

10/00047/FUL ERECTION OF 4 X ONE BED FLATS AND 4 X TWO BED FLATS IN 2 X TWO STOREY BLOCKS AT LAND TO THE REAR OF 105 OXNEY ROAD, PETERBOROUGH

VALID: 08.01.2010
 APPLICANT: MR AND MRS SMITH
 AGENT: ACCENT AND WILKINSON
 REFERRED BY: CLLR STEPHEN GOLDSPINK
 REASON: THE USE OF THE VEHICULAR ACCESS ONTO OXNEY ROAD WOULD BE DETRIMENTAL TO HIGHWAY SAFETY
 DEPARTURE: NO

CASE OFFICER: MIKE ROBERTS
 TELEPHONE: 01733-454410
 E-MAIL: mike.roberts@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Planning history
- The impact of the development upon the character and appearance of the immediate area
- The impact of the occupation of the development upon the amenities of the occupiers of the close by residential properties
- Highway safety implications
- The impact the development upon the health of adjacent tree

This application was deferred at the 4 April Planning Committee meeting to enable additional information to be provided regards the following:-

The records of the accidents that occurred within Oxney Road, particularly at its junctions with Newark Road and Meadenvale, dating from 2009 to present.	Please see Appendix 1
Details of the traffic management proposals at the junction of Newark Road and Oxney Road	No scheme has yet been prepared but the idea is to reduce speeds on the Oxney Road / Newark Road junction
Details showing a reduction in the number of proposed flats	Applicant does not wish to revise the scheme

The Head of Planning Services recommends that the application is APPROVED subject to the satisfactory completion of a planning obligation in accordance with the Council approved Planning Obligation Implementation Strategy (POIS).

Since the last Committee meeting the applicant has submitted an appeal to the Planning Inspectorate on the grounds that the application has not been determined within the statutory 8 week period. Therefore the Committee cannot formally determine this application but its decision, if one of refusal, will be used as a basis for responding to the appeal. The recommendation is that the application should be approved.

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)

- H15 Residential Density** – Residential density shall be at the highest net density that is compatible with the character and appearance of the site and surrounding area, is compatible with the living conditions of the local residents, to include privacy, light, aspect, noise avoidance, will achieve a good standard of design and layout with adequate open space. The net densities should be within the range of 30-50 dwellings per hectare.
- H16 Residential Design and Amenity** - Amenities for the occupiers of all new dwellings should provide a satisfactory standard of daylight/sunlight, privacy in habitable room, noise attenuation and a convenient area of private garden or outdoor amenity space with reasonable privacy.
- H20 Range of Accommodation to Meet Housing Needs** – To ensure the provision of a suitable proportion of residential accommodation to meet the needs of single person households, young people, homeless households, people with learning or physical disabilities older people as well as large family groups.
- T1 The Transport Implications of New Development** – Appropriate provision is to be made for safe and convenient access to, from and within the site for all user groups and the development would not result in an unacceptable impact upon any element of the transportation network.
- T3 Accessibility to Development** – Pedestrians and those with Mobility Difficulties – Development is to be safely and easily accessible by pedestrians and those with mobility difficulties. Provisions should be made for new connections and improvements to pedestrian routes where they are directly related to the proposed development.
- T8 Connections to the Existing Highway Network** – Development is only to be granted if the vehicular access is on to a highway whose design and function is appropriate for the level and type of vehicular traffic likely to be generated by the proposed development.
- T10 Car and Motorcycle Parking Requirements** – Parking requirements for both cars and motorcycles shall accord to the defined Local Plan standards outside of the City Centre.
- LT1 Open Space in New Residential Development** – Planning permission will not be granted for residential development of 9 or more dwellings unless open space is provided within the site to the Local Plan minimum standards. However, if there are particular deficiencies in open space in the surrounding area variations in the component parts of the required provision may be sought.
- DA1 Townscape and Urban Design** – Development will be permitted if it is compatible with, or improves its surroundings in respect to nearby buildings, spaces and longer views, creates or reinforces a sense of place and does not create an adverse visual impact
- DA2 The effect of Development on the Amenities and Character of an Area** – Development is only to be permitted if by virtue of its density, layout, massing and height it can be satisfactorily accommodated within the site, would not have an adverse impact upon the character of the area and would not have no adverse impact on the amenities of occupiers or nearby residents.

