

Committee: Strategic Development	Date: 15 th May 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Iyabo Johnson	Ref No: PA/14/00465
	Ward: Millwall

1. APPLICATION DETAILS

Location:	11 Westferry Circus, London E14
Existing Use:	Office Use (Use Class B1)
Proposal:	Change of use of the part ground, sixth and seventh floors from offices (Class B1) to Family law court (Class D1)
Drawing and documents:	Site location plan; WFC-ATK-01-GF-A-DR-0001 Rev 01; WFC-ATK-01-06-A-DR-0002 Rev 01; WFC-ATK-01-07-A-DR-0003 Rev 01;
	Design and Access Statement prepared by Jones Lang LaSalle dated February 2014; Travel Plan prepared by AECOM dated April 2014; Planning Statement prepared by Jones Lang LaSalle dated February 2014 Letter from Ministry of Justice dated 20 February 2014
Applicant:	Ministry of Justice
Ownership:	Union Investment Real Estate GmbH Clearstream International UK
Historic Building:	N/A
Conservation Area:	N/A

2. EXECUTIVE SUMMARY

- 2.1. This application is reported to the Strategic Development Committee as the proposal is departure from the Development Plan.
- 2.2. This application is referable to the London Mayor under Category 3E of the Schedule to the London Mayor Order 2008: 'Development – a) which does not accord with one or more provisions of the development policies force in the area in which the application site is situated; and b) comprises or includes the provision of more than 2,500sq.m of floorspace for a use falling within any of the classes in the Use Classes Order – xi) class D1 (non-residential institutions).

- 2.3. The local planning authority has considered the particular circumstances of this application against the Development Plan and other material considerations as set out in this report and recommends approval of planning permission.
- 2.4. Officers consider, on balance, the proposed D1 use as a law court would maintain the employment levels and sustain an office environment to a degree which would not undermine the function and the role of the Canary Wharf Preferred Office Location.
- 2.5. The proposed specific D1 use as a law court would be an appropriate civic use within the Canary Wharf major town centre.
- 2.6. The proposal would provide work placement programmes to the local residents to increase access to employment in office roles in Canary Wharf.

3. **RECOMMENDATION**

- 3.1. That the Committee resolve to GRANT planning permission subject to:
- 3.2. Any direction by the London Mayor.
- 3.3. The prior completion of a **legal agreement** to secure the following planning obligations:
 - a) Target of 20% local employment for construction phase (for the 18 week internal fit-out);
 - b) A minimum of one careers outreach event with local schools a year for a maximum period of 3 years and thereafter reviewed;
 - c) Two work experience placements during 18 week internal fit out working with the Council's Employment & Skills Service for the recruitment of local residents;
 - d) Eight un-paid work experience placements per year for 4-6 weeks for Tower Hamlets residents, aged 18-24, for first two years post occupation and then subject to review;
 - e) Commitment to agree school age local work experience programme, including two week work experience placements for students attending schools in Tower Hamlets in consultation with Tower Hamlets Education Business Partnership;
 - f) The Council's Employment and Skills Service to be notified of the direct entry vacancies as and when they are launched for it to be also advertised through Skillsmatch.
- 3.4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.5. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:
- 3.6. **Conditions**
 - 1) Limit D1 use to law court only
 - 2) Compliance with approved plans
 - 3) Travel Plan (with cycle parking monitoring)

3.7. **Informatives**

- 1) Planning permission required for any external changes
- 2) Planning permission subject to Section 106 legal agreement

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1. The proposal is for a change of use of three floors in an existing B1 office building at 11 Westferry Circus to Use Class D1 as a law court.
- 4.2. The proposal will involve the conversion of existing 3103.5sq.m of B1 office space to D1 Use as a family law court.
- 4.3. The applicant is the Ministry of Justice. The applicant is seeking to use the application site for this D1 Use on a permanent basis.
- 4.4. There are no external changes proposed however internal re-configuration and alterations would be required to accommodate the D1 law court use.

