

P & EP Committee: 12 April 2011

ITEM NO 5.3

11/00073/FUL: CONSTRUCTION OF 4 X 1 BED FLATS AND 6 X 2 BED FLATS IN A 3 STOREY BLOCK AT 38 ELM STREET, WOODSTON, PETERBOROUGH  
VALID: 21 JANUARY 2011  
APPLICANT: MR R FASULO  
AGENT: MR J DICKIE  
REFERRED BY: HEAD OF PLANNING TRANSPORT AND ENGINEERING  
REASON: PREVIOUS MEMBER INTEREST, AND A MEMBER OF STAFF IN PLANNING HAS A PROPERTY NEARBY AND HAS OBJECTED TO THE PROPOSAL  
DEPARTURE: NO  
CASE OFFICER: LOUISE LEWIS  
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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- Principle of development
- Residential amenity
- Neighbour amenity
- Highway safety and parking
- Design and character of the area

The Head of Planning Transport and Engineering recommends that the application is APPROVED.

A similar proposal was refused by the Committee last year. The applicant made an unsuccessful appeal against the refusal. The current proposal seeks to address the reasons given by the Appeal Inspector for refusing the appeal.

## **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**

#### **The Peterborough Local Plan (First Replacement)**

H7 - Housing development on unallocated sites should make efficient use of the site and respect the character of the surrounding area.

H16 – Seeks residential development if the following amenities are provided to a satisfactory standard; daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.

T9 – Seeks provision of high quality off-street cycle provision in accordance with approved standards.

T10 – Planning permission will only be granted for development outside the city centre if car and motorcycle parking is in accordance with approved standards.

IMP1 – Planning permission will not be granted for any development unless provision is secured for all additional infrastructure, services, community facilities, and environmental protection measures, which are necessary as a direct consequence of the development.

**Peterborough Core Strategy (adopted 23 February 2011)**

CS10 – Seeks development that supports the Council’s Environment Capital aspiration

CS14 – Seeks to ensure that the Transport aspects of the development are in line with Council aspirations and the Local Transport Plan

CS16 – Seeks development that has a positive effect on the local area and does not adversely affect neighbours

**Material Planning Considerations**

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

Planning Policy Statement 3: Housing  
Planning Policy Guidance 13: Transport

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.

**3 DESCRIPTION OF PROPOSAL**

It is proposed to construct a single block containing ten flats over three floors. The block, although on the site of 38 Elm Street (now demolished), would face onto and read as part of Silver Street. The block is designed to pick up on some of the features of neighbouring buildings, and follows the existing building line along Silver Street.

The block would have a ground floor elevation incorporating some bay windows, a plain first floor with windows and the second floor would be mostly within the roof space, lit by dormer windows.

The vehicular and personal access would be from Elm Street. This would be functionally the “front” of the building, although the more detailed elevation would be on the Silver Street side, where there would be a row of small private gardens, the same depth as neighbouring front gardens, separating the building from the street. The car parking area would be on Elm Street, and the amenity space directly behind (or in front of) the block, next to the parking area.

#### 4 **DESCRIPTION OF SITE AND SURROUNDINGS**

This area is characterised on the Silver Street side by Victorian terraced housing with a strong, regular 2-storey ridgeline. On Elm Street there is some terraced housing, leading to later semi-detached housing. There are larger houses facing onto London Road to the east of the site. There is notable on-street parking congestion, as few of the dwellings on Silver Street have off-street parking, but those immediately adjacent to the application site have access to parking at the ends of their gardens, accessed from Elm Street. On Elm Street and the adjacent residential streets there is more available off street parking, but not every house is so provided.

The site itself has been cleared of the house and garage block that previously occupied it, and is currently reverting to low-level scrub.

There is a large tree adjacent to the south east corner of the site, the crown of which overhangs the site.

