

10/00328/FUL: CONSTRUCTION OF 14 NO. SELF CONTAINED APARTMENTS
CONSISTING OF 8 X 2-BED FLATS AND 6 X 1-BED FLATS IN 3 NO.
BLOCKS WITH ON SITE PARKING AT 157 - 161 FLETTON AVENUE,
FLETTON, PETERBOROUGH, PE2 8DB

VALID: 21.04.2010
APPLICANT: HERITAGE HOMES
AGENT: HA ARCHITECTURAL
REFERRED BY: HEAD OF PLANNING SERVICES
REASON: MEMBERS INVOLVEMENT IN PREVIOUS PLANNING APPLICATIONS
DEPARTURE: NO

CASE OFFICER: AMANDA MCSHERRY
TELEPHONE: 01733 454416
E-MAIL: amanda.mcsherry@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The impact of the development on the street scene
- The impact of the proposal upon the residential amenities of adjoining occupiers
- Outline planning permission was granted under 05/0149/OUT for 14 flats with siting and access approved. A reserved matters was approved in 2009 under 08/01504/REM but a successful legal challenge was made on the basis that the siting of the blocks in the reserved matters submission was different to that approved under the outline planning permission. The last application 09/01155/FUL was refused due to the positioning of Block A forward of the building line, which was considered detrimental to the appearance of the streetscene. This current application now shows Block A to be in line with the adjacent building.

The Head of Planning Services recommends that the application be APPROVED subject to a S106 legal agreement.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

- DA1** Development should be compatible with its surroundings, with no adverse visual impact.
DA2 Development should have no adverse impact on the amenities of occupiers of nearby properties.
H7 Residential development on sites not allocated for housing should make efficient use of the site in terms of density and layout and respect the character and layout of the surrounding area
H15 New residential development should be undertaken at the highest net density that is compatible with the surrounding area
H16 Residential development should provide satisfactory levels of amenity for future residents
T1 New development should provide safe and convenient access to and from the site
T9 High quality off-street cycle parking should be provided
T10 Maximum car parking standards
LNE9 Development should make adequate provision for landscaping of the site

- LT1** Open space should be provided for new residential development either on site or by way of off-site contribution to existing open space in the locality.
- LT2** Planning obligations should be sought to secure financial contributions for off site open space to meet the needs of the development.
- IMP1** Provision should be secured for all additional infrastructure, services, community facilities, and environmental protection measures, which are necessary as a direct consequence of the development.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

1. PPS 3 Housing- Advises that good design is fundamental to the development of high quality new housing. (Reiterates advice also set out in PPS 1). (The National PPS3 indicative minimum density of 30 dwellings per hectare was been deleted, 15.06.2010)
2. PPG 13 - Transport
3. ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:
 - i) relevant to planning;;
 - ii) necessary to make the proposed development acceptable in planning terms;
 - iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
 - iv) fairly and reasonably related in scale and kind to the proposed development;
 - v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

4. Planning history – see Section 5 below

3 DESCRIPTION OF PROPOSAL

The proposal is for the provision of 14 apartments. 10 to be provided in the two blocks of two and a half storey high buildings positioned at the frontage of the site facing on to Fletton Avenue. 4 to be provided in a two storey high block positioned to the rear of these. Access to the site would be via a central access point from Fletton Avenue to a central courtyard containing 14 car parking spaces, bin storage areas, cycle parking and small areas of grass landscaping. Eight of the apartments would have two bedrooms, and six one bedroom.

4 DESCRIPTION OF SITE AND SURROUNDINGS

Building works have commenced on site, but have now stopped in view of the successful legal challenge to the approval of reserved matters issued under 08/01504/REM, and the refusal of planning permission 09/01155/FUL. The site was previously vacant and before that used as a second hand car sales garage with parking. The area surrounding the site is predominately two storey high residential housing.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
09/01155/FUL	Construction of 10 two-bed and 4 one-bed apartments in three blocks (part retrospective)	16.12.2009	Refused
08/01504/REM	Construction of 10 x 2 bed and 4 x 1 bed apartments in 2 blocks	19.06.2009	Permitted (quashed-legal challenge)
08/00892/REM	Erection of 4 one-bed and 10 two-bed apartments in two blocks (amended elevations rec'd 8/9/2008)	02.10.2008	Refused
08/00070/REM	Erection of 10 x 2 bed and 4 x 1 bed apartments in 2 blocks	27.05.2008	Withdrawn
05/01449/OUT	Residential development revised scheme comprising of 14 flats in 3 blocks with associated parking, communal open space including access and sitting	21.02.2006	Permitted

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – No objections subject to the imposition of conditions and informatives.

