

COMMITTEE: DEVELOPMENT CONTROL

DATE: 29th JULY 2020

SUBJECT: 4 GEORGE STREET WEST, LUTON –
CONVERSION OF EXISTING PREMISES TO
PROVIDE 10 FLATS (7 TWO BEDS AND 3 ONE
BEDS), ERECTION OF SINGLE STOREY REAR
EXTENSION AND EXTERNAL ALTERATIONS
(APPLICANT: MR M NASAR (AMA INVESTMENTS
LTD)
(APPLICATION NO: 20/00203/FUL)

REPORT BY: DEVELOPMENT CONTROL MANAGER

CONTACT OFFICER: NAILA MALIK 01582 546332

IMPLICATIONS:

LEGAL

COMMUNITY SAFETY

EQUALITIES

ENVIRONMENT

FINANCIAL

CONSULTATIONS

STAFFING

OTHER

WARDS AFFECTED: SOUTH

PURPOSE

1. To advise Members of a current application and to seek their decision.

RECOMMENDATION

It is recommended:

2. The reasons for approval set out in this report are agreed.

3. That planning permission is granted, subject to the conditions set out below and completion of a S106 Agreement.
4. That delegated authority is granted to the Head of Development Management to make minor alterations to the conditions and S106 heads of terms following any Committee resolution to grant permission (should any be required).
5. That following any grant of permission that delegated authority is granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking minor material amendments (s.73 applications).
6. That following any grant of permission that delegated authority is granted to the Head of Development Management to make minor amendments to the agreed S106 agreement through a Deed of Variation application.

Conditions

- (01) The development hereby permitted shall be begun not later than the expiration of 3 years beginning with the date of this permission.

Reason: To limit the duration of the permission in accordance with the provisions of Sections 91 -96 of the Town and Country Planning Act, 1990.

- (02) The development hereby permitted shall not be carried out other in complete accordance with the approved plans and specifications as set out on plan no's A101-Existing Floor Plans, A101 – REV A Existing & Proposed Elevations, A102 – REV C- Proposed Floor Plans & Site Location Plan, Proposed Elevations, DC01 – REV A Planning Design & Access Statement/Heritage Statement and DC02 – Supplementary Planning Statement.

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area and adjoining occupiers.

- (03) Prior to first occupation of the development a management plan, including management responsibilities and maintenance schedules, for all external and internal shared/common areas of the development shall be submitted to in writing to the Local Planning Authority for approval. Those approved details

shall be implemented prior to first occupation of the development and retained thereafter.

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (04) Prior to the first occupation of the development hereby permitted full details of the external lighting shall be submitted in writing to the Local Planning Authority for approval. Those approved details shall be implemented prior to the first occupation of the development and retained thereafter.

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (05) The external materials used in the construction of the rear extension hereby permitted shall be the same colour, texture and design as the external materials used on the original building.

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (06) Prior to the first occupation of the development hereby permitted full details of the proposed door including materials and the arrangement of steps to access it and glazing in the arched opening above shall be submitted in writing to the Local Planning Authority for approval. Those approved details shall implemented prior to the first occupation of the development and retained thereafter.

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (07) Prior to the commencement of the development hereby permitted, full details of the design and glazing, means of closure and materials of the new rear window of the single storey rear extension to the original building to be submitted in writing to the Local Planning Authority for approval. Those approved details shall implemented prior to the completion of development and retained thereafter.

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (08) The car parking area for the development, as identified on the

approved plan no. A102 –REV C Proposed Floor Plans and Site Location Plan shall be ready for use prior to the occupation of the development hereby permitted.

Reason: To protect the environment, the highway and the amenities of the adjoining occupiers and surrounding uses.

- (09) Notwithstanding the submitted details prior to the first occupation full details of the proposed cycle and refuse stores and means of receiving postal shall be submitted in writing to the Local Planning Authority. Those approved details shall be implemented prior to first occupation of the development and retained thereafter.**

Reason: To ensures a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (10) Prior to the first occupation a secure entry system shall be provided to all entrances in accordance with a scheme submitted in writing to the Local Planning Authority for approval. . Those approved details shall be installed and fully operational prior to the first occupation of the development and retained thereafter.**

Reason: To ensure a satisfactory standard of development and in the interest of security and prevention of crime.