Site and Surroundings

- 4.5. The application site comprises part of the ground floor, sixth and seventh floor levels of a nine storey office building which is bounded by a private piazza to the north, a private road at Columbus Court Yard to the east, a private road at West India Avenue to the south, and a private road at Westferry Circus to the west.
- 4.6. The building has a curved front façade owing to its frontage on to the Westferry Circus. The ground floor is currently occupied by a restaurant (use class A3) but has planning permission for retail (A1), restaurant (A3) and financial professional services (A2).
- 4.7. The site falls within the spatial policy designations Canary Wharf Preferred Office Location (POL) and Canary Wharf Major town centre identified within the London Plan 2011 and the Council's Core Strategy 2010.
- 4.8. The proposal site is not located within a Conservation Area and the site and surroundings include no Statutory Listed Buildings. The site lies within Flood Risk Zone 3.

Relevant Planning History

11 WestferryCircus

- 4.9. On 1 November 2004, the local planning authority **granted** planning permission for a *change of use relating to part of the ground floor, from office (B1 use) to financial and professional services (A2 use), and minor alterations to West India Avenue frontage to create a new pedestrian access door.*
- 4.10. On 15 March 2011, the local planning authority **granted** planning permission for a *change of use of part of the ground floor from Class B1 offices to mixed use comprising Class A3 restaurant use with associated outdoor seating area at the north side of the site and Class A1 retail or A2 financial and professional services use.*

Surrounding Area

- 4.11 *Exchange Tower, 1 Harbour Exchange Square*

On 5 September 2013, the local planning authority **granted** planning permission for a *change of use of B1 (Business) to D1 Non-residential institutions (law court) of the ground floor (Building 2) and first floor (Building 1 and 2)*. This application was also submitted on behalf of the Ministry of Justice. However the applicant has been unable to occupy building and implement their permission due to extenuating circumstances. The need for alternative premises has led to the submission of this application.

4.12 *Ground Floor, 1 Westferry Circus*

On 6th March 2014, the local planning authority **granted** planning permission for a change of use from office (B1) to private medical centre (D1).

5. POLICY FRAMEWORK

5.1. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.2. **Government Planning Policy Guidance/Statements**

National Planning Policy Framework (March 2012) (NPPF)

5.3. **Spatial Development Strategy for Greater London - London Plan 2011 (LP) the Revised Early Minor Alterations to the London Plan published 11th October 2013; and Draft Further Alterations to the London Plan (consultation edition 2014)**

- 2.10 Central Activities Zone – Strategic Priorities
- 2.11 Central Activities Zone – Strategic Functions
- 2.13 Opportunity Areas and Intensification Areas
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 4.1 Developing London’s economy
- 4.7 Retail and town centre development
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London’s transport connectivity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 8.2 Planning obligations

5.4. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

- SP01 Refocusing on our town centres
- SP06 Delivering successful employment hubs
- SP08 Making connected Places
- SP12 Delivering placemaking
- SP13 Planning Obligations

5.5. **Managing Development Document (adopted April 2013) (MDD)**

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM8 Community infrastructure
- DM15 Local job creation and investment
- DM16 Office locations

DM20 Supporting a sustainable transport network
DM22 Parking
DM25 Amenity

5.6. **Supplementary Planning Documents**
Planning Obligations SPD – LBTH – January 2012

- 5.7. **Tower Hamlets Community Plan**
The following Community Plan objectives relate to the application:
- A Great Place to Live
 - A Prosperous Community
 - A Safe and Supportive Community
 - A Healthy Community

6. CONSULTATION RESPONSE

6.1. The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2. The following were consulted regarding the application:

Greater London Authority (Stage 1 Response)

6.3. The proposal does not raise any strategic planning issues. Loss of office floorspace is acceptable in this instance as it is necessary to provide an essential civic function which will complement the Major Town Centre designation of Canary Wharf.

No requirement for a Stage 2 referral.

Transport for London

6.4. The proposal raises no strategic transport issues. Recommendation that a travel plan be secured.

6.5. *Officer Comment: A condition requiring the submission of a travel plan would be imposed if planning permission is granted.*

LBTH Economic Development

6.6. No objection in principle subject to local employment, training, work experience and outreach programmes and targets to be agreed and secured as planning obligations.

LBTH Transportation &Highways

- 6.7
- Request for further information on parking allocation and in particular provision for disabled car users.
 - Request for further detail on cycle parking provision.
 - Concern that alternative D1 use (i.e. education) could generate higher trip rates. Suggestion that D1 use be restricted to a law court if planning permission is granted.
 - Query over use of specialised high security vans in connection with the law court use.