- DA11 Design for Security** – Vulnerability of a development to crime shall be addressed in development proposals.
- LNE9 Landscape Implications of Development Proposals** – Planning permission is only to be granted for development provided that, as far as possible, natural features on the site that make a positive contribution to the local environment are retained and that the development makes adequate provision for landscaping the site as an integral part of the development.
- LNE10 Detailed Elements of Landscaping Schemes** – Conditions will be imposed requiring the provision of a detailed landscaping scheme suitable for the site, the type of development proposed and the location.
- IMP1 Securing Satisfactory Development** – 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 and fairly and reasonably related to the proposal in scale and kind. Such requirements shall be secured through the development proposals, though the imposition of conditions or sought through planning obligations. Where provision on an application site is not appropriate or feasible provision will be sought elsewhere or a contribution towards this provision will be sought where necessary

Material Planning Considerations

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

From 6 April 2010 it will be unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged CIL, whether there is a local CIL in operation or not, if the obligation does not meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

The proposal is for 4 x 1 bed flats and 4 x 2 bed flats. The flats are to be in two blocks of 4 units each, both being 2 storey's high with the ground floors providing the 1 bed units and the first floors the 2 bed units. The blocks are to be identical in terms of their footprints having an average depth of 7.5m and length of 23m. The elevational details are also near identical for both blocks, the only differences being within the first floor rear fenestration. The design of the flats incorporates four 2 storey gable elements to the front and rear elevations. These are to have pitched roofs. The main roof form of the flats is to comprise a pitched roof with dark grey Calderdale slates and contrasting red ridge and hip tiles.

Within the flat blocks at either end is to be a single garage to serve the parking for the occupiers of the ground floor flats. Four parking spaces, 2 in a gap between the two flat blocks and 2 single spaces at either end of the flat blocks are to serve the occupiers of the first floor flats. Each flat is to have space set

aside for the storage of 2 wheelie bins to the rear of the buildings with space to be provided at the entrance to the site for the occupiers of the flats to place the bins on the days that they are to be emptied. Parking provision for 5 cycles is to be provided in a central location between the flat blocks. The vehicular and pedestrian access to the flats is to be directly off Oxney Road, being located immediately adjacent to the eastern boundary. The first 10m of the access is to have a width of 5m with the remainder of the access to the flats to have a width of 4.5m. The required vehicle to vehicle visibility splays to the east and west of the new access onto Oxney Road has been shown which will involve the removal of a row of leylandii along the frontage of no.105 Oxney Road. Due to the presence of a tree belt alongside the eastern boundary of the site the driveway is to be of a no dig construction. A turning head is to be provided to the north of the northern most flat block.

Amenity areas, approximately 4.2m by 9.5m to the rear of the flats are to provide garden areas for the occupiers of the ground floor flats. Within the tree area to the north of the flats provision is to be made for a sitting out area and a more formal setting. The boundaries to the flats are to be fenced.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site was formerly a part of the rear garden of no.105 Oxney Road which comprises a chalet style bungalow located close to the front of the property with garden area and a small woodland area to the rear.

The application site has an area of 0.25ha although 0.08ha comprises the woodland area that is the subject of a tree preservation order. The application site has been overgrown for some years. Immediately to the west of the proposed siting of the two flat blocks is an area of open space which is predominantly grass with mature trees. Detached dwellings within Lyvelly Gardens and those that front towards Oxney Road form a horseshoe layout around the open space area. A narrow tree belt runs in a north – south alignment alongside the eastern flank boundary of the site with a footpath/cycleway to the east of the tree belt that connects Oxney Road and the dwellings further to the east and north i.e. Parnwell.