#### 5 **PLANNING HISTORY**

Application Number	Description	Date	Decision
08/00852/FUL	Construction of eight two-bed dwellings with associated external works and landscaping	28/1/2009	Refused and dismissed at appeal
10/00129/FUL	Construction of 4 x 1 bed and 6 x 2 bed flats in 3 storey block	27/5/2010	Refused and dismissed at appeal

#### 6 **CONSULTATIONS/REPRESENTATIONS**

##### **INTERNAL**

##### **Local Highway Authority -**

- Cycle stands are not Sheffield or A frames.
- Visitor cycle parking is not covered and is located too close to parking bay 7, which would prevent easy manoeuvring of cycles into and out of the parking area.
- Bin store should be moved closer to site boundary.
- Concerns re refuse collection – is the gate wide enough? How will the gate be opened by the refuse collectors? Has a store on the boundary been considered, with a gate directly onto the Highway?
- Conditions recommended to ensure provision of the parking and access, and electronic opening of the gates.
- No overall objection.

##### **Archaeology –**

No objection.

- A standard condition is recommended, to ensure a watching brief and suitable mitigation should remains be found.
- The proposed development site is located immediately to the east of a considerable Anglo-Saxon settlement discovered in the 1920s, possibly in association with a cemetery some 250m to the north-west. The settlement consisted of seven sunken-floored buildings, post holes and ditches. Associated with them were a cooking-pit, evidence of wattle and daub and querns. Archaeological remains may extend into the proposed development site. The existence of other period remains should not be discounted.

## **EXTERNAL**

**Police Architectural Liaison Officer** – No objection.

## **NEIGHBOURS**

Letters of objection have been received from 4 local residents raising the following issues:

- 10 living units could produce an additional 16 cars to the area, the road is narrow and access will be a problem
- Shouldn't there be a minimum of 1.5 parking spaces per dwelling
- Elm Street is very narrow how will it accommodate the vehicles
- Elm Street will be used for overflow parking
- Congestion, and problems for access for emergency services
- Road gets blocked on football match days
- I live at 28, Elm St and this will affect my access to my property.
- The original building was a 2 storey house not a three storey house and the proposed development is a 3 storey building, this is out of keeping with the area and will dominate the skyline,
- The site is suitable for 2 storey houses which will be more in keeping with the area.
- Too many dwellings for such a small area
- Any development that takes place should reflect the age and character of the area
- Building will dominate the view from our garden (40 Elm Street)
- Windows on the east elevation can still be opened, affecting our privacy
- Large number of bins, risk of fly tipping and rodent infestation
- Block would overshadow properties
- Loss of privacy to neighbours
- Overlooking to 11 Silver Street
- Peterborough has a surplus of 1 and 2 bed dwellings and needs more three to four bedroom dwellings

## **COUNCILLORS**

No comments received to date.

## **7 REASONING**

### **a) Introduction**

This application has been submitted following a previous refusal and dismissal of a scheme for eight houses on the site, and a refusal and dismissal of a proposal for 10 flats, very similar to the current proposal.

The Inspector who decided the appeal concluded that, of the four refusal reasons given, only one – overlooking – could be supported. As set out below, in particular section d) the revisions to the proposal are considered to have addressed this matter. Please see also Appendix 1 – copy of the appeal decision letter.

The previous application was refused for four reasons these were:

- 1) Inadequate parking – the Inspector concluded that as the parking was in accordance with adopted standard, and there were no apparent exceptional circumstances, the proposal was not contrary to Policy.
- 2) Development appearing out of character with the area – the Inspector concluded that the development, although different to the adjacent development, would not be inappropriate. The design was considered to be reasonably compatible with its surroundings, and therefore not contrary to Policy.
- 3) Overlooking from windows on the east elevation - obscure glazing would result in unacceptable living conditions in the flats – this refusal was supported by the Inspector.

- 4) Lack of a Section 106 agreement – the Inspector was unable to conclude, in the absence of a rigorous justification, that the scheme would be unacceptable without a contribution

**b) Policy issues**

The Core Strategy has recently been adopted, and therefore this application has to be determined taking those Policies into account. Many of the Policies replace existing Policies, and are therefore reported on below, however policy CS10: Environment Capital is a new policy, with new requirements. The policy requires that development makes a clear contribution to the aspiration of the City to become Environment Capital.

One neighbour has commented that there are too many flats and, not enough family houses in the city, however there is currently no policy basis to support a refusal on this ground.

