable in principle. However, specific details of the proposed temporary car park have been recommended to be sought by condition prior to commencement. This reflects the particular need to seek greater clarification about the means of pedestrian access to the car park (which is not clear from the submitted plans).

39. Officers recommend that the submitted proposals for car parking would be acceptable in principle as a means of mitigating the impacts of the construction period of the proposed development. There would be no long-term impacts of the proposed development on the car parking conditions or highway safety in the area. However, a number of conditions have been included in the recommended list of conditions. These include the requirement of the submission of details relating to the temporary car park (as set out above) and the arrangements for applying for visitor permits (to ensure that these measures are put in place prior to commencement).
40. The proposed temporary car park would be on a site where there a number of trees. The proposals are for a plastic grid type surface that would have a reduced impact on vegetation and specific tree protection measures have been included. However, Officers have included in the recommended list of conditions the requirement of adherence to the tree protection measures and the submission of details relating to de-compaction of soils in the root protection areas of trees prior to commencement. There will also be a requirement for monitoring the impact of the proposed development on the trees in this area. Officers have recommended including a condition that would require the removal of the temporary car park following three months of the substantial completion of the development if planning permission is granted.

#### Contractor Car Parking

41. The application states that contractor parking would be provided at the proposed compounds at the JR and Churchill Sites. It is proposed that there would be a strict policy of no contractor's cars in the streets of Headington or in the hospital car parks.

#### Long-Term Impacts (Maintenance)

42. Officers have queried what the long-term maintenance procedure for the energy link would be (particularly as it could give rise to additional impacts on local residents, parking and highway conditions). The applicant's agent has provided details which indicate that there would be specific construction methods to minimise potential future maintenance. The steel pipe that is proposed would be fully welded with all welds tested during installation. There is also insulation and a waterproof membrane (that would protect the materials). The pipe is proposed to have copper wires running its length that would allow for accurate pinpointing of any leaks or moisture getting through the outer membrane of the pipework. The result would be that any faults or issues could be easily pinpointed which would reduce the potential time for causing disturbance and minimise the need for extensive excavations over a

larger distance of pipework if maintenance is required.

43. It should be noted that additional maintenance work may require planning permission if it constitutes an engineering operation.

### **Impact on residential amenity, including noise, disturbance and air quality**

44. The proposed development would involve construction works that would include the use of mechanical plant, machinery and construction vehicles. The applicant's agent has provided details of how these impacts will be mitigated. The length of time of construction in each area has been specified to mainly take place over two week periods with overall project time being 17 weeks; the specific methods of construction and time periods stipulated reflect the applicant's attempts to ensure that construction impacts are as short-term as possible.
45. The proposed development would be constructed during weekdays from 8am to 5pm with the exception of works proposed in the vicinity of London Road and Old Road (as set out previously). Officers have recommended that a condition be included if planning permission is granted to require adherence to the working hours (and any weekend working be the subject of the agreement of the Local Highway Authority).
46. A noise report has been provided with the application that indicates that the noise levels that would take place would be for a short period of time and would be within the recommended criteria. The submitted noise report includes some measures of best practice (which include measures such as avoiding leaving machinery running, use rubber linings in chutes and dumpers, minimise drop heights for materials and start up plant and machinery sequentially rather than all together). It is recommended that a condition be included that requires adherence to the best practices and measures included in the noise report to minimise impact on residents.
47. An air quality assessment has been submitted that deals with the impacts during construction. It is recommended that the mitigation measures would ensure that the impact of the proposed development would be acceptable. Officers have recommended that a condition be included that requires adherence with the recommendations of the air quality report.

### **Design**

48. The development would not give rise to any visual impacts apart from during construction. The proposed compounds would be acceptable in terms of their visual impact during construction. Officers have recommended conditions requiring the removal of the compounds following the substantial completion of the development.

### **Flooding and surface water drainage**

49. The application site does not lie in area that is identified as being at a high risk of flooding. There will be no long term impacts of the development on increasing the risk of flooding or on surface water drainage. As a result, Officers recommend that the development would be acceptable in the context of Policy CS11 of the Core Strategy (2011).

### **Biodiversity**

50. The proposed development would have no long-term impacts on ecology though there would be some environmental impacts that would take place during construction. However, given that the proposals are proposed to be chiefly excavations of roads and would be within well-lit areas the development would not impact on the habitat of bats or other protected species. The development would not have an adverse impact on the Rock Edge or Lye Valley SSSIs given the separation distance between the applications site and these areas.

### **Conservation Area and Listed Buildings**

51. A small amount of the site (the route of the proposed energy link) crosses into the Old Headington Conservation Area; though by virtue of the temporary nature of the development it would not materially impact on the character, appearance or special significance of the Conservation Area.

52. The only listed buildings in close proximity to parts of the proposed development are Manor House on the JR Hospital Site (Grade II), the Britannia Public House on London Road (Grade II); the proposed development would not have an impact on the setting of the listed building as it would not materially alter its surroundings.

### **53. Contaminated Land**

54. Officers recommend that the development is unlikely to present concerns in terms of contamination and recommend an informative relating to unexpected contamination.

55.

### **Archaeology**

56. Officers recommend that if planning permission is granted then a conditions should be included to require an intermittent watching brief.

### **Conclusion**

57. On the basis of the above and for the reasons listed it is recommended that the East Area Planning Committee grant planning permission for the development subject to the conditions as set out in the report.

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:**

16/01565/FUL

**Contact Officer:** Robert Fowler

**Extension:** 2104

**Date:** 30th August 2016

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