Along the frontage of no.105 Oxney Road lies a row of leylandii. The driveway serving no.105 lies beyond these trees. To the east of the access is the entrance to the aforementioned footpath/cycleway and beyond is an area of landscaping fronting Oxney Road. Approximately 42m to the west of the proposed vehicular access to the site is a signal controlled pedestrian crossing. The junction of Newark Road and Oxney Road lies approximately 25m to the west and to the south east of the access is an entrance to established offices.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
00/00542/OUT	Residential development comprising 3 dwellings including construction of access	15.5.2000	APPROVED
02/00505/REM	Erection of 3 dwellings and access	31.05.2002	WITHDRAWN
02/01066/REM	Erection of 3 dwellings and access - revised	23.09.2002	PERMITTED
03/00991/OUT	Erection of 9 flats and 8 town houses and construction of access	6.7.2004	WITHDRAWN
05/00063/FUL	Erection of 2 x two storey blocks of flats (4 x one bed flats and 4 x two bed flats)	6.4.2006	PERMITTED
08/00794/FUL	Erection of 3 detached dwellings, garages and access	12.8.2008	WITHDRAWN
09/00751/FUL	Erection of 2 x two storey blocks of flats (4 x one bed flats and 4 x two bed flats)	26.10.2009	WITHDRAWN

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – The junction requirements, particularly the required vehicle to vehicle visibility splays to Oxney Road are not to be based on the Government guidance document Manual for Streets as Oxney Road does not satisfy the criteria which would make this guidance applicable. New junctions to streets that have a significant heavy goods vehicle usage or that have a regular bus frequency (both of which Oxney Road does have) should ensure that vehicle to vehicle visibility splays satisfy the standard stopping distances of such vehicles. The standards contained within Design Manual for Roads and Bridges and the Design Bulletin 32 should apply rather than the recommendations contained in Manual For Streets to allow HGV's and buses to slow and stop safely and to be aware in advance of vehicles exiting the new access. The visibility splay to the east of the new access should be 73.5m and to the west 80m. A plan has been received to show that these visibility splay lines are acceptable.

Between 2004 to March 2010 there were a total of 11 reported injury collisions at the Oxney Road/Newark Road junction and at the controlled pedestrian crossing (note:- the list in Appendix 1 covers of accidents that occurred at other locations in the vicinity of the access to the application site) of these 8 were considered to be slight with one serious. However, despite this accident record with the appropriate visibility splays in place, as can be provided to either side of the new access, the safety and free flow of traffic along the immediate stretch of Oxney Road should not be prejudiced by the introduction of a further access to serve a small residential development. Only accidents that have resulted in personal injury are reported. However, efforts are still being made to obtain the details of the non-injury accidents that have occurred in the vicinity of the Oxney Road and Newark Road junction. If these can be obtained from the Cambridgeshire Constabulary they will be reported in the Committee Update report. Thereafter the Highways officers, also taking into account the accident data that was reported to the 4 April Committee meeting, will assess whether the proposed vehicular access would be likely to have any detrimental impact upon the free flow of traffic within the adjoining highways. Such comments will be contained in the Update report.

A vehicle speed check has been undertaken in Newark Road, just to the west of the application site and it revealed that many motorists were exceeding the speed limit. As a result of this traffic calming measures within Newark Road on the approach to its junction with Oxney Road are planned to be introduced. The Head of Planning Services has been advised that whilst there is no scheme scheduled or draft designs drawn up for such traffic calming works a budget assigned for its delivery during the current financial year i.e. before the end of March 2011. The scheme will be expected to reduce the speeds of vehicles approaching the junction of Newark Road and Oxney Road to improve safety at the junction.

The Traffic Control Manager has advised that the highways records for the area show that the guard rails at the pedestrian crossing have been repaired a total of 8 times from 2000 - 2010

Drainage Team – The use of soakaways for the surface water drainage of the site should have Building Regulation approval prior to their installation.

Housing Team – Various comments on the internal flat arrangements/layout

Architectural Liaison Officer – Lack of any on site parking provision for visitors. The proposed built element of the development is appropriate and should not adversely affect existing crime levels in the locality.

There should be no encouragement offered to site seating facilities away from the flats within the tree area to the north of them as these would be used miscreant and anti-social behaviour would be highly likely. There is much evidence that the tree area has been used over a long period of time by miscreants as empty alcoholic drinks cans and bottles have been found in the vicinity and there is concern that it could be used for other activities such as drug taking and general anti-social behaviour in an area that would not be afforded surveillance. The Police are currently advising the local authority and residents, in relation to problems of drinkers and drug users, who have "hi-jacked" seating, at a similar small residential park in Peterborough, which also has limited natural surveillance.

Building Control – The erection of the flats will require building regulation approval. The internal layout of the flats are considered to be acceptable such that necessary provisions for a safe means of escape

from the flats in the event of a fire could be provided to comply with the Building Regulation requirements.