[Officer Comment: The applicant has provided further information on the car parking arrangements and has confirmed the dimensions of the disabled parking spaces. This has been reviewed by the Highways Officer and is considered acceptable. Similarly, further details of the cycle parking arrangement have been reviewed and are also satisfactory. In the interests of highway capacity and the protection of the viability of the town centre and POL, a condition restricting the D1 use to law courts would be imposed if planning permission is granted. Lastly, the proposed court is to be a family court where cases of a civil and not criminal nature will be heard. Therefore, there will be no requirement for high security vehicles and associated infrastructure.]

7. LOCAL REPRESENTATION

- 7.1. A total of 19 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses	2	Objecting:	2	Supporting:	0
No of petitions received:	0				

- 7.2. Both objections originate on behalf of the occupiers of 20 Columbus Courtyard which lies to the immediate east of the site. The concerns raised relate to the proposed public access from the rear of the site which would face a main entrance to the building at Columbus Courtyard. Specific concerns about the congregation of users of the law court under the sheltered entrance to 20 Columbus Courtyard are raised.

[Officer Comment: It is acknowledged that the siting of a public entrance to the rear may lead to an increase in the number of people congregating in the unsegregated space between the application premises and 20 Columbus Courtyard. However, it is not considered that this issue is serious enough to warrant a refusal of the application. The proposed D1 use will yield a lower employment density than the existing B1 use and therefore this combined with the level of visiting members of the public to the premise is likely to have minimal impact when compared with the existing activities. So, whilst the proposal seeks to create a public access from the rear, this is considered acceptable on balance. Additionally, a reasonable level of street activity is to be expected in a commercial environment in a major town centre. Officers do not consider that the proposed arrangement would impede vehicular and pedestrian movements along the public highway.]

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1. The main planning issues raised by the application that the committee must consider are:

- ⊗ Land Use
- ⊗ Transport, Connectivity and Accessibility
- ⊗ Amenity
- ⊗ Planning obligations
- ⊗ Human Rights
- ⊗ Equalities

Land Use

- 8.2. The proposal is to convert the existing 3,103.5 sq.m of office floor space to a law court in a D1 use. The proposal would see the loss of large quantum of office floor space within the Council's Preferred Office Location.

Loss of B1 use

- 8.3. Employment uses are managed in accordance with SP06 of the Core Strategy, which seeks to ensure job opportunities are provided and maintained. Policy SP06 in the adopted Core Strategy (2010) state that larger floor plate offices should be focussed in Preferred Office Locations (POLs).
- 8.4. This is further reiterated in the Managing Development Document (MDD) policy DM16, which states that 'developments resulting in the net loss of office floor space in POLs will not be supported'. This is in the interests of protecting the integrity of employment uses in the Borough and ensuring that land remains available to deliver both local and strategic economic aspirations.
- 8.5. In terms of strategic policy, 4.1 of the London Plan (2014) seeks to ensure the availability of a range of workspaces. Policy 4.2 seeks to ensure that the Mayor and Boroughs meet the distinct needs of the central London office market including the north of the Isle of Dogs. The policy also includes an aspiration to consolidate and extend the strengths of office markets throughout London by supporting managed conversion of surplus capacity to more viable complementary uses.
- 8.6. In the case of the application proposal, the applicant has sought to demonstrate why the proposal should qualify for an exemption from policy DM16 and why the loss of B1 office in the Canary Wharf POL is acceptable in this instance.
- 8.7. The applicant has submitted a supporting report which looks at the leasing issues in relation to the current use as an office. The report explains that the site has been vacant for over 24 months despite the Grade A quality of the office space and an exhaustive marketing campaign at competitive rates.
- 8.8. The applicant has sought to suggest that the difficulties in letting the space may be symptomatic of an existing over supply of office floor space in Tower Hamlets. The London Office Review (2012) forecasts a decrease in the demand for large floor plate office space and states that there is a current oversupply of office space in Tower Hamlets.
- 8.9. The National Planning Policy Framework (NPPF) (2012) states that a "*presumption in favour of sustainable development*" should be the golden thread running through all plan making and decision taking.
- 8.10. Paragraph 22 of the NPPF (2012) requires planning policies to "*avoid the long term protection of sites allocated for employment uses where there is no reasonable prospect of a site being used for the allocated employment uses, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.*"
- 8.11. Officers consider that in presenting the case for the loss of office floorspace, the application has paid sufficient regard to prevailing market signals and in doing so provided a basis upon which to justify a change of use.