- (11) Prior to the commencement of the above ground development a scheme shall be submitted for the protection of dwellings from noise arising from transport noise sources, for approval in writing by the Local Planning Authority. No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with the approved details thereafter.**

Reason: To protect the amenities of future occupiers of the residential accommodation hereby approved.

- (12) No alterations to the external appearance of the building, other than any alterations approved under this permission, shall be carried out without the prior written approval of the Local Planning Authority.**

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (13) Notwithstanding the submitted details, prior to the occupation of the building hereby permitted, an Electric Charging Point Strategy (ECPS) for the car park shall be submitted in writing to the Local Planning Authority for approval. The development shall only be completed and operated in accordance with that approved scheme. The ECPS shall include details of how many charging points will be provided, where they will be located and how they will be managed and maintained.**

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (14) No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The development shall then proceed in strict accordance with the approved drainage strategy.**

Reason: To prevent the increased risk of flooding and to prevent pollution of the water environment

- (15) In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings shall be forwarded for approval to the Local planning Authority. Following completion of remedial measures a verification report shall be prepared to demonstrate the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.**

Reason: To prevent pollution to ground water and protect health of future occupiers.

- (16) Prior to the commencement of the development, a detailed Construction Method Plan (CMP) shall be submitted to and approved by the Local Planning Authority , and the plan shall include the following:**

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction take place
- d) Details of any highway works necessary to enable construction to take place
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impact such as noise and vibration, air quality and dust, light and odour
- k) Details of any proposed piling operation including justification for the proposed piling strategy, a vibration impact assessment and proposed control mitigation measures.

All works shall be carried out in accordance with the approved CMP thereafter.

Reason: In the interest of highway safety and control of environmental impacts.

REPORT

The Site and Surroundings

7. The application site consist of 2 buildings a two storey Victorian property known as the 'The Lodge' and 6 storey later addition, located on the western side of George Street West. The 'Lodge' is not a listed building but is included on the Local List of Heritage Assets. It also is located within the setting of a Listed Building at No. 6 George Street West and within the Town Centre Conservation Area.



The Application Site

8. The building is situated within the main town centre town area but not within the designated shopping areas and is adjoined by night club to the north east and the Luton Registry Office to the south west at No. 6 George Street West. The surrounding area is relatively mixed in character with commercial and residential, typical of the application sites in town centre locations.

Relevant Planning History

9. The site has been used primarily as a health clinic with ancillary offices since 1996. Pre-application advice sought in November 2018 to convert the building into 10 flats (6 x 2 bedroom and 4 x1 bedroom). Advised that subject to the justification of the loss of the health clinic and amendments to the layout of the flats to overcome concerns regarding living environment created the principle of residential on the site would be considered acceptable.

The Proposal

10. Full planning permission is sought for the conversion of the existing buildings from health clinic/offices to 10 flats (7 x 2 bedroom and 3 x 1 bedroom flats, erection of an infill single storey rear extension and external alterations involving relocation of the front entrance door.

Planning Policy

National Planning Policy Framework

11. A slightly revised National Planning Policy Framework (NPPF) was published in February 2019 and replaces the revised NPPF published in July 2018. It provides guidance as to how the government's planning policies are expected to be applied. The core principle of the revised

Framework is a “presumption in favour of sustainable development”. However, this does not change the statutory status of the development plan as the starting point for decision making. Planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions.

12. Paragraph 38 of the Framework advises that Local Planning Authorities should approach decision making in a positive and creative way and should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. Discussions have taken place with the applicant to address issues regarding viability and internal modifications.