**c) Principle of development**

The site is unallocated, within the urban area, in a residential area, and within easy reach of services and facilities. Residential development is therefore acceptable in principle.

One neighbour has commented that there are too many flats already and what is needed are more three and four bedroom houses, but there is no policy basis to refuse this application for this reason.

**d) Residential amenity**

The ten flats would each have windows to habitable rooms, and in most cases also to the kitchen. The upper floor flats would have reasonable privacy. Two of the ground floor flats would also have reasonable privacy to the main rooms, as units 2 and 3 would have a small garden to their main windows on the Silver Street elevation. Unit 3 has a shared access running alongside, which would give views into the kitchen and study. As these are secondary rooms it is considered that the occupants can decide how to deal with possible looking in by fitting blinds etc. It should be noted that in respect of units 2 and 3 the proposal is unchanged from the previous scheme and the appeal Inspector did not disagree with this aspect of the proposal.

Flat 1 however has the shared amenity space extending up to the living room window, which would not secure adequate privacy in this primary habitable room. It is considered that part of the amenity space should be fenced off to provide a small private garden for this unit, separating the living room window from the public area. A condition to this effect is recommended.

At the time of the previous application, the first and second floor flats on the east side of the block were proposed with windows on the east elevation which could have given rise to overlooking to neighbours. A condition requiring obscure glazing was proposed, however the Planning Inspector concluded that obscure glazing would result in unsatisfactory living conditions for occupants of those flats. The rooms in question were three kitchens, two studies and a secondary living room window. The internal layouts have been amended so that the upper floor flats with windows on this elevation all have combined kitchen-living rooms. This means that the windows to the kitchen areas, on the east elevation, can be obscure glazed and fixed shut while still providing a light and airy living environment and an outlook for occupants through the main window.

Residents and visitors to the block, including delivery persons, would have to get to the front door through the car park and amenity space. This area would normally be expected to be kept private – and in this case, having the only access off Elm Street, when the block reads as part of Silver Street, could be confusing for visitors. The ground floor flats have external doors and “front” gardens on the Silver Street elevation; this could be confusing as the block cannot have two street addresses – it must be either Elm Street or Silver Street. Therefore signage will be required on the Silver Street side to ensure that all visitors and deliveries are directed to the Elm Street access. This can be secured by Condition.

The agent for the application has advised that suitable security measures will be put in place, such as electronic gates and an entry phone. Post delivery persons and meter readers would have to have a code for the gate; letter boxes and meter boxes would have to be externally accessible. Details of these can be agreed by Condition. Other deliveries would not be able to be left if the recipient was out.

The suggested boundary treatments to Elm Street and Silver Street comprise a 0.5m wall with 0.6m railings. It is considered that this does not provide sufficient security for the Elm Street side, as it would not be well overlooked. The boundary treatment to the car parking area should be 1.8-2m tall in order to discourage persons from climbing over it. Some suitable defensive planting on the inside could also be considered but none is proposed. It is considered that a low wall with railings, designed to avoid giving convenient handholds, would be sufficient and this could be secured by Condition.

The amenity space is limited, comprising about 160sq m, and north facing. Taking into account the division to provide privacy for flat 1, there would be about 100 sq m of shared amenity space, not including the small "front" gardens for the ground floor flats. In the absence of any adopted standard relating to the provision of amenity space, and bearing in mind that it is a matter of choice for future occupants, the provision is considered acceptable.

e) **Neighbour amenity**

The proposed block of flats would be built in line with the existing dwellings on Silver Street. Impact on nearby residents in terms of overshadowing would not be significant.

Overlooking from front or rear facing windows would also not be significant, as the windows would be in the same planes as existing windows on the Silver Street properties. Neighbours living on the opposite side of Silver Street have raised this as a concern, as the separation distance is about 15m, but this front-to-front distance is the same as for the rest of the street. In the case of the new flats there would be living rooms on the first and second floor. This front-to-front relationship is common where houses have been converted into flats, and it is considered that the relationship is acceptable.

