

## WEST AREA PLANNING COMMITTEE

**Application Number:** 18/02645/FUL

**Decision Due by:** 10th December 2018

**Extension of Time:** TBA

**Proposal:** Demolition of existing garage and conservatory. Erection of a two storey side and rear extension and a single storey rear extension. Enlargement of existing front porch, removal of chimneys, removal of 1no. door to north west elevation and replace with 1no window. Alterations to vehicle access into the site. Provision of bin and cycle stores (Amended Plans and Amended Description).

**Site Address:** 5 Chadlington Road, Oxford, OX2 6SY,

**Ward:** St Margarets Ward

**Case Officer** Tobias Fett

**Agent:** Mr Andrew Hudson      **Applicant:** Mr Patrick Trueman

**Reason at Committee:** This application has been called in by Councillors Harris, Gotch, Roz Smith, Gant and Garden on the ground that the proposed extensions involve overbuilding of the site and are of a scale and nature which affects the character of the neighbourhood which is in a conservation area.

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission**

**(b) Agree to delegate authority to the Acting Head of Planning Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary;

## 2. EXECUTIVE SUMMARY

2.1. This report considers the demolition of an existing garage and conservatory and their replacement with a two storey side and rear extension and single storey rear extension. The proposal would have an acceptable impact in terms of

design. Officers have carefully considered the impact of the proposed development on the amenity of the neighbouring properties. The proposal would not cause unacceptable harm to the North Oxford Victorian Suburb Conservation Area, which is a designated heritage asset.

### **3. LEGAL AGREEMENT**

3.1. This application is not subject to a legal agreement.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

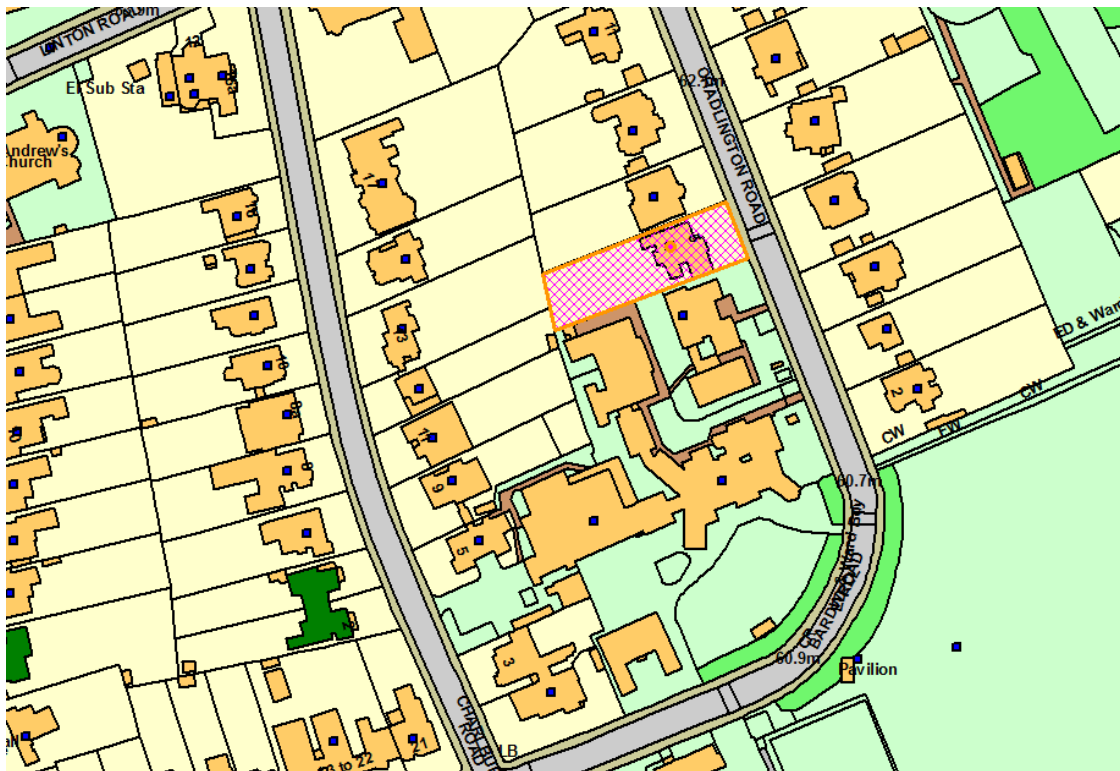
4.1. The proposal is liable for CIL at an amount of £16,459.05.