National Planning Practice Guidance

13. The guidance was published in March 2014 and has been maintained in support of NPPF policy.

Luton Local Plan 2011-2031

14. The site is located within the Central Area as identified on the Proposals Map of the Luton Local Plan 2011-2031. Part of the site is located within the Town Centre Conservation Area and the site is an allocated housing site.
15. The Policies that are relevant to the proposal are LLP1, LLP3, LLP15, LLP24, LLP25, LLP30, LLP31, LLP32 and LLP39.
16. Policy LLP1 sets out the presumption in favour of sustainable development.
17. Policy LLP3 provides a strategy for development within Luton Town Centre.
18. Policy LLP15 supports the grant of planning permission on sites allocated in Appendix 4 of the Adopted Local Plan, the application site is allocated for residential development in the said Appendix 4.
19. Policy LLP24 [a] seeks to protect existing education and community facilities unless there are existing facilities elsewhere in suitable location that can meet the displaced need; it is unsuitable for alternative community uses for which there is demonstrable need and equivalent or better

replacement facilities in terms of quantity and quality are provided in a suitable location.

20. Policy LLP25 sets out a requirement that buildings and space will be of high quality design, with distinctive character and can be safely and easily accessed.
21. Policy LLP30 provides out a requirement to protect and enhance the Borough's heritage, taking account of character, setting, local distinctiveness (including materials and detailing) of local affected heritage assets and features of particular importance.
22. Policy LLP31 provides the strategy for sustainable transport in Luton and requires development to, amongst other things, reduce road congestion and risk to road users, provide cycle parking and storage and ensure the quality of the environment is not compromised.
23. Policy LLP32 provides guidance for parking provision, and states that such provision will be managed to ensure that proportionate number of spaces are available to support the growth of the town centre.
24. Policy LLP39 seeks the provision of financial contributions made necessary by the development. It is unlawful for a planning obligation to be taken into account when determining a planning application for a development that is capable of being charged Community Infrastructure Levy (CIL) if the obligation does not meet the following tests:
 - Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development
25. In the context of this application, the development is in a category to which Regulation 122 applies. The requirement for financial contributions towards infrastructure improvements are matters which, if the development proposals are supported, would need to be secured by planning obligation. This is a proportionate obligation that is considered to comply with Regulation 122 and for which there is a clear policy basis either in the form of development plan policy or supplementary planning guidance.

Equality Implications

26. No disproportionate effect on people with protected characteristics has been identified.

Consultation Responses

27. LBC Highways: No major highway implications anticipated
28. LBC Lead Local Floods: No objection subject to drainage condition.
29. Environmental Protection: No objection subject to noise, contamination and construction method statement conditions.
30. Environmental Protection Air Quality – No objection to this proposal on air quality grounds but would recommend that development should provide one or more electric vehicle charge points to promote and facilitate the uptake of electric vehicles by future residents.
31. LBC Waste: No response received.
32. LBC Education: The development will yield 2 primary school places and 1 secondary school place. The level contribution appropriate for this development is £40, 445 (primary contribution £29,378 and secondary contribution £11, 067). The primary contribution will be put towards improving the condition of Surrey Road Primary School. The secondary contribution will assist with expansion of Academy for Character & Excellence (ACE).
33. Strategic Planning Officer Heritage: The original property is included on the draft local list for its architectural merit and is considered to make a positive contribution towards the Conservation Area. Whilst no objection to principle of the conversion and the single storey rear extension this is subject to no changes to existing fenestration details. The reinstatement of original entrance is welcome and subject to conditions requiring further details of the door and rear window no objection to the proposed external changes.
34. Thames Water: No objection based on the information submitted.
35. Affinity Water: No response received.
36. LBC Libraries: No response received
37. LBC Museums: No response received
38. LBC Parks: The footfall from the proposed development will increase footfall and place additional pressure on already oversubscribed local open space. To increase the capacity of the local Neighbourhood Park a £15, 000 contribution required to provide outdoor fitness equipment at Manor Park.
39. LBC Building Control: No response received.

Neighbour Consultations

40. 13 neighbours were notified of the original by letter and a Site Notice was displayed and a Press Notice was published, no representations received from adjoining residents.