EXTERNAL

NEIGHBOURS

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

- The proposed flats would be out of character with the established style and general pattern of residential development in the immediate locality to the detriment of the character and appearance of the area.
- The flats would provide for a dominant adverse overbearing relationship to the rear of the existing close by dwellings due to their size and massing and close proximity to those dwellings.
- The first floor rear facing windows would permit overlooking into the rear gardens of close by existing dwellings.
- The site is located close to a stretch of Oxney Road that has an accident record and the creation of another vehicular access close to a junction and signal controlled crossing would be likely to increase the potential for more accidents to occur in the immediate vicinity of Oxney Road. The accident record is of significance that a remedial scheme is being considered.
- Loss of sunlight and daylight entering gardens
- The construction of the dwellings would be detrimental to the amenities of the occupiers of the close by residential properties by way of noise, dust, smells, fumes, vibration and grit
- The proposal represents an overdevelopment of the site
- The proposed flats would be afforded a poor level of natural daylight as a result of the presence of close by trees.
- Vehicular access to the development should be off Lyvelly Gardens and not Oxney Road.

COUNCILLORS

Cllr Stephen Goldspink objects to the application for the following reasons –

- the development is too intensive for the site
- the development would be out of character with the street
- the access would be close to a junction with an accident record - the Council is contemplating a remedial scheme to improve the safety of the junction
- the flats would overlook and block light from adjoining properties
- the change in character of the site from the existing would be unacceptable.

7 REASONING

Planning History

The site has had 2 approvals of planning permission for the residential development of the site within the past 8 years with the most recent being in 2006. The current proposal is for the same number, type, footprint and location of, the flats approved in the 2006 permission. The only changes in the current proposal are essentially cosmetic to the design and appearance of the flat units. This permission expired in 2009. The applicant did seek to implement the 2006 permission but could not do so due to several of the 'prior to commencement' planning conditions of the planning permission not having been discharged within the 3 year life of the permission. Hence, the submission of the current application. Given the similarities of the original and current proposal it can therefore be considered that a precedent has been set as to the acceptability of the current proposal and that the original permission is a material consideration in the determination of the current application.

The impact of the development upon the character and appearance of the immediate area

It was considered that such a development, the 2006 planning permission refers, would be an acceptable and appropriate addition in terms of its relationship to the character and appearance of the

immediate area. However, the current proposal has enabled improvements to be made to the design and general appearance of the development compared to that of the original permission for the development.

Changes have been made to the two principle elevations of the flat blocks by way of the introduction of two storey gable features and by raising the roof height of the flats to provide for more balanced and proportioned elevations that show a better respect to the immediate detached residential properties.

Objections have been received on the grounds that the change in the character of the site i.e. to physical development, would not be as visually pleasing as the current state of the site. However, in this regard the site is currently overgrown and has been for several years and is generally in an untidy state. Given that the area is predominantly residential in character the residential development of the site would be wholly in keeping with the character of the area and would improve the sites appearance. As a result it is considered that overall the development would not harm the character and appearance of the locality.

The requests of the Committee of the applicant to consider a reduction in the number of the proposed flat units on the site, that would reduce the density of the development, was not acceptable to the applicant and the 8 flat units remains. Further, in this regard, the applicant has submitted an appeal to the Planning Inspectorate to determine the proposal entirely based on the submitted details.

The impact of the occupation of the development upon the amenities of the occupiers of the close by residential properties

The two storey nature of the proposed development would be entirely in keeping with the heights of the dwellings immediately to the west of the site i.e. within Oxney Road and Lyvelly Gardens, which comprise solely detached two storey dwellings. However, the proposed flats will afford a slightly greater bulk and mass than the existing dwellings due to their width but due to their location and general separation from the existing dwellings they would not provide for any adverse overbearing presence.

A greater attention to the positioning of the windows in the first floor rear elevations of the flats has been given in order to minimise the potential for the occupiers of the flats to view into the rear gardens of the existing dwellings. In particular the originally proposed southern most first floor rear facing window of the southern flat block and the proposed northern most first floor rear facing window of the northern flat block have been deleted and replaced with roof lights in the former and a relocated window to the north elevation of the latter.