### **5. SITE AND SURROUNDINGS**

- 5.1. The application site is a detached two storey 5 bedroom dwelling that sits at the southernmost end of Chadlington Road's west side where it proceeds from Bardwell Road. To the immediate south and west, adjoining the site sit the Dragon School's music buildings which are low-rise, late 20<sup>th</sup> Century buildings set discretely within the gardens of the 19<sup>th</sup> Century Bardwell Road properties also owned by the school and principally occupied as boarding houses.
- 5.2. The area is predominantly a quiet residential area, with large detached or semi-detached villas in large gardens, with the exception of the adjacent Dragon School. There is evidence of many properties having been extended and altered. The neighbouring property to the north has completed a very substantial two-storey side and rear extension.
- 5.3. No 5 is a detached villa which exhibits a late Victorian Arts and Crafts architecture, described as "Lake District Arts and Crafts" evident in the detailing of features such as windows, doors and porch and their distinctive arrangement in a "harled" or rendered façade.
- 5.4. The site falls within the Bardwell Estate, a part of North Oxford's Victorian suburb, developed from the late 19<sup>th</sup> Century as the last land that was owned by St John's College. The site comprises a generous plot of land occupied by a modest, mid-20<sup>th</sup> Century villa attributed to the architect NW Harrison who was surveyor to the Estate following the resignation of HW Moore. The site has a vehicular and pedestrian entrance off Chadlington Road, possesses a large un-landscaped front garden and a very large rear garden.
- 5.5. There is a small attached single storey flat roof garage near the southern boundary. As well as a single storey hipped roof conservatory to the rear of the garage and side of the dwelling as well as a single storey pitched roof extension on the rear, on the north-west elevation. The house has a foot print of 210 sqm and despite the generous size is one of the smaller dwellings within this part of the neighbourhood.
- 5.6. The building sits in a very large garden of 1,075 sqm and is set back from the approximately 12 metres, providing a generous front garden. There is some off-

street parking with a gravel surface as well as mature planting. The rear garden is predominantly lawn, with some planting beds and mature trees and shrubs. The north, south and west boundaries are 2 metre high brick walls, whereas the front boundary is a timber close boarded fence.

- 5.7. Existing materials used for the building include textured render, plain clay tiles for the roof, and painted timber fenestration and doors.
- 5.8. Materials and forms found in this part of the Conservation Area include red brick with stone dressings and details. Roughcast render, clay tile roofs with some properties having hanging tiles and painted barge boards. Large, brick chimney stacks with steeply pitched tiled roofs are also found. There is varied fenestration, with sashes, casements and some Crittal glazing. Low front boundary treatments, often in close boarded timber and mature planting contribute to the open feel of the area. There is no public planting or open space. The planting seen in front gardens is mature and informal. Glimpses of mature planting in back gardens is an important feature of the area.
- 5.9. Site Location Plan:



## 6. PROPOSAL

- 6.1. The application proposes the demolition of the existing single storey garage to the side and conservatory to the rear of the dwelling and the erection of a two storey side and rear and single storey rear extension.