MAIN PLANNING CONSIDERATIONS

41. The main planning consideration relate to principle of development, character/street scene implications, the impact upon historic environment, , quality of the future living environment, the impact on adjoining occupiers, planning contributions and parking and highway implications.

Principle of Development

Loss of Community Facility

42. The application site is currently vacant but was previously used a health centre with ancillary offices. The proposal results in the loss of the existing health facility, which needs to be considered through the criteria as set out within Policy LLP24 [a], which seeks to protect existing community facilities including health facilities. The loss of such facilities would only be permitted where existing facilities elsewhere in suitable location can meet the displaced needs or it is unsuitable for alternative community uses for which there is demonstrable need or equivalent or better replacement facilities in terms of quantity and quality are provided in a suitable location.
43. According to the information submitted by the applicant the existing health facility has been vacant since 2018. Its loss has been justified on the grounds that the displaced need resulting from the loss of this facility has been met by a better and more suitable alternative health facility located within Arndale House in the town centre, within walking distance of the application site and thus meeting the requirements of Policy LLP24[a].

Housing Provision

44. Policy LLP15 relates to the provision of additional housing on unallocated sites and states that permission should be granted for additional dwellings provided that that it would not lead to the loss of a use for which there is a recognised local need, that the development would not result in the over-development of the site, and that the proposed accommodation met the identified requirements within the Luton Housing Market Area (LHMA) set out within the Strategic Housing Market Assessment (SHMA).

45. The proposed development would result in the loss of a health facility but this has justified within the context of Policy LLP24 [a] and therefore would not result in the loss of use for which there is recognised local need.
46. The site is situated within Luton Town Centre, where the type of accommodation is carefully considered. The development would provide 7 x 2 bedroom flats and 3 x one bedroom flats. Whilst larger units are welcome throughout the Borough, it is noted that in some areas, smaller units of accommodation, such as one bedroom flats, are acceptable. One of those areas would be within the Town Centre, where families could, but are less likely, to reside.
47. With regard to development within and around the Town Centre, it is important to ensure that a majority of the dwellings that satisfy the identified needs of the Borough and wider Luton Housing Market Area (LHMA). In this case the proposed 7 x 2 bedrooms would provide a majority of units for which there is recognised need with an intensely urban environment. The mix of housing proposed would be acceptable and consistent with the objectives of Policy LLP15.
48. Overall, the proposal would accord with Policies LLP15 and LLP24 [a] of the Luton Local Plan 2011 -2031 and the principle of development is, therefore, acceptable.

Character, Design and Street Scene Implications

49. Policy LLP25 seeks to have development enhance the character of the area have development enhance the character of an area, respond positively to the local context, minimise adverse amenity implications, optimise a site and create safe and attractive places. Policy LLP30 is also of relevance it seeks to protect the existing heritage sites within the Borough.
50. The existing two storey element of the building 'The Lodge' is included on the Local List of Heritage Assets. The proposal is seeking no major changes to the front elevation just the reinstatement of the original front entrance door, which is considered to enhance the appearance of the existing building and has raised no objection from the Heritage Officer subject to condition requiring further details of materials and glazing. The proposed single storey rear extension by virtue of its modest scale, position and design, which is similar to the existing flat roof rear extension also does not detract from the appearance of the existing building.
51. Owing to the limited scope of the external alterations proposed no street scene implications or adverse impact on the appearance of the existing building or the Town Centre Conservation Area arising from the scheme.

52. The proposed residential use on the site would be consistent with the existing mixed character of the area, which already comprises of mixture of commercial and residential uses.