Archaeology Services – No objection - The proposed development site was evaluated in 2009. No further archaeological work is deemed necessary.

Landscape Officer – No objection - The site has not changed from the 2009 application and as such I have no objections. The only trees are in the SW corner of the site and they are not worthy of a TPO. The site landscaping could be dealt with by way of condition if required.

Drainage Engineer – No objection - The applicant details the use of soakaways as a means of surface water discharge. Therefore, please ensure Building Control give approval for the use of soakaways at this location prior to installation.

EXTERNAL

None received

NEIGHBOURS

Due to the receipt of revised plans, clarifying inaccuracies, the consultation period is still in progress and expires on the 30th July 2010. Below are the comments received prior to writing the report, and any further comments received before Committee they will be reported to Members at the meeting.

3 Letters of objection have been received from local residents raising the following issues:

- Too close to existing properties
- Loss of privacy and light to the adjoining neighbours
- Agent did not carried out pre-application consultation with community
- The boundary wall to Garrick wall will not provide sufficient security for existing residents
- Overdevelopment of the site – too dense when compared to existing development
- The rooms in the apartments are too cramped
- Insufficient car parking provision
- The development would result in on street parking causing more congestion and road safety issues
- Planning history of refused and quashed planning permissions so this should not be allowed
- Noise pollution

- Buildings too high, overbearing impact
- The development is out of character with the area
- The bay windows project forward of the building line and are too close to the pavement and may cause a hazard
- Insufficient on site amenity space proposed for residents, to allow for clothes drying areas and recreational areas
- Vehicles using the car parking spaces could hit the buildings/obstruct escape windows
- Refuse areas not practical due to their distance from the apartments and as they could block parking spaces and vice versa and could result in problems of smell, vermin and blocking the footpath
- 4 semi-detached houses would be more appropriate than flats
- Loss of open view
- Contrary to planning policies and guidance
- Application 08/00892/REM was refused on grounds of the height and design, harmfully impacting on the streetscene, this proposals footprint is larger so it should be refused.

COUNCILLORS

None received

Due to the receipt of revised plans, clarifying inaccuracies, the consultation period is still in progress and expires on the 30th July 2010. Any further comments received before the Committee will be reported to Members at the meeting.

7 REASONING

a) Introduction

The key issues with regard to this proposal are the planning history of the site, the proposed siting, design and appearance of the development, and its impact upon the residential amenities of the surrounding residents.

b) Planning History

Outline planning permission was granted in 2006 for 14 flats. The siting of the flats and access also formed part of that approval. There followed the withdrawal and refusal of subsequent reserved matters applications in 2008.

There is a discrepancy between the decision notice planning application 08/00892/REM and the minute of the Committee meeting at which the application was decided, 23 September 2008.

Decision Notice:

The development by virtue of the design and height of the proposed buildings would impact harmfully upon the street scene, character of the area and the amenities of the occupiers of neighbouring properties. Furthermore, the layout of the car parking and bin storage areas would create a cramped and awkward environment harmful to the residential amenity of future occupiers.

Hence the proposal is contrary to policies DA1, DA2 and DA6 of the Peterborough Local Plan (first Replacement)."

Minutes:

The committee rejected the application on the basis of the submitted proposals and in particular the lack of detailed regarding survey and as a result (It is thought that this should perhaps have been worded 'lack of a detailed survey to show the resulting') height and relationship to adjoining dwellings in the street scene the Local Planning authority are unconvinced that the dwellings can be developed without causing harm to that street scene and the character of the area.

The committee agreed to add a note to the application requesting that future applications should be based on single bedroom dwellings."

The difference between the minute and the decision notice is of considerable concern however, the minute has been agreed and the decision notice has been issued and as such there is no remedy to amend the two separate documents and both are now beyond the period for legal challenge, with no challenge being made. With regard to the note not being added to the bottom of the decision notice, it is commented that such notes are for information purposes only and cannot prejudice the full and proper consideration of alternative development proposals and that the term 'single family dwellings' could be interpreted in a number of ways.

A third application for the reserved matters, planning reference 08/01504/REM, was approved by Planning Committee in 2009. This decision was challenged by way of an application for leave to have the decision judicially reviewed and this leave was granted. The Council has accepted the grounds for legal challenge put forward and the outcome of this has had the effect of quashing this planning permission.