- 6.2. The existing single storey rear pitched roof extension, hipped roof conservatory to the side and rear and the single storey flat roofed side garage are of no architectural merit. These aspects of the existing property are proposed to be removed.
- 6.3. Revised plans were received on 19<sup>th</sup> December 2018 that propose alterations to the front side and rear elevations by reducing the scale of works proposed and simplifying the proposal. The proposal includes the enlargement of the existing front porch, the removal of chimneys, and the removal of 1no. door to north west elevation and its replacement with 1no window as well as alterations to vehicle access into the site and the provision of bin and cycle stores.
- 6.4. Both neighbours to the north and south are approximately 2 metres away from the proposed extensions.
- 6.5. The proposed porch would measure after completion: 1.3m in depth, 2.4 metres in width and 2.6 metres in height.
- 6.6. The proposal would create a two storey side extension of 16.6 metres depth and 6 metres width. The building would extend and fill in most of the space up to the boundary with the Dragon School. The south east side elevation would be punctuated with a large window on the ground floor and one obscure glazed bathroom window on the first floor with a section of a gable, that extends the main dwelling's roof set down by 300mm.
- 6.7. The front elevation of the extension would be set back by 3 metres from the front projecting bay gable element. The new extended frontage would also be set back from the original main frontage around the main entrance.
- 6.8. The gable visible on the south east elevation would have a ridge height of 8 metres. The proposed extension would create a two storey pitched outrigger, with a ridge height of 7.9 metres, and the south east facing eaves of 4.6 metres and the eaves facing the proposed single storey extension would measure 5 metres.
- 6.9. The fenestration would be in proportion and match the existing windows, with two sets of French doors, subdivided into 6 glazed panels and a fan light style panel.
- 6.10. The proposal includes a new chimney stack on the south east elevation and there would be two solar tubes inserted on the rear (south west) elevation.
- 6.11. The proposed single storey element would project 4.3 metres at its deepest rear projection, and would be 9.5 metres wide and would attach at the two storey side and rear extension. The single storey extension would be 3.7 metres high and have a flat sedum roof. And the materials proposed would be textured render to match the existing brickwork and render, plain clay tiles for the roof as well as a sedum roof to the rear extension and painted timber fenestration and doors as well as aluminium fenestration and doors for the contemporary single storey rear extension

## 7. RELEVANT PLANNING HISTORY

7.1. There is no recorded planning history.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents/	Emerging Local Plan 20136*
Design	8, 11, 124-132	CP1, CP6, CP8, CP9, CP10, CP11,	CS18_,	HP9_, HP10_,		RE2 DH1 DH5
Conservation/Heritage	189, 192, 196	HE3, HE6, HE7,				DH2 DH3 DH4 DH5
Housing	59-72			HP12_, HP13_, HP14_,		H1 S1
Natural Environment	133-147 148-169 170-183	CP11 NE15, NE16, NE20,	CS12_,			G2
Social and community		CP19, CP21,	CS19_,			
Transport	102-111	TR3, TR4,		HP15_, HP16_,	Parking Standards SPD	M1 M3 M5
Environmental	117-121		CS9_, CS10_, CS11_,	HP11_,	Energy Statement TAN	RE1 RE2 RE4
Misc	7-12, 47, 48	CP.13, CP.24, CP.25		MP1	Telecommunications SPD, External Wall Insulation TAN,	

\* Only limited weight can be given to policies in the emerging Oxford Local Plan 2036 because the plan is only at Proposed Submission Draft stage.

## **9. CONSULTATION RESPONSES**

- 9.1. Site notices were displayed around the application site on 11<sup>th</sup> November 2018 and an advertisement was published in The Oxford Times newspaper on 25th October 2018.
- 9.2. Revised pink site notices were displayed around the application site on 31st December 2018 and an advertisement was published in The Oxford Times newspaper on 27th December 2018.

### **Statutory and Non-Statutory Consultees**

#### Oxfordshire County Council (Highways)

- 9.3. The Local Highway Authority has not objected, and has requested two conditions and an informative relating to bicycle provision, visibility splays and an informative for alterations to the highway.

#### Oxford Civic Society

- 9.4. An objection has been submitted, on the basis that that the proposal would fail to maintain the architectural and urban character of the Conservation Area.

#### The Victorian Group of the Oxfordshire Architectural and Historical Society

- 9.5. This group objects to the enlargement of the dwelling, the proposed design and detailing impacting on the Conservation Area.

- 9.6. Additional comments have been received following advertising the revised plans, while small improvements are noted, the overall objection still remains.

#### Linton Road Neighbourhood Association

- 9.7. The association raises an objection based on concerns about the massing of the extension, the gap between buildings, the character of the area and lack of public benefit.

#### St Margaret's Area Society

- 9.8. An objection has been lodged due to impact of the proposal on the conservation area. The society considered the plans unsympathetic to the building and its authenticity.

### **Public representations**

- 9.9. 5 local people commented on this application from addresses in Belbroughton Road, Linton Road, Chadlington Road and Warnborough Road.

In summary, the main points of objection (5 residents) were:

- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on heritage

- Effect on building
- General dislike or support for proposal
- Local plan policies
- Height of proposal

**Officer Response**

9.10. Officers note the above matters which are responded to in the report below. Revised plans have been received for alterations to the existing front elevation minimising the loss of character and architectural detailing, as well as substantial changes to the side and rear extensions, its roof scape and detailing to better respond the existing built form, and the streetscene of this part of the Conservation Area.