Implications upon the Historic Environment

53. The site is located within the Town Centre Conservation Area and adjacent to No. 6 George Street West, a Grade II Listed Building situated to the south west of the site.
54. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that planning authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when, inter alia, considering whether to grant planning permission. Section 66 of the Listed Buildings and Conservation Areas Act 1990 requires that special regard be granted to the desirability of preserving these historically significant buildings. The Local Planning Authority has regarded this duty in achieving this recommendation.
55. Policy LLP30 states that proposals which affect heritage assets should consider the impact that they would have upon their character and setting and that in this regard development should seek to conserve or enhance.
56. The proposed external modifications would have limited impact on the external appearance of the existing building or the setting of the adjoining listed building and, as considered within the previous section of the report, the proposed change of use would be consistent with the character of the surrounding area.
57. In view of the above assessment, it is therefore not considered that any degree of harm would occur to the significance of either the adjacent heritage asset or the surrounding conservation area. The scheme would thereby be acceptable, satisfying the objectives of Policies LLP25 and LLP30 of the Luton Local Plan and the principles relating to the historic environment within the Framework, in accordance with the requirements of the Listed Building and Conservation Areas Act 1990.

Living Environment for Future Occupiers

58. The internal layout of the flats is logically arranged utilising existing window openings to provide natural light and outlook into the habitable rooms within the flats. All the flats would be of size concurrent with the nationally described space standards issued by MHCLG (March 2015).

Proposed Ground and First Floor Layout



59. The site is located within the town centre an urban location where some elevated levels of noise are to be expected as part of the urban living environment. The site will be impacted by noise from transport sources, including some overhead noise impact from traffic arriving and departing at Luton Airport. In the absence of a noise impact assessment, the environmental protection officer does not see noise as a barrier to development at this location in view of existing precedents, it is however recommended that a condition is added to the permission requiring the submission of a scheme to mitigate the impact of any potential noise on future occupiers of the proposed flats.
60. The site also lies in close proximity to the Air Quality Management Area, the Councils air quality officer has been consulted on the proposal and has raised no objection subject to the applicant incorporating EV charging points on the site, which the applicant has done on the revised plans.
61. There would be no provision of either private or shared amenity space for the future occupiers of the development, however this is an inherent problem of converting buildings within town centres, which have limited space about them which means that they are not able to provide good quality private usable amenity provision. However the fact that the site is located within the Town Centre means that future occupiers would benefit from all of the amenities provided therein. It is also noted that the site is in comfortable walking distance of Brantwood Park off Ashburnham Road and Wardown Park off New Bedford Road a little further. It is not, therefore, considered that the development would provide an unacceptable living environment in this context.
62. Overall, the proposed development would provide an acceptable living environment for future occupiers in accordance with Policies LLP1 and

LLP25 of the Luton Local Plan 2011 -2031 and the principles of occupier amenity and high quality design within the Framework.

Impact on the Amenities of the Adjoining Occupiers

63. The application site is surrounded by commercial uses that would not be sensitive to noise and disturbance produced by the proposed residential accommodation. To the north east lies No. 2 George Street West, which is a night club and to the south west is No. 6 George Street West the Registrar's Office, which is Grade II listed building. The only external change proposed is a small infill rear extension which by virtue of its position and limited scale would have no light or visual implications for adjoining residents. With regard to overlooking and loss of privacy this would be no different from the existing situation as the proposal is seeking to utilise existing window openings in both buildings.

64. In view of the aforementioned, it is thereby considered that the development would be in accordance with Policies LLP1 and LLP25 of the Luton Local Plan 2011 -2031 and the principles within the NPPF.

Parking and Highway Implications

65. The site has existing car park located to the rear, which will provide 7 car parking spaces, one for each of the 2 bedroom flats, which although below the maximum standard is considered acceptable in this instance owing to the sustainable location of the site within the town centre with excellent amenities and local and national transport links are available. Parking within and around the Town Centre is controlled and enforced.

66. The Local Highways Engineer has raised no objections to the proposed development and has indicated that there will be no major highway implications anticipated. On this basis, it is not anticipated that the development would result in significant parking issues, or adversely affect the surrounding highway network.

67. In light of the forgoing, it is considered that the proposed development would be consistent with Policies LLP1, LLP31 and LLP32 of the Luton Local Plan 2011 -2031 and the principles of sustainable development within the NPPF.