A full planning application 09/01155/FUL, which was very similar in nature to the previous reserved matters application reference 08/01504/REM, and was based upon similar footprints to those approved at the outline application, was refused by Members in December 2009. The reason for refusal was as follows;

The proposal stands significantly forward of the building line set by adjacent dwellings on Fletton Avenue to the extent that it would be harmful to the appearance of the street scene. The proposal is therefore contrary to Policies DA1 and DA2 of the Peterborough Local Plan (First Replacement) Adopted 2005 which state:

DA1 Planning permission will only be granted for development if it:

- (a) is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and*
- (b) creates or reinforces a sense of place; and*
- (c) does not create an adverse visual impact.*

DA2 Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:

- (a) can be satisfactorily accommodated on the site itself; and*
- (b) would not adversely affect the character of the area; and*
- (c) would have no adverse impact on the amenities of occupiers of nearby properties*

This current full application similar to the previous application 09/01155/FUL “stands alone” and the Local Planning Authority (LPA) are entitled to consider matters afresh. This being said, the previous reason for refusal for 09/01155/FUL in December 2009 and the granting of the outline planning permission in February 2006 with siting and access being approved are significant material considerations to the determination of this application and the LPA should consider what material differences may have occurred with regard to the proposal, planning policy and the physical site and surroundings since these previous decisions. Given the short time since the refusal of 09/01155/FUL and the reason for refusal as set out above, it is reasonable to suggest that should the issue about the positioning of the front blocks be overcome by the new scheme, it should be considered favourably.

c) Design and layout

Three blocks of accommodation are proposed on site to provide the 14 apartments.

Design

There are two blocks of accommodation proposed on the site frontage facing Fletton Avenue (Blocks A and B). Both of these are to be two and a half storey blocks, with velux style roof lights to provide light to the accommodation within the roof space.

The design and visual appearance of these two blocks in the street scene would be similar to a pair of semi-detached properties rather than flat blocks, which is characteristic of the surrounding area. Amendments have been made to this proposal to address the previous reason for refusal of planning application 09/01155/FUL, that the proposal was positioned significantly further forward of the adjacent properties building line, which would be harmful to the appearance of the streetscene. It is now proposed that Block A would be reduced in size, so that its principal wall moves further into the site so

that it aligns with the principal wall of No.156 Fletton Avenue and that its bay window aligns with the single storey front element of No.156. The reduced footprint of Block A has the effect of giving it a slightly steeper pitch compared to Block B. The difference in pitches between Block A and Block B will not be so significant so as to be visually detrimental to the street scene. Block B remains as previously proposed, with its principal wall approximately 0.3m beyond the principal wall of the adjacent property No.163 Fletton Avenue, and its bay window projecting beyond that, it is not considered that this block would be considered as being significantly forward of the adjacent property or visually harmful to the appearance of the streetscene.

Bay window detailing has been introduced, the shape of the bay in Block A has been changed under this application to be rectangular in shape, the differing shapes of the bays in blocks A and B is not considered to be visually unacceptable and bay windows are a feature of some of the surrounding properties. The heights of these frontage Blocks would be around 1m higher than the adjacent two storey residential properties. The design and appearance of these two blocks of accommodation was improved during the three previous reserved matters applications, to make them more in keeping with the character of the surrounding area. The additional height of these new buildings and the proposed velux windows are not characteristic of the surrounding area. However, on balance, these differences are not in this instance considered to be sufficiently harmful to justify refusal of the proposal.

Block C to the rear of the site which backs onto Garrick Walk, would be a two storey high block and contain 4, 2 bedroomed apartments. A gabled appearance is proposed, similar in appearance to the adjacent properties. The scale and appearance of this block is considered to be acceptable and not out of keeping with surrounding development.

On balance, the visual appearance of the development is considered to be acceptable and not out of character with the surrounding area in accordance with Policies DA1 and DA2 of the Local Plan.