- 8.12. Whilst there may be marketing justification for an alternative use for this building, it is important that the proposed alternative use provides a supporting role and/or a specialised use that is acceptable in the POL, and therefore the acceptability of the alternative use is a key consideration in this instance. The acceptability of the proposed use is expanded below.

Change of use to Law Court (D1)

- 8.13. London Plan policy 7.1 states that development should be supportive of the local community, improving people's access to facilities and community infrastructure. The policy goes on to state that development should be designed so that the layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure.
- 8.14. The Council's own policy within the Core Strategy SP06 seeks to maximise investment and job creation in the Borough by encouraging employment uses.
- 8.15. Core Strategy policy SP01 states that civic uses will be concentrated in town centres of appropriate scales. Core Strategy policy SP03 states that the Council will provide high-quality social and community facilities by locating such facilities in accessible locations in order that local people can easily use them.
- 8.16. The Council's Managing Development Document policies DM1 and DM8 state that *"new health, leisure and social and community facilities should be located in or at the edge of town centres."*
- 8.17. The applicant is the Ministry of Justice. The applicant has explained that from April 2014, the Government will be implementing reforms to centralise the family court system. In response to these reforms, Her Majesty's Courts and Tribunals Service (HMCTS) have devised a strategy for the provision of a family court in east London.
- 8.18. The need for a dedicated east London court has arisen from significant rise in family justice caseloads within the seven boroughs that will feed work into the proposed court. The provision of a new court within the application site will reduce travelling costs and time for families involved in court proceedings whose cases are currently heard across London at a number of different courts.
- 8.19. The application site location is considered suitable for this type of civic use as the site is well connected with Public Transport providing an accessible location to all; and is within a major town centre which accords with policies DM1 and DM8 of the Managing Development Document (2013).
- 8.20. The proposed community/civic use is considered to be compatible in the POL designation as it would provide a supporting role in providing employment in an office type environment.
- 8.21. Whilst the proposed use would yield a lower employment density (103 D1 jobs versus 258 B1 jobs), officers support the return of vacant office space back to an active employment use which will help to sustain an office environment within the POL. The applicant is committed to working with the Council to provide work placements for Tower Hamlets residents which would be delivered through a Section 106 planning obligation. This will enable the Council mitigate the current underrepresentation of Tower Hamlets residents in office based jobs in Canary Wharf. As a result, the proposal is considered to be an appropriate alternative use within this spatial designation.

- 8.22. The proposal, whilst a departure from the Development Plan, can be supported in this instance, as the proposed use is acceptable in a major town centre and will provide an important community/civic use. On balance, due to the acceptability of the proposed use within the spatial designations, and having regard to the commercial viability of the office use and bringing the site back into a complementary use to the role of the POL and the Canary Wharf major town centre, the proposed D1 use is considered to be acceptable and would accord with employment and town centre policies within the London Plan and the Local Plan.

Transport, Connectivity and Accessibility

Car Parking

- 8.23. Policy SP09(4) of the Council's adopted Core Strategy (2010) and Policy DM22(2) of the Council's adopted Managing Development Document (2013) require development located in areas of good public transport accessibility and/or areas of existing on-street parking street to be secured as 'permit free'.
- 8.24. The proposal includes the provision of on-site car parking which comprises of two amalgamated spaces to provide adequate space for wheelchair users. This level of parking is considered acceptable as the application site is located in an area with good access to public transport, with a Public Transport Accessibility Level (PTAL) of 4.
- 8.25. In relation to securing a car-free agreement, given that the application site is within a private estate road, car-free agreement cannot apply in this instance. Nevertheless, it is considered that the proposal is unlikely to have significant impact to the borough road network.

Cycle Parking

- 8.26. Policy DM22(4) of the Council's adopted Managing Development Document (2013) requires development to meet, and preferably exceed, the Council's minimum standards for cycle parking as set out in Appendix 2 of the document.
- 8.27. The Managing Development Document (2013) contains no specific minimum standard for law courts; however the Council's highways officer has requested that the scheme provide 1 space for every 10 members of staff and one space per 20 peak time visitors. The scheme will provide 12 cycle spaces in the basement together with associated shower and changing facilities. The Council's highways officer considers this arrangement to be acceptable. In addition, any visitors travelling by bicycle will also have access to grade level cycle parking spaces nearby within the Canary Wharf Estate.

