

**Telephone:** 01733 453410  
**Email:** planningcontrol@peterborough.gov.uk  
**Case Officer:** Mr M A Thomson  
**Our Ref:** 16/00506/REM  
**Your Ref:** Eye Green Reserved Matters



**Planning Services**  
Town Hall  
Bridge Street  
Peterborough  
PE1 1HF

DX 12310 Peterborough 1  
01733 747474

Mr Kevin Pearson  
Penrose Design Solutions Ltd  
49 Pochins Bridge Road  
Wigston  
Leicestershire  
LE18 4NR

8 July 2016

Dear Mr Pearson

### **Application for Reserved Matters**

**Proposal:** Reserved matters approval relating to Access, Appearance, Landscaping, Layout and Scale for 25 dwellings pursuant to outline planning permission reference 13/01471/OUT

**Site address:** Land To The South Of Northam Close Eye Green Peterborough

**Your client:** Mr James Browning

Further in the above matter, please find enclosed our formal decision notice relating to your client's application for approval of reserved matters. Please be sure to remind your client that the scheme should be carried out in line with the approved plans. This will avoid the need for any enforcement action.

### **Making changes to the approved plans**

In the event that you wish to change your proposal, please contact your case officer who will advise you whether it is possible to do so under a section 73 variation of condition application, or whether a new reserved matters submission is required. In either case you will have to complete a form and provide fresh drawings.

### **Complying with the approved plans**

We would like to draw your attention to 'precedent conditions':- these are conditions which require you to either do certain works or submit something for approval prior to starting any work. These conditions must be complied with. Please check your Decision Notice carefully and familiarise yourself with its requirements, allowing plenty of time for the conditions to be complied with before work commences. If these conditions are overlooked you may invalidate your consent, risk enforcement action being taken and may need to submit a further application.

In addition you should be aware that failing to build in accordance with the approved plans or properly discharging conditions often causes problems and delays if selling the property.

### **Complying with conditions**

Please read the conditions attached to this permission carefully. Some conditions may require you to submit more information to us before you can start work.

If further information is required you will need to submit a separate application together with the required supporting documentation. The relevant application form (PF27) for discharge of

conditions can be downloaded from our application One Stop Shop at [www.peterborough.gov.uk/planningoss](http://www.peterborough.gov.uk/planningoss)

Please ensure that the required details are submitted in duplicate and if you are applying to discharge more than one condition that the supporting information is clearly separated and referenced to each individual condition.

There is a fee required with an application to discharge planning conditions, however this is chargeable per application rather than per condition, please ensure that this is enclosed as part of your application. For further information please visit our application One Stop Shop or contact Planning Services on 01733 453410.

### **Appeals against conditions**

You should also be aware that the applicant has the right to appeal against any conditions attached to this Notice, please see <https://www.gov.uk/government/organisations/planning-inspectorate> for details. If you are concerned about any condition you should contact the case officer in the first instance for advice.

### **Your feedback on our service is welcomed**

We are interested in finding out what you thought of our service and how we might make it better. To give us feedback please go to <http://consult.peterborough.gov.uk/portal/pscscs>.

Yours sincerely



Simon Machen  
Director of Growth and Regeneration

**NOTICE OF APPROVAL OF RESERVED  
MATTERS**

Town and Country Planning Act 1990

**APPROVED**

**Reference** 16/00506/REM

**Proposal** Reserved matters approval relating to Access, Appearance, Landscaping, Layout and Scale for 25 dwellings pursuant to outline planning permission reference 13/01471/OUT

**At** Land To The South Of Northam Close Eye Green Peterborough

**Applicant** Mr James Browning  
Lodge Park Ltd

**Date valid** 15 March 2016

**Conditions**

**Reserved matters are approved subject to the following conditions and reasons:**

C 1 The development hereby permitted shall be carried out in accordance with the following:

Location Plan  
1001 Rev A - Access  
TR1 Tracking  
Drainage/SUDS principles  
1609-PL2-02 Landscape Masterplan  
CR/PSL/1/A Site Plan  
CR/SSD/1/A Street scene  
CR/GT/1/A Garage details

CR/TV/1 - Type A - Floor Plans  
CR/TV/2 - Type A - Elevations  
CR/TB/1 - Type B - Floor Plans  
CR/TB/2 - Type B - Elevations  
CR/TC/1 - Type C - Floor Plans  
CR/TC/2 - Type C - Elevations  
CR/TDS/1 - Type DS - Floor Plans  
CR/TDS/2 - Type DS - Elevations  
CR/TE/1 - Type E - Floor Plans  
CR/TE/2 - Type E - Elevations  
CR/TF/1 House Type F - Floorplans  
CR/TF/2 House Type F - Elevations  
CR/TX/1 House Type X - Floorplans  
CR/TX/2 House Type X - Elevations  
CR/TY/1 House Type Y - Floorplans  
CR/TY/2 House Type Y - Elevations

Reason: For the avoidance of doubt.