Car and cycle Parking

The car parking is to be located within a private central courtyard area on the site. It will be screened from the street scene by the front two blocks of accommodation and so will not be unacceptably visually dominant in the street scene. Whilst smaller car parking courts are generally recommended, the car parking proposed in this instance would have a high degree of natural surveillance from the surrounding apartments and there are no highway safety concerns in respect of this level of traffic using the access. On this basis, the proposed car parking courtyard serving 14 cars is considered to be acceptable in this instance. The level of car parking proposing 14 spaces is acceptable and in line with the maximum standards in the Peterborough Local Plan and Policy T10. The provision of any additional car parking on site would be contrary to this planning policy. Therefore in view of the fact that the Council has previously granted an outline planning permission for 14 flats, there being no other practicable way of delivering the parking and that it would not be desirable to have less than 14 spaces (one per flat), the proposal is considered acceptable.

Cycle stand provision will be required and this will be covered by the imposition of a condition.

Open Space

Small areas of grass are to be provided on site for the use of residents. These areas could be used by residents to sit outside in summer or to hang their washing outside. As only one and two bedroom apartments are proposed on site, the small provision of on site amenity space is not considered to be unacceptable, as it is unlikely to be required to serve the needs of families. It is recognised that the areas of open space are not sufficient in themselves to meet the open space needs generated by this development. Additionally, some of this space will be taken by the provision of cycle stands. Therefore as per the previous outline permission, a S106 contribution would be sought to spend on enhancing nearby open space provision in order to meet the needs of future residents.

d) Residential Amenity

This application proposes the same number of residential units, contained within the same general configuration of three blocks of accommodation on site, as the previously approved outline and reserved matter applications. The change in this proposal from the previously refused application 09/01155/FUL is that 8 of the apartments are now 2 bedroomed, whereas previously there were 10, and 6 of the apartments are now 1 bedroomed, whereas previously there were 4.

Impact on light levels

Blocks A and B are positioned between the two storey properties of No.163 and No.155 Fletton Avenue. Both of these neighbouring properties have window/door openings on their side elevation facing the sides of blocks A and B. Whilst there will be a reduction in light reaching these side windows and doors from the proposed development, the impact is not considered to be so harmful as to warrant refusal of the proposal, particularly as the windows affected do not appear to serve any main habitable rooms. The positioning and heights of Blocks A and B on the site frontage and their relationship with the adjacent properties would not significantly reduce the light levels previously enjoyed by these properties.

Block C is to be two storey in height, similar to the properties on Garrick Walk. This block would be positioned to the north of the properties on Garrick Walk, therefore there would be no harmful overshadowing impact or unacceptable impact on their sunlight levels. There will be some limited shadowing to the bottom of neighbouring gardens of 155 and 163 Fletton Avenue for a short period after sunrise and before sunset. This is not significant enough to warrant refusal of the application.

The proposed blocks do not adversely affect sunlight and daylight levels to existing neighbouring properties, however the distance between the opposing blocks is less than ideal to achieve optimum solar gain. The distance between the blocks being approximately 16 metres. To achieve the optimum solar gain to block C in the winter, this separation distance should be greater however achieving maximise daylight and sunlight levels, should not be at the exclusion of other planning considerations e.g. achieving the best layout in terms of street scene and the relationship of the buildings to neighbouring properties. In this instance therefore, it is considered that the separation distance between the proposed blocks is acceptable.

Where possible, living room windows of new developments should face south or near to south. The living room windows in the proposed blocks face north. However, as this helps to preserve privacy to neighbouring properties as living room windows facing south would result in potentially greater overlooking to neighbouring gardens, it is considered to be acceptable.

Privacy

None of the three blocks of accommodation have any side windows facing directly into neighbouring sites, therefore there will be no direct overlooking from side windows into any neighbouring sites. Blocks A and B on the site frontage have the living room windows positioned facing on to the road frontage with bedrooms and bathroom windows on the rear elevation. There will be oblique overlooking from these rear upper floor bedroom windows into the neighbouring gardens. However this is considered no more intrusive than the existing situation where neighbouring two storey semi-detached properties already have upper floor windows that overlook into each other's garden space.

Block C would be positioned at right angles to the properties on Garrick Walk and Manor Avenue and the windows on the rear elevation are to be bedroom, bathroom and kitchen windows with the main habitable rooms on the front facing the internal courtyard. There would be very oblique overlooking from upper windows into the front and rear garden spaces of neighbouring sites, however again this is not considered to be any more harmful than this existing oblique overlooking of neighbouring sites that already exists.