The separation distances of the flats to the rear gardens of the existing dwellings are considered sufficient such that the outlook from the rear first floor windows of the flats would not give rise to significant levels of overlooking into the existing properties, particularly given the removal of the aforementioned first floor rear windows. Such separation distances between the flats and the existing dwellings would not lead to the blocking to the rears of the existing dwellings.

Highway safety implications

The new access to serve the residential development will have the necessary vehicle to vehicle visibility splays both to the east and west directions along Oxney Road that will permit the drivers of vehicles exiting the site to have clear views in either direction of on coming vehicles and similarly for those vehicles approaching the access, specifically HGV's and buses that have longer stopping distances than cars. Further by securing these splays the existing dwelling at 105 Oxney Road would also have visibility improvements for vehicles exiting that property.

The fact that there have been a number of accidents in recent years close to the junction of Oxney Road and Newark Road has to be taken into consideration. The accident record database shows that many of the accidents have not been associated with cars manoeuvring at this junction and include incidents where for example a vehicle has had to swerve to avoid an animal crossing the road, a pedestrian crossing the road without care causing a vehicle collision and an accident resulting from a cycle pulling out of the junction without care.

However, a vehicle has for example, been reported to have collided head on with another vehicle, another vehicle hit into a vehicle waiting to turning right into Newark Road off Oxney Road and have collided as a result of skidding on a late on a wet road. Consideration also has to be given to vehicle activity at the junction of Oxney Road and Newark Road which is high at peak times as Oxney Road serves as a distributor of traffic both into and out of the city and also access to a large Supermarket. Newark Road serves the traffic accessing to and from the northern area of the Eastern Industry area. There is also the presence of the traffic controlled junction to the west of the proposed access.

Notwithstanding these factors the new access will comply with the requisite vehicle to vehicle visibility standards and this will provide clear views of oncoming traffic.

As there have been no details drawn up as yet of the likely traffic management/calming measures to be undertaken within Newark Road, close to its junction with Oxney Road, the impact these measures may have upon the safety of traffic cannot be readily assessed. However, by the very nature of such measures to control speeds it is expected that any traffic calming in the vicinity of the junction would significantly improve the safe use of the junction.

The impact of the development upon the health of adjacent trees

The northern most part of the two flat blocks and the vehicle turning head are to be located a sufficient distance away from the group of trees within the northern area of the site, which are the subject of a tree preservation order, such that there would be no detriment to their health and general appearance either as a result of the necessary construction works or upon the future growth of the trees.

The overall condition of this tree area is to be improved which will include various shrub clearance works and the provision of a small seated area close to the flats for the benefit of the occupiers of the properties. This will be secured by a landscaping condition.

The no-dig construction of the vehicular access into the site would ensure that the health and future growth potential of the trees within the tree belt that flanks immediately onto the eastern boundary of the site would not be compromised.

Planning Obligation Requirements

In accordance with the requirements of Policy IMP1 of the Peterborough Local Plan (First Replacement) there will be a requirement for infrastructure contributions from the development. These are to be secured in keeping with the guidance in the Council approved Planning Obligations Implementation Strategy. The applicant has confirmed that such contributions will be adhered to if planning permission is granted. The scale of the contribution is £28,000

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 design of the flats is compatible with the general appearance of the existing residential development near to the site in accordance with policies DA1 and DA2 of the Peterborough Local Plan (First Replacement)
- The development would not adversely impact upon the amenities of the nearby residential properties in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)
- The development would not adversely affect the health of the trees to be retained within the site and those alongside the eastern boundary of the site in accordance with policy LNE9 and LNE10 of the Peterborough Local Plan (First Replacement)

- The required vehicle to vehicle visibility splays from the junction of the access to the site and Oxney Road can be achieved and the necessary vehicle turning and parking provisions within the site are satisfied in accordance with policies T1 and T10 of the Peterborough Local Plan (First Replacement)

9 RECOMMENDATION

The Head of Planning Services considers that planning permission should be granted with the following conditions and subject to the signing of S106/Unilateral Undertaking to meet the infrastructure needs of the development:

- C 1 **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).
- C 2 **No development shall take place until details of all materials to be used in the external surfaces of the flats 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: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policies DA2 and DA3 of the Peterborough Local Plan (First Replacement).
- C 3 **The flats hereby approved shall not be occupied until the areas for the parking of vehicles (drawing no. 96909/100-03B refers) have been implemented and those areas shall not thereafter be used for any purpose other than for the parking of vehicles in connection with the residential use of the development.**
Reason: In the interests of highway safety in accordance with policies T1 and T10 of the Peterborough Local Plan (First Replacement)
- C 4 **No flat shall be occupied until space has been laid out within the site (drawing no. 96909/100-03B refers) for vehicles to turn so that they may enter and leave the site in a forward gear and that area shall not thereafter be used for any purpose other than the turning of vehicles.**
Reason: In the Interest of highway safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement)
- C 5 **Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.**
Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).
- C 6 **None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**
Reason: In order to protect and safeguard the amenity of the local residents or occupiers, in accordance with Policies U1 and U2 of the Peterborough Local Plan (First Replacement).
- C 7 **Prior to the occupation of the flats hereby approved details of the surface water drainage system for the development including provisions for mitigating against the volume of surface water draining into the Padholme Surface Water Catchment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details.**
Reason: In order to protect and safeguard the amenity of the area and to ensure that the Padholme Surface Water Catchment is able to accommodate the surface water draining from the development. In accordance with Planning Policy Guidance (PPG23 Planning and Pollution Control) and Policies U1, U2, U3 and U9 of the Peterborough Local Plan (First Replacement).

- C 8 **No construction/excavation/clearance works shall be carried out on the site between 1 April and 31 August inclusive in any year unless otherwise approved in writing by the Local Planning Authority.**
Reason: To protect features of nature conservation importance in accordance with policies LNE11, LNE13, LNE17 and LNE19 of the Peterborough Local Plan (First Replacement)
- C 9 **The entire length of the access road, including the parking spaces within the site shall be of a 'no-dig' construction in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**
Reason: To ensure the health of the of the trees adjoining the road in the interests of the visual amenities of the area in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement)
- C10 **Notwithstanding the submitted information the first 10m length of the access road into the site, measured from the back edge of the pavement, shall be aligned level with the adjoining pavement in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved access design shall be implemented prior to the commencement of the construction of the flats.**
Reason: In the interests of highway safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement)
- C11 **The first 10m length of the access road shall have a width of 5m and thereafter the access road shall have a width of at least 4.5m. The flats hereby approved shall not be occupied until the access road within the site has been constructed.**
Reason: In the interests of highway safety in accordance with policy DA1 of the Peterborough Local Plan (First Replacement)
- C12 **Before the vehicular access is brought into use, visibility splays, dimensioned 1.5m x 1.5m 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 1.5m x 1.5m measured from and along respectively the back edge of the pavement.**
Reason: In the interest of highway safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement)
- C13 **Before the commencement of the development/site clearance works visibility splays of dimensions 2.4m x 80m to the west of the vehicular access and 2.4m x 73.5m to the east of the vehicular access shall be implemented and shall thereafter be maintained free of obstruction over a height of 600mm within those visibility splays measured from and along respectively the back edge of the pavement.**
Reason: In the interest of highway safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement)
- C14 **No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, etc., indicating lines, manholes, supports, etc.); retained historic landscape features and proposals for restoration, where relevant.**
Reason: In order to improve the visual amenity of the areas, in accordance with Policies DA1, DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).
- C15 **No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.**

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

- C16 The plans and particulars submitted in accordance with condition 13 above shall include details of the size, species, and position or density of all trees and shrubs to be planted, and the proposed timing of planting.**

Reason: To ensure that the City Council is satisfied with the landscaping schemes, in accordance with Policy LNE10 of the Adopted Peterborough Local Plan (First Replacement).

- C17 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the flats are occupied. Development shall be carried out in accordance with the approved details.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).

- C18 Details of existing and proposed site levels, including finished floor levels of both the dwellings, together with their associated garden areas, and garages hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site. These details shall also include the levels of the adjoining land and any building within 15m of the boundary with the application site. The development shall be carried out fully in accordance with those approved details.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C19 The space for refuse bins indicated on the approved plans shall be provided prior to first occupation of the dwellings and thereafter shall be retained to be used solely for the storage of the refuse bins.**

Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C20 No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority: any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.**

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C21 The trees nearest to the north elevation of the flats shall be retained and be adequately fenced, as described below, before any development begins on site, and shall continue to be so protected during the period of construction. The fencing shall be erected outside the outermost spread of the tree canopy and shall consist of robust wooden stakes connected by robust wooden cross members to a height of not less than 1.1m (three feet six inches). The fencing shall be inspected by the Local Planning Authority prior to the commencement of development, and development shall not commence until the Authority is satisfied that the trees are adequately protected. No work shall take place, and the ground level shall not be altered within the fenced areas without the prior written consent of the Planning Authority. No materials shall be stored within the fenced areas at any time.**

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Adopted Peterborough Local Plan (First Replacement).