**10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Design & Heritage;
- ii. Neighbouring amenity
- iii. Transport
- iv. Drainage & Flooding
- v. Other Matters

**i. Design and Heritage**

10.2. Policy HE7 of the Oxford Local Plan 2001-2016 states that planning permission will only be granted for development that preserves or enhances the special character and appearance of conservation areas or their setting. Furthermore, planning permission will not be granted for proposals involving the substantial demolition of a building or structure that contributes to the special interest of the conservation areas. Paragraphs 194-196 of the NPPF require that great weight is placed on the importance of heritage assets and local planning authorities have to consider whether a development would give rise to harm (substantial or less than substantial) where a proposal has an impact on a designated heritage asset.

*Significance of the heritage asset(s)*

10.3. The amended proposals address the significance of the building and the contribution that it makes to the character and appearance of the NOVSCA and particularly the Bardwell Estate in which it falls.

10.4. The design and access statement sets out the significance of the Conservation Area and identifies the contribution that this building makes to that significance. In so doing the statement identifies those elements of the building's architecture that are important.

10.5. There is no significance in heritage terms to the later garage and conservatory additions. As a result, these do not contribute positively to the public realm and the wider Conservation Area.

*Response to the site and its context*

- 10.6. The amended design has scaled down the overall height of elements of the proposed southern extension which would now allow this element to read, certainly in views up Chadlington Road from the south, as a subservient element to the principal building.
- 10.7. In addition, the design and access statement offers a more positive approach to the front of the building suggesting that the intention would be to reinstate a more traditional front garden in line with the guidance offered in the front gardens leaflet that has been produced for North Oxford (available on the Council's website).
- 10.8. The sense of spaces between the buildings and glimpses of mature vegetation would not be lost due to the low built form at the Dragon School, and the rear garden would still be glimpsed on a southern approach of Chadlington Road. This means that significant characteristics of the North Oxford Victorian Suburb would be preserved as part of the proposals.

*Design*

- 10.9. The proposed design of the extensions to the building offers a fundamentally traditional design response taking reference from the detailing of the existing building (to be secured by conditioning key details). This design is more carefully considered than the existing garage and extension and is therefore regarded to represent an improvement in design terms.
- 10.10. The amended design allows the additional, southern wing to read as a subservient element to the principal building, with low eaves along the southern façade and an asymmetrical gable to the street. The long southern side is broken up in a manner that is not atypical of this period of building and architectural style, the addition of a tall chimney which breaks up the long façade, reducing the overall impact of scale and adjusts the loss of two unused chimneys to a degree.
- 10.11. The amended proposal, retains and makes a small alteration to the existing staircase window in the front façade which makes an important contribution to the building's Lakeland Arts and Crafts architectural composition as well as retaining the two small, subservient windows immediately to the north of the large window and the flat hooded porch, all of which contribute to the fundamental architectural language that defines this building.
- 10.12. Two solar tubes on the rear elevation would provide further natural light within the building's interior and would not be discernible from the public realm.

*Landscape*

- 10.13. The proposal includes changing the vehicular access for the southern side of the front boundary to the north side of the plot. The entrance arrangements would be altered, with covered bin storage and two car parking spaces and a close boarded timber fence. The new proposed gravel drive would be just over 12 metres long and be adjacent to the existing and improved pedestrian entrance



and walkway. A small covered bin storage area would be discreetly located adjacent the boundary line. The materials will help this element to fit into the boundary location. This approach will enable the necessary waste bins to be located in a practical and covered position, while not cluttering up the front garden, as can be the case without adequate storage solution. Therefore this design will enhance the character of the front garden and would therefore be acceptable.

- 10.14. There is a medium sized mature and prominent tree and a smaller prominent tree along with some informal shrubs and planting in the front garden. The proposal retains the trees, and would reinstate a less formal landscape to the front garden in accordance with the Conservation Area's established character. A landscape plan for the front garden would be required by condition to ensure appropriate planting and layout. The close boarded timber fence would be historically appropriate and acceptable in this location.