The window to window distances between the front and rear blocks on site, is 16 metres. This is less than would generally be permissible in developments where the relationship is one of rear gardens to housing backing on to the rear garden of other housing i.e. a back to back relationship. This proposal however involves habitable windows facing each other, so there is no issue of overlooking into private garden as the internal facing windows overlook the parking and communal areas. It is accepted that flatted development usually cannot provide the same levels of privacy where internal relationship is concerned as can "traditional" housing development. Increasing the window to window distances would result in the loss of the proposed front garden areas and the moving the two front blocks closer to the road. This would not be desirable and would have a negative visual impact on the street scene.

In view of this, and as previously accepted by the previous permissions, the sub-standard window to window distances between the blocks of accommodation on site would on balance be considered to be acceptable and would be a matter for future occupiers to consider whether they were willing to accept.

The existing rear boundary wall to Garrick Walk is proposed to be retained and repaired where necessary, with 1.8 close boarded fencing proposed to the side boundaries. These boundary treatments are considered to be acceptable to protect the privacy, amenity and security of adjacent sites. It is not proposed to take any form of access to the site from Garrick Walk.

Noise disturbance

In respect of possible noise disturbance to surrounding neighbours. The proposal is for a residential use in a residential area, therefore they are considered to be compatible land uses. Whilst the density of development and hence the number of people living on this site would be greater than on neighbouring sites, this in itself would not generate unacceptable noise levels for neighbouring residents. The car parking proposed on site is considered to be acceptable and of no more of a disturbance than the previous car sales garage use. Therefore its is not considered any noise disturbance for neighbouring properties generated as a result of this proposed development would be of a level that would be unacceptable in planning terms or contrary to Policy DA2 of the Local Plan.

Bin storage

Two bin storage areas are proposed on site to accommodate the needs of the development. A private refuse collection company would collect the refuse from within the site to overcome the need to provide a bin collection point on the site frontage, this would be required if Peterborough City Council were to collect the site's waste. I understand this has been done to address residents' previous concerns about unsightly bins being placed on the site frontage on collection days, and the potential problems with residents not returning them to the rear storage area after collection. The siting and design of the bin stores on site are considered to be acceptable in planning terms. It is not considered that their location would result in unacceptable disturbance or harm to the amenity of neighbouring sites, or that they would be more subject to odour and/or vermin problems compared to any other arrangement. The bin storage areas proposed are therefore considered to be in accordance with the requirements of Policy DA2 of the Local Plan.

e) **S106**

It is recognised that the areas of open space proposed on site are not sufficient to meet the open space needs generated by this development. Therefore as per the previous outline permission, a S106 contribution would be sought to spend on enhancing nearby open space provision to meet the needs of future residents. The amount will be £30,114 which is the same as the amount agreed to in the previous outline. As this amount has been sought previously and would have been sought had 09/01155/FUL been permitted, the LPA are of the opinion that it would be unreasonable to seek additional contributions. This is in accordance with Policies LT1 and LT2 of the Local Plan.

This requirement accord with both national and local policy and in your officer's opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above) and the Tesco/Witney case in which the House of Lords held that the planning obligation must at least have a minimal connection with the development.

f) **Miscellaneous**

Many of the points raised by objectors are covered in the report above. The following are comments on those points raised which may not be covered above:

- The bay windows are located sufficiently set back from the public highway so as not to cause any hazard. The Local Highway Authority (LHA) has not raised objections in this regard.
- The history of the site has been taken account of when considering the application.
- Loss of open view is expressly not a material planning consideration.
- Carrying out public consultation on a scheme of this size prior to submission of an application is desirable but not mandatory.
- Minimum internal room sizes are not a matter to be controlled through the planning system.
- Vehicles in any development could accidentally hit buildings or restrict the use of escape windows - the space on site for vehicles is considered to be acceptable and is not dissimilar to may housing developments.
- The reason for refusal of 08/00892/REM has been considered and it not concluded that as a result of that decision this proposal is also unacceptable.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

The 14 apartments are considered to be compatible with their surroundings with no significant adverse impact on the amenities of occupiers of nearby dwellings. The proposal is therefore in accordance with Saved Policies DA1, DA2, LNE9, T1, T9, T10 and LNE9 of the Peterborough Local Plan 2005 (First Replacement). There is some conflict with policies H7, H15 and H16 in that the density of the development is higher than the immediate surrounding residential densities. However, this is considered acceptable because the application provides for a front elevation design to Fletton Avenue that is in keeping with the character of nearby properties and the density of the development does not significantly adversely affect neighbouring residents with regard to loss of sunlight, daylight and privacy. Additionally, the Local Planning Authority has taken into account the fact that outline planning permission was granted for 14 flats in 2006. There is some conflict with policy H16 in that the amount of private amenity space is substandard but this is being off set by provision of a contribution via a Section 106 agreement towards off site provision. The alterations to Block A, to bring its building lines in line with the building lines of the adjacent residential property is considered overcomes the previous reason for refusal of 09/01155/FUL, so that the development can now be considered to be in keeping with the appearance of the streetscene.