Windows are proposed in the side elevations of the block, facing east towards the rear gardens of properties on London Road, and west across the amenity area for the block, and towards the rear garden of No 1 Silver Street. The windows facing east are referred to above, and can be obscure glazed and fixed shut to prevent overlooking. A Condition is proposed to control this.

The windows facing west would be about 16m from the boundary with No 1 Silver Street and about 20m from a ground floor window. This separation distance is considered adequate. Some views would be possible into the rear garden of No 1 Silver Street but similar views are likely to exist already from the rear upper windows of No 3 Silver Street.

The neighbour at 40 Elm St has objected on the grounds of loss of outlook. No 40 is the next door property to the east, but there is a driveway running alongside the house at No 40, and the garden is separated from the application site by a parking/turning/garaged area to the rear of 84-88 London Road. The new development will be visible from the garden of No 40 and will change the outlook to the west, but the separation distance (8-10m from the boundary) is such that there will be no overbearing impact.

The neighbour at 11 Silver St has commented that there would be overlooking to his garden, but this property is 6 houses up the street and overlooking is unlikely to occur.

Previously this would have been assessed against Policy DA2 of the Local Plan however this has been superseded by Policy CS16 of the Core Strategy. This new policy requires that there is no unacceptable impact on the amenities of occupiers of nearby properties, which requirement is considered to be met, subject to conditions.

f) **Highways**

There is a proposed car park with cycle parking for visitors and a bin store accessed from Elm Street. The access arrangements are acceptable, subject to some Highway conditions.

Concerns have been raised about the visitor cycle parking provision, and the bin store, as the visitor cycle parking and the bin store are rather cramped.

Several neighbours have objected on the ground of lack of parking (see below) and unsafe access. There is no objection from the LHA, and concerns regarding unsafe parking and unsafe driving should be referred to the police, as the planning system cannot control unsafe behaviour on the highway.

The proposal is therefore in accordance with the requirements of Planning Policy Guidance document 13, Transport, which states that LPAs should ensure that development provides for Highway safety.

**g) Cycle parking provision**

For residents cycle parking is proposed within secure lockable storage rooms on the ground floor of the building. This is considered good quality provision, as well as allowing for residents to store other household items. Highways have objected as there are no Sheffield stands detailed, however a lockable store cupboard will be much more secure than a shared area with stands, and has the advantage of being usable for various storage depending on the resident's requirements. The proposed storage is therefore considered acceptable and in accordance with Policy.

Visitor's cycle parking is cramped on the site situated between the bin store and a car parking space. There is room within the site to re-arrange this area, and have more efficient space for cycle parking. This was not resolved during the progress of the previous application and therefore a condition is proposed to require a slight relocation of the bin store and cycle parking area to resolve the tightness on site as currently proposed.

**h) Car parking provision**

Several neighbours have commented that the area generally has insufficient car parking, and the proposal will make this worse. The existing parking problems are not unique to this area, and the proposal includes ten car parking spaces, one per flat, including one space which is large enough for a wheelchair user should one move in. This level of provision is in accordance with the adopted standard.

Lack of parking formed a reason for refusal of the last application, however the Inspector concluded that the parking provision would be adequate and not contrary to Policy. The Local Plan policies relating to parking provision are still in force.

**i) Design and character of the area**

The previous application was refused on the grounds that the proposal was out of keeping with the character of the area, but the Inspector did not support this refusal. The proposed block would have dormer windows on the main elevations. Dormers are not currently a feature of Silver Street, however the block is considered large enough to create, to an extent, its own character. The height of the block is slightly greater than that of the adjacent houses, but not sufficient to overpower the existing terrace.

The front building line of the block is in line with the adjacent houses, and there are bay windows proposed at ground floor to continue the existing pattern. There are two doors proposed on the Silver Street frontage, which would give access to flats 2 and 3; flat 1 has a gate and small garden on the Silver Street side, with a door on the side elevation. The doors to flats 2 and 3 throw the appearance of the front elevation slightly out of balance, but they would be partially screened behind the front boundary treatment.

Elm Street is less uniform in appearance than is Silver Street, with varying design and sizes of dwelling. The elevation to Elm Street would be set back from the street, with the parking area to the front. The chimneys do not appear to serve any purpose however they are in keeping with the pastiche "Victorian" style of the building. Overall the design is considered acceptable and in accordance with Policy CS16.