#### *Conclusions and Assessment of Harm*

- 10.15. The amended proposals, supported by a design and access statement that includes information on response to the historic environment, in particular the character and appearance of the NOVSCA as identified in the conservation area appraisal, have resolved the earlier concerns. The proposed design offers alterations that are subservient to and allow the original building to remain dominant, as well as retaining elements of the original building, in particular windows and a porch that are significant elements making an important contribution to the architecture of the building and to the contribution that it in turn makes to the character and appearance of the Conservation Area. Subsequently there would be no harm to the character of the Conservation Area.
- 10.16. The presence of the garden in the streetscene and the spaces between the buildings will not be lost due to the low built form at the Dragon School, and the rear garden would still be glimpsed on a southern approach of Chadlington Road. This means that significant characteristics of the North Oxford Victorian Suburb would be preserved as part of the proposals as well as enhance by a rejuvenated front garden.
- 10.17. Special attention has been paid to the statutory test of the character and appearance of the Conservation Area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the Conservation Area, and so the proposal accords with section 72 of the Act. The proposal is therefore considered to be in accordance with national planning policy including Paragraphs 194-196 of the NPPF and policies CP1, CP8 and HE7 of the Local Plan 2001-2016, CS18 of the Core Strategy and DH2 and DH3 of the Emerging Local Plan 2036 and is therefore acceptable. There are a number of conditions proposed to ensure high quality to respect the heritage asset discussed above.

## ii. Impact on Neighbouring Amenity

10.18. Policy HP14 of the Sites and Housing Plan and H14 of the Emerging Local Plan 2036 state that planning permission will not be granted for development that has an overbearing effect on existing homes, and will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. Policy HP14 of the Sites and Housing Plan sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.

### *Impact on light*

10.19. The proposed extensions would comply with the 45/25 guide, and no neighbour would be subjected to any material loss of light as a result of the proposed development. The northern neighbour is 2 metres away, but with the single storey extension not leading to a loss of light or privacy it would be similar to the existing extension in terms of impact.

### *Overbearing Impact*

10.20. The proposed scale of the extensions would be subservient to the host dwelling, and would not appear overbearing to neighbours, due to the large distances to other residential dwellings. The nearest neighbour to the north would have a 2 metre longer single storey extension than the current rear projection. Due to the generous garden, this change would not be overbearing in this context.

### *Privacy*

10.21. Officers consider that the development proposed would not lead to a harmful impact on privacy to any neighbour. This is because there is only one residential neighbour to the north of the application dwelling, and the development near that boundary is single storey, and would therefore not provide new windows in that location. It is also considered that there would be sufficient distance between the proposed extensions and the rear facing properties at Charlbury Road as the distance from the second storey rear extension to the rear boundary on this site is 32 metres, not including the rear gardens at Charlbury, which are of a similar large size. The southern neighbour, the Dragon School, has smaller ancillary buildings closest to the proposed development.

### *Impact on Neighbouring Amenity*

10.22. Officers consider that these proposed extensions do not amount to any harm to neighbouring amenities individually or cumulatively and therefore the proposal is acceptable in terms of Policy HP14 of the Sites and Housing Plan, 2013 and H14 of the Emerging Local Plan 2036.

## i. Transport

10.23. Oxfordshire County Council has no objections for the proposal, but recommends that two conditions should be imposed to make the development acceptable, which includes the provision of three bicycle spaces and vision splays.

10.24. Officers considered these conditions appropriate as the loss of the garage will

provide less space to park cars or bicycles and the increase in floor space would increase the potential for occupants to have requirements for vehicles and bikes. The conditions would encourage alternative modes of transport such as cycling and adequate storage should be provided that does not add more clutter to the front garden than necessary. Due to the change in access and the proximity to the school details of a vision splay is recommended to be included as a condition.

10.25. The imposed conditions would make the development acceptable, and accord with Policy HP15 of the Sites and Housing Plan and M3 of the Emerging Local Plan 2036.

**ii. Flooding**

10.26. The development is not at significant risk of flooding from any sources; however it may increase the impermeable area which could potentially lead to increased surface water runoff. Therefore, the site should be drained by Sustainable Drainage Systems (SuDS), which can be secured by condition and would be in accordance with policy CS11 of the Core Strategy 2011-2026 and RE3 & RE4 of the Emerging Local Plan 2036 and is therefore acceptable.