The Local Planning Authority considers that taking all material considerations into account and by the imposition of conditions where necessary, the proposal as a whole is acceptable. Despite the deletion of the national indicative minimum density of 30 dwellings per hectare of PPS3 (June 2010), the density proposed is still considered to be acceptable.

9 RECOMMENDATION

The Head of Planning Services be authorised to grant planning permission subject to no objections being received by the close of the consultation period that introduce new material planning considerations that have not previously been considered by the Planning Committee, the signing of Section 106 or unilateral agreement and the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

C2 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, for a scheme of remediation measures. This scheme of remediation must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Human Health and Controlled Waters, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control) and Policies DA15, DA16 and DA17 of the Peterborough Local Plan (First Replacement).

C3 No apartment shall be occupied until full details of all proposed tree and shrub planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree and shrub planting shall be carried out in accordance with those details and at those times.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

- C4** Prior to the occupation of the first apartment, or within other such period as may be agreed in writing with the Local Planning Authority, details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. These lights shall be erected prior to the first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority and thereafter maintained to the satisfaction of the Local Planning Authority.
Reason: In the interests of community safety in accordance with policy DA11 of the Peterborough Local Plan (First Replacement).
- C5** The apartments shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.
Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C6** The vehicular access hereby approved shall be un gated.
Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C7** Lighting shall be arranged so that no danger or inconvenience is caused to users of the adjoining public highway. Details of the proposed lighting shall be submitted to the Local Planning Authority and approved in writing prior to its first use.
Reason: To avoid glare/dazzle which could lead to danger to highway users, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C8** Notwithstanding the details shown on the approved plans, prior to the commencement of construction of the car parking areas, detail of the proposed parking arrangements (including the spaces for the 6 'blue badge' bays) shall be submitted to and approved in writing by the Local Planning Authority. The apartments shall not be occupied until the parking and turning areas have been drained and surfaced or other steps as may be specified in accordance with details submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles, in connection with the use of the apartments. The blue badge bays shall be allocated to the accessible dwellings and shall be marked out as blue badge bays by the management company as they become required.
Reason: In the interest of Highway safety, in accordance with Policy T10 of the Peterborough Local Plan (First Replacement).
- C9** The access road/driveway shall be of a minimum width of 5m for a distance of 10m from the edge of the existing carriageway.
Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Peterborough Local Plan (First Replacement).
- C10** The height of any front boundary enclosure shall not exceed 600mm above existing footway level.
Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C11** Prior to the access being brought into use, the vehicle visibility splays of the following dimensions 2.4m x 90m shall be provided at the junction of the access road with the public highway in accordance with the approved plans.
Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Peterborough Local Plan (First Replacement).
- C12** Before the new access is brought into use, pedestrian visibility splays shall be provided on both sides of the access in accordance with approved plan (439:4H) and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the back of the footway.
Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Peterborough Local Plan (First Replacement).

C13 No apartment shall be occupied until space has been laid out within the site for a minimum of 14 bicycle to be parked, and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: In order to protect and safeguard the amenity of local residents or occupiers in accordance with Policy T9 of the Peterborough Local Plan (First Replacement).

C14 Prior to the occupation of any of the flats a scheme to provide communal access for each flat to satellite and/or television reception will be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented in full and retained as such thereafter.

Reason: In order to prevent a proliferation of such equipment to the detriment of the visual appearance of the development, in accordance with Policies DA1 and DA2 of the Peterborough Local Plan (First Replacement).

C15 The dwellings shall not be occupied until the turning area shown on plan 489:4H has been drained and surfaced, and that area shall not thereafter be used for any purpose other than the turning of vehicles, in connection with the use of the dwellings.

Reason: In the interest of Highway safety, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).

C16 Prior to the construction of the roofs, details of the roofing materials to be used in the external roof surfaces of the apartments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

If the S106 has not been completed within 3 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

R1 A request has been made by the Local Planning Authority to secure the open space contributions to meet the needs of the development, however, no S106 Obligations have been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

Copy to Councillors: Cereste, Rush and Walsh

This page is intentionally left blank