**j) Bin storage and refuse collection**

The applicant has stated that refuse collection will take place privately, however PCC would have to provide a service, if this was requested by residents. The bin store will have to move slightly, to accommodate the visitor's cycle parking, and if residents wished to have a PCC collection they would have to move the bins out through the pedestrian access gate on collection day. This is no different to the situation in many other areas and is considered acceptable.

Some neighbours have raised concerns about the operation of the bin store, and the possibility of fly tipping. As the bin store will be behind a secure boundary, there should not be any public fly tipping, and there is nothing to suggest that the facility would be a source of odour or rodent problems.

k) **Sustainability**

Policy CS16 of the Core Strategy requires that development makes a contribution towards the Council's Environment Capital aspiration. This proposal shows photo-voltaic (electricity generating) panels on the roof, and the agent has submitted a statement setting out other technologies that can be used such as air source heat pumps. It is considered that a suitable contribution will be made, and condition will be appended to ensure that details are agreed and the measures put in place.

l) **S106**

Under the Planning Obligations Implementation Scheme (POIS), a contribution is required. The applicant has agreed to this and an obligation is being prepared. The contribution is in accordance with the POIS requirements. Travel packs are also sought for new residents.

This/these requirements 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.

## **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 proposal will contribute towards meeting a local and national housing need
- the proposal is for residential development in a residential area
- adequate parking and access can be provided
- the proposal would not have any unacceptable impact on the amenities of occupiers of neighbouring properties
- satisfactory levels of amenity would be provided for future residents
- the design of the proposed building is appropriate to the area
- the applicant has agreed to make a contribution to the infrastructure needs arising from the development
- the proposal is therefore in accordance with Saved Policies H7, H16, T9, T10, and IMP1 of the Peterborough Local Plan 2005 (First Replacement); Planning Policy Guidance 13; and Policies CS10, CS14 and CS16 of the Peterborough Core Strategy.

## **9 RECOMMENDATION**

The Head of Planning Services recommends that this application is APPROVED subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990, as outlined in section 7 l) of this report and to 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 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.**

Reason: To ensure that archaeological remains are not disturbed or damaged by foundations and other groundwork but are, where appropriate, preserved in situ, in accordance with Planning Policy Statement 5 (Planning for the Historic Environment), and Policy CS17 of the Peterborough Core Strategy.



**C3 No development shall take place (unless otherwise agreed in writing by the Local Planning Authority) until samples (or a manufacturer's specification if agreed by the Local Planning Authority) of the following materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

- **Roofing materials**
- **External bricks**
- **Windows and doors**
- **Cills and lintels**
- **Treatment of dormer cheeks**
- **Chimney caps and pots**
- **Rainwater goods**
- **Paving for parking and amenity areas**
- **Wall and railings to Silver Street boundary.**

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy.

**C4 No development shall take place until details of the boundary treatment and gates to the Elm Street boundary have been submitted to and approved in writing by the Local Planning Authority. The gates to the parking area shall be remote controlled electric gates. The approved boundary treatments and gates shall be erected prior to the first occupation of the development, and thereafter shall be maintained to the satisfaction of the Local Planning Authority.**

Reason: In order to protect and safeguard the privacy and security of the occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy.

**C5 No development shall take place until details of the security features intended to control unauthorised access to the development have been submitted to and agreed in writing by the Local Planning Authority. The approved measures shall be implemented prior to first occupation of the dwellings and shall be thereafter retained in working order.**

Reason: In order to protect and safeguard the privacy and security of the occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy.

**C6 No development shall take place until details of the post delivery boxes and utility meter boxes shall be submitted to and agreed in writing by the Local Planning Authority. The approved boxes shall be designed so that post can be delivered and meters read from outside the buildings. The approved facilities shall be implemented prior to first occupation of the dwellings and shall be thereafter retained.**

Reason: In order to protect and safeguard the privacy and security of the occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy.

**C7 No development shall take place until full details of the renewable energy technologies and energy saving measures to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: In order to support the City Council's Environment Capital aspiration, in accordance with Policy CS16 of the Peterborough Core Strategy.