**iii. Trees**

10.27. There is one large and one small tree in the front garden that provide interest and amenity value, which are not impacted by the proposal. The change of access, will be at the northern end of the plot, and therefore further away from the larger tree. The mature planting at the rear would not be unacceptably impacted by the development. The proposed bin store will be within close proximity to a tree on the adjacent plot and some other trees would be near the extensions, and a tree protection plan and arboricultural method statement would mitigate for any harm to these trees.

10.28. The proposal would not have any unacceptable impact upon trees of any public visual amenity significance, and would be mitigated by conditions and therefore be in accordance with Policies CP1, CP11, NE15 and NE16 of the Oxford Local Plan 2001-2016 as well as G1 of the Emerging Local Plan 2036 and subsequently be acceptable.

**11. CONCLUSION**

11.1. The amended proposals, supported by a design and access statement that includes information on response to the historic environment, in particular the character and appearance of the North Oxford Victorian Suburb Conservation Area appraisal, have resolved earlier concerns.

11.2. The proposed design offers alterations that are subservient to and allow the original building to remain dominant, as well as retaining elements of the original building, in particular windows and a porch that are significant elements making an important contribution to the architecture of the building and to the contribution that it in turn makes to the character and appearance of the

Conservation Area.

- 11.3. The amended design now meets both national and local plan policies; in particular NPPF paragraphs 127, 130, 190, 192, 200 as well as Emerging Local Plan 2036 Policy DH3 as the proposed design is for a high quality extension that respects its surroundings and addresses the site context and its constraints adequately. There would be no harm to the conservation area. The applicants have put forward a justification to revive the family dwelling that has been empty for more than two years to a modern – although very generous – standard as well as the opportunity for enhancements to the front garden which are a benefit to the wider public and would therefore be acceptable.
- 11.4. If permission is to be granted, conditions would be imposed requiring approval of the final details of alterations of the large window in the front façade as well as materials and front garden/landscape design.
- 11.5. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions.

## 12. CONDITIONS

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 3 Sample panels of stonework/brickwork demonstrating the colour, texture, face bond and pointing shall be erected on site and approved in writing by the Local Planning Authority before relevant parts of the work are commenced. The development shall be completed in accordance with the approved details.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the area and/or building, in accordance with policies CP1, CP8, HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 4 Large scale details of new windows, eaves and verges shall be submitted to, and approved in writing by; the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and so that the Local Planning Authority can agree these details in accordance with policies CP1 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 5 Landscape details for the frontage shall be submitted to, and approved in writing by, the Local Planning Authority before the approved development commences. The approved landscaping shall be provided prior to the first use of the development following its substantial completion or at the end of the first planting season following the substantial completion of the approved development.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and HE7 of the Adopted Local Plan 2001-2016.

- 6 All Impermeable areas of the proposed development, including roofs, driveways, and patio areas should be drained using Sustainable Drainage measures (SuDS). This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding. Soakage tests should be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches. Where infiltration is not feasible, surface water should be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required. If the use of SuDS are not reasonably practical, the design of the surface water drainage system should be carried out in accordance with Approved Document H of the Building Regulations. The drainage system should be designed and maintained to remain functional, safe, and accessible for the lifetime of the development.

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with policies CS11 of the Oxford Core Strategy 2011-2026

- 7 Prior to use or occupation, covered and secure cycle parking for a minimum of 3 bicycles in accordance with Policy HP15 of the Sites and Housing Plan shall be provided within the curtilage of the dwelling. The approved cycle store shall be retained thereafter for the purpose of providing a store for pedal cycles.

Reason: To encourage the use of sustainable modes of transport as required by Policy HP15 of the Sites and Housing Plan (2013).

- 8 Detailed plans for the access scheme, including vision splays if required by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the approved development following its substantial completion. The approved access scheme shall be completed prior to the first use of the development following its substantial completion.

Reason: To provide and maintain adequate visibility in the interest of highway safety in accordance with Policies CP1 and CP10 of the Oxford Local Plan 2001-2016 and Policy HP16 of the Sites and Housing Plan (2013).

- 9 Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction-

Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 10 A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved Arboricultural Method Statement unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

### **13. APPENDICES**

#### **Appendix 1 – Site Location Plan**

### **14. HUMAN RIGHTS ACT 1998**

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

### **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 15.1. 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.