- C22 Notwithstanding the submitted information the first floor rear facing bathroom window of the northernmost flat shall be obscure glazed in accordance with details to be submitted**

to and approved in writing by the Local Planning Authority. Thereafter the obscure glazing shall be retained in accordance with the approved details.

Reason: In the interests of residential amenity in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)

C23 Replacement tree or trees of sizes and species to be agreed in writing with the Local Planning Authority shall be planted in the first planting season (December to February inclusive for deciduous trees and October to March for evergreen trees) following removal of the tree(s) the subject of this application.

Reason: To ensure continuity of tree cover in the interest of visual amenity, in accordance with the Policy 39 Peterborough Tree and Woodlands Strategy 1998.

Copy to Councillors Collins, Goldspink, Todd

Appendix 1

Details of the accident record in the vicinity of the application site at or near to the junction of Oxney Road with Newark Road and Meadenvale **where injury resulted.**

- **27/4/04** – Person crossing on the approach to the pedestrian crossing without care causing collision with vehicle – slight injury
- **19/8/04** – vehicle about to turn right into Newark Road was struck head on by on coming vehicle – slight injuries
- **19/9/04** – Cyclist pulled out in front of moving vehicle from Meadenvale– cyclist suffered slight injury
- **25/10/04** – Vehicle static and waiting to turn right into Meadenvale was hit from behind by vehicle – slight injury to the driver of the static vehicle
- **9/12/04** – Car pulled out of the Newark Road junction, stopped at red light but a moped behind pulled out of the same junction but slipped when tried to stop – slight injury to moped driver
- **19/1/05** - Vehicle failed to stop at the red light at the pedestrian crossing and hit cyclist using the crossing – slight injury to the cyclist
- **6/3/05** – Vehicle braked for the traffic ahead which threw the passenger forward with the car hitting the road side barrier at the crossing – Serious injury to the passenger.
- **3/6/05** – Driver approaching the pedestrian crossing had to do an emergency stop due to a loose dog crossing the road. His vehicle hit the rear of another vehicle – slight injury to the driver
- **3/10/05** – A vehicle pushed another vehicle across the pedestrian crossing resulting in a collision with a lady pushing a bicycle. Cyclist suffered slight injury
- **18/11/05** – Driver of vehicle pulled out of Lyvelly Garden/Oxney Road junction without looking properly and was hit by an oncoming vehicle. The driver of the oncoming vehicle was slightly injured.
- **03/3/06** – A cyclist on the wrong side of the road was hit by a driver exiting his driveway. Cyclist slightly hurt.
- **26/7/07** – Vehicle stopped and indicating to turn right into Newark Road was hit from behind by another vehicle. Slight injury to the driver of the stationary vehicle.
- **16/10/07** – A vehicle was slowing to turn right into Meadenvale when a vehicle travelling in the same direction attempted to overtake and hit the driver's side door of the turning vehicle. Slight injuries to both drivers.
- **16/10/07** – A vehicle was slowing down on the approach to the pedestrian crossing and a vehicle travelling behind braked and skidded into the back of the forward vehicle. The driver of the front vehicle was slightly injured.
- **8/5/08** – Vehicle was hit from behind in a queue of traffic at the pedestrian crossing.
- **13/8/08** – A vehicle waiting to turn right into Meadenvale was hit from behind by car due to poor judgement of path of the waiting vehicle. The driver of the stationary vehicle was slightly injured.
- **19/9/08** – A vehicle turning right into Meadenvale was hit a motorcyclist for travelling too fast. The Motorcyclist was seriously injured having been thrown from his bike.
- **2009** – **No injury accidents were recorded**
- **13/3/10** – Slight collision at the junction of Newark Road and Oxney Road due to driver of vehicle distracted by sunlight from the window of a nearby building. However, at this stage the details of this accident have not yet been formally verified by the Cambridgeshire Constabulary

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