**C8 The first and second floor east facing windows shall be fitted with obscured glazing, details of which shall be agreed in writing with the Local Planning Authority, before the development hereby permitted is first occupied, and apart from any top hung fan lights shall be incapable of being opened, and shall subsequently be maintained as such.**

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy.

- C9** Prior to the first occupation of the dwellings a section of the amenity space shall be separated off to form a private garden for Flat 1, and this shall be laid out so as to protect the privacy of occupants by preventing other users of the shared amenity space from having views into Flat 1. The details shall be agreed in writing with the Local Planning Authority and the private area shall be thereafter retained.  
Reason: In order to provide a reasonable level of privacy for occupants, in accordance with Saved Policy H16 of the Peterborough Local Plan (First Replacement).
- C10** Notwithstanding the approved plans, the layout of the refuse bin store and the visitor cycle parking shall be agreed with the Local Planning Authority, the layout to secure adequate access to the store and the cycle parking, and implemented as agreed prior to first occupation of the dwellings.  
Reason: In order to protect and safeguard the amenity of the occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy.
- C11** The dwellings shall not be occupied until the approved cycle parking lockers and visitor cycle parking have been provided and secured, and those areas shall not thereafter be used for any purpose other than the parking of cycles in connection with the occupation of the dwellings.  
Reason: In the interests of providing facilities for cyclists and encouraging travel by sustainable modes, in accordance with Saved Policy T9 of the Peterborough Local Plan (First Replacement).
- C12** The garden area within the curtilage of the site shall be laid out as an amenity for the occupants of the dwellings before occupation commences.  
Reason: In order to provide adequate amenity for the occupiers, in accordance with Policy H16 of the Peterborough Local Plan (First Replacement).
- C13** The dwellings shall not be occupied until signage has been erected, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, on the Silver Street elevation, directing visitors and deliveries to the Elm Street access. The signage shall thereafter be retained.  
Reason: In order to protect the amenities of the area and to ensure convenient access for visitors in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy.
- C14** 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 of, a Method Statement detailing how the unsuspected contamination shall be dealt with. The Method Statement shall be implemented as approved.  
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).
- C15** The dwellings shall not be occupied until the approved parking and turning area, a means of vehicular access, and a means of access for pedestrians and cyclists, have been constructed in accordance with the approved plans. The approved parking and turning area shall be retained thereafter and used for no other purpose.  
Reason: In the interests of Highway safety, in accordance with Planning Policy Guidance 13: Transport and Policy CS14 of the Peterborough Core Strategy
- C16** The existing accesses to Silver Street and Elm Street, which are made redundant by the proposed development, shall be permanently closed to vehicular traffic before the new access is created. Details of the means of closure (including the re-instatement of full-height kerbs and footways) shall be submitted to and approved in writing by the Local Planning Authority before development is commenced.

Reason: In the interests of Highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy

**C17 The visibility splays of the following dimensions 2.4m x 33m as shown on the approved plans at the junction of the access road with the public highway shall be provided before the access is brought into use, and shall be retained thereafter, free from any obstruction over 600mm above footway level.**

Reason: In the interests of Highway safety, in accordance with Planning Policy Guidance 13: Transport and Policy T8 of the Adopted Peterborough Local Plan (First Replacement).

**C18 Before the new access is brought into use, visibility splays as shown on the approved plan shall be provided on both sides of the access 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 highway boundary.**

Reason: In the interests of Highway safety, in accordance with Planning Policy Guidance 13: Transport and Policy T8 of the Adopted Peterborough Local Plan (First Replacement).

**C19 A scheme of lighting (including off site light spill details) shall be submitted to and approved by the Local Planning Authority and the approved scheme shall be implemented prior to the development first coming into use and retained in that form thereafter in perpetuity.**

Reason: In the interest of crime prevention, residential amenity and highways safety and to accord with Policies CS14 and CS16 of the Peterborough Core Strategy.

If the S106 has not been completed within 2 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 contributions towards infrastructure requirements arising from 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: F Benton, L Serluca, M Lee

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