Servicing

- 8.28. Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's Managing Development Document (2013) seek to ensure that new development has no unacceptable impacts on the capacity and safety of the transport network.
- 8.29. The proposed law court would make use of the existing servicing route and be serviced at basement level via an access from West India Avenue. It is likely that the servicing activity for the proposed use would be similar to that of the existing office

use, and given that on-site facilities are available, it is unlikely to generate significant net additional impact to the highway network.

- 8.30. Taking into account the above it is considered that the proposed servicing arrangement for the proposed use is acceptable and would not have an unacceptable impact on the capacity and safety of the transport network, in accordance with Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's Managing Development Document (2013).

Refuse and Recyclables Storage

- 8.31. Policy 5.17 of the London Plan (2011) requires all new developments to include suitable waste and recycling storage facilities. Policy SP05(1) of the Council's adopted Core Strategy (2010) and Policy DM14(2) of the Council's adopted Managing Development Document (2013) seek to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that developments appropriately design and plan for waste storage and recycling facilities as a component element.
- 8.32. The proposed development includes a designated refuse store within the site, which can be collected off the highway. Officers consider the proposed arrangement to be acceptable.

Planning Obligations

- 8.33. Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:

- § Necessary to make the development acceptable in planning terms;
- § Directly related to the development; and
- § Are fairly and reasonably related in scale and kind to the development.

- 8.34. This is further supported by policy SP13 of the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

- 8.35. The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy.

- 8.36. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, skills, training and enterprise
- Community facilities
- Education

- 8.37. The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

- 8.38. The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as

health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured. In the case of the proposed development, officers do not consider that the proposed change of use would place an additional demand on local infrastructure over and above the existing use which would in any case yield a higher employment density. This is why financial contributions have not been sought in this instance.

8.39. As improving access to employment is strategic priority for the Council, officers have sought to secure various in kind obligations to maximise the employment benefits of the scheme for Tower Hamlets residents. Tower Hamlets residents are disproportionately under represented among the Canary Wharf workforce, particularly in professional and office based roles. The obligations have that been agreed will seek to provide access to jobs and training associated with the proposed development for Tower Hamlets residents.

8.40. The heads of terms agreed are as follows:

- a) Target of 20% local employment for construction phase (for the 18 week internal fit-out);
- b) A minimum of one careers outreach event with local schools a year for a maximum period of 3 years and thereafter reviewed;
- c) Two work experience placements during 18 week internal fit out working with the Council's Employment & Skills Service for the recruitment of local residents;
- d) Eight un-paid work experience placements per year for 4-6 weeks for Tower Hamlets residents, aged 18-24, for first two years post occupation and then subject to review;
- e) Commitment to agree school age local work experience programme, including two week work experience placements for students attending schools in Tower Hamlets in consultation with Tower Hamlets Education Business Partnership;
- (f) The Council's Employment and Skills Service to be notified of the direct entry vacancies as and when they are launched for it to be also advertised through Skillsmatch

8.41. The above obligations have been secured and negotiated in line with the S106 SPD and officers consider that for the reasons identified above that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

Local Finance Considerations

8.42. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:

8.43. In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

8.44. Section 70(4) defines "*local finance consideration*" as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

- 8.45. These issues are material planning considerations when determining planning applications or planning appeals.
- 8.46. Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.
- 8.47. There would be no CIL payment associated with this development as the proposal does not create any new additional floor space.

Human Rights

- 8.48. Planning decisions can have Human Rights Act 1998 implications and in terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-
- 8.49. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- § Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - § Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - § Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 8.50. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.51. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.52. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.53. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

- 8.54. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and obligations to be entered into.

Equalities

- 8.55. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.56. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 8.57. With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations. The Court will be open to all and provide appropriate access and parking for people with disability.

9. CONCLUSION

- 9.1. All other relevant policies and considerations have been taken into account. Planning permission should be supported for the reasons set out in **RECOMMENDATION** section of this report.

Appendix 1: Application site map