Planning Obligations and Viability Appraisal

68. Local Plan Policy LLP39 states that the Local Planning Authority will support development proposals that provide or adequately contribute towards the infrastructure and services needed to support them.

69. The SPD on Planning Obligations advises that where an application includes evidence on viability and if the Council are to accept such evidence, that such evidence should be subject of an assessment by an independent assessor. In so far as this application is concerned the applicant has provided a viability appraisal.
70. The appraisal has been the subject of an assessment by the Council's Independent Assessor. Due to original cost of the building and uncertainty on sales revenue in the current economic climate, the current proposal would not be able to provide any planning contributions without making the scheme totally unviable. In terms of affordable housing the scheme falls below the 11 threshold and has internal floor area of less than 1000 sq.m and, therefore would not be subject to affordable housing provision.
71. The failure to provide any planning obligations is a cause for concern. However Policy LLP39 of Local Plan does allow for the consideration of viability in the assessment of planning applications and specifically states that any financial contribution should take into account the cumulative impacts of the requirements on viability of development especially where development meets a particular local need or provides particular benefits. This is supported by the revised NPPF. The weight to be attached to the viability assessment is a matter for the decision maker having regard to all the circumstances of the case.
72. In this instance, although the scheme at present may not be able to provide any contributions there is a mechanism to review viability on 90% occupation of the scheme, which if using actual costs and revenues, the scheme is shown to have exceeded the 20% benchmark for developers profit then 50% of any sum over that benchmark would be divided equally between the developer and the Council, as contributions towards the S106 obligations. Furthermore the redevelopment of the site would not only bring a vacant site into use but would provide much needed small family dwellings contributing towards meeting the growing housing needs in the Borough .
73. Accordingly having regard to the foregoing, Members may consider that the proposed development is acceptable in the context of Policy LLP39 and revised the NPPF, particularly given the fact that the site is vacant and need of redevelopment, the net effect of which will improve this area of George Street West and provide much needed family dwellings.

CONCLUSIONS

74. On the basis of the foregoing assessment, the principle of development is considered to be acceptable. The scheme would not cause material harm

to the character or appearance of the surrounding area or the amenity of surrounding or future occupiers. The site is within a highly sustainable location and no detrimental highway implications have been identified. In light of the foregoing, it is considered that the development accords with Policies LLP1, LLP15, LLP25, LLP30, LLP31, LLP32 and LLP39 of the Luton Local Plan and the relevant parts of the National Planning Policy Framework. On that basis, approval is recommended.

LIST OF BACKGROUND PAPERS

LOCAL GOVERNMENT ACT 1972, SECTION 100D

1. Luton Local Plan 2011-2031
2. National Planning Policy Framework (NPPF, or the Framework)
3. National Planning Practice Guidance (NPPG)
4. Planning Obligations Supplementary Planning Document (SPD) (2007)
5. Strategic Housing Land Availability Assessment (SHLA)
6. Strategic Housing Market Area (SHMA)
7. Listed Buildings and Conservation Areas Act 1990

DETERMINATION OF PLANNING APPLICATIONS

8. The Council is required in all cases where the Development Plan is relevant, to determine applications in accordance with policies in the Development Plan unless material considerations indicate otherwise

HUMAN RIGHTS ACT 1998

9. The determination of the application which is the subject of this report is considered to involve the following human rights:
 1. Article 8: Right to respect for private and family life; and
 2. Article 1 of the First Protocol: Protection of Property
10. The report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the Convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and balances the needs of the Applicant with the protection of the rights and freedoms of others in the public interest.

SECTION 17 CRIME AND DISORDER ACT 1998

11. In reaching the recommendation set out in this report, due regard has been given to the duty imposed upon the Council under Section 17 of the Crime

and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area.

EQUALITY ACT 2010

12. In reaching the recommendation set out in this report, proper consideration has to be given to the duty imposed on the Council under the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by that Act; to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristics and persons who do not share it. The protected characteristics under the Act are a person's age, sex, gender assignment, sexual orientation, disability, marriage or civil partnership, pregnancy or maternity, race, religion or belief.