- C 2 The development shall be carried out in accordance with the submitted Drainage Strategy (Chiltern Design DS/383 received 10.06.16) prior to the occupation of the first dwelling. Thereafter the sustainable urban drainage system shall be retained and maintained thereafter in perpetuity, in accordance with the submitted Drainage Strategy.

Reason: To prevent the increased risk of flooding on and off site, and to improve and protect water quality in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011) and paragraph 100 of the National Planning Policy Framework.

- C 3 Notwithstanding the details shown on the approved drawings, the proposed bathroom and en-suites on all plots shall be obscure glazed to a minimum of Level 3 obscurity, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Thereafter, those windows shall be retained as such in perpetuity.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C 4 Notwithstanding the submitted information the first floor side window serving Bed 3 on Plot 3, as shown on Drwgs CR/TB1, CR/TB2 and CR/PSL/1/A Site Layout, shall be omitted and shall be bricked up in a matching brick.

Reason: In the interest of reducing the amount of overlooking windows to the rear garden serving Plot 4, and to protect the amenity of future occupiers, in accordance with Policy PP4 of the Peterborough Policies DPD (2012).

- C 5 Prior to the commencement of development and notwithstanding the submitted information, swept path analysis around the bend adjacent to the area of Public Open Space and Plot 24 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interest of securing satisfactory visibility splays and turning, and highway safety, in accordance with Policies PP12 and PP13 of the Peterborough Policies DPD (2012).

- C 6 Prior to occupation of the dwellings they serve, the areas shown as parking and turning on the approved plans shall be drained and surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority, and those areas shall not thereafter be used for any purpose other than the parking and turning of vehicles, in

connection with the use of the dwellings. The parking spaces shown to serve plots 10-15 and 24-25, and the visitor parking spaces throughout the site shall be marked out in allocated bays.

Reason: In the interests of Highway safety, in accordance with Policies CS14 of the Adopted Peterborough Core Strategy DPD and PP12 and PP13 of the Adopted Peterborough Planning Policies DPD.

- C 7 No development shall commence on site until details of existing and proposed site levels, including finished floor levels of the dwellings, together with associated garden areas, shall be submitted to and approved in writing by the Local Planning Authority. These details shall also include the levels of the adjoining land and any building within 15m of the boundary with the application site where access is reasonably possible. The development shall thereafter be carried out fully in accordance with the approved details.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011). This is a pre-commencement condition as these details need to be approved prior to works commencing on site.

### Statement of compliance

The proposal as submitted was not in accordance with local and national planning policy. The local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Amendments were discussed and agreed with the applicant to bring the proposal into compliance with policy, and the application can therefore be approved in accordance with Paragraphs 186 and 187 of the National Planning Policy Framework (2012).

### Authorisation

Authorised by:



Simon Machen  
Director of Growth and Regeneration

Date the decision was made: 8 July 2016

## **Informatives**

- 1 This permission should be read in conjunction with, and the development is subject to, the Planning Obligation under Section 106 of the Town and Country Planning Act 1990 and associated legislation between Norman Herbert, Jane Herbert and Peterborough City Council dated 16th April 2014
- 2 Highways Act 1980 - Section 184, Sub-sections (3)(4)(9) This development involves the construction of a new or alteration of an existing vehicular crossing within a public highway. These works MUST be carried out in accordance with details specified by Peterborough City Council. Prior to commencing any works within the public highway, a Road Opening Permit must be obtained from the Council on payment of the appropriate fee. Contact is to be made with the Transport & Engineering - Development Team on 01733 453474 or email [HighwaysDevelopmentTeam@peterborough.gov.uk](mailto:HighwaysDevelopmentTeam@peterborough.gov.uk) who will supply the relevant application form, provide a preliminary indication of the fee payable and specify the construction details and drawing(s) required.
- 3 The development is likely to involve works within the public highway in order to provide services to the site. Such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Applications for NR & SWA licences should be made to Transport & Engineering - Street Works Co-Ordinator on 01733 453578.
- 4 The attention of the applicant is drawn to the need to make a formal application to the council for an agreement under Section 38 of the Highways Act 1980 if it is the intention that any of the highways proposed as part of this development are to be adopted. Prior to the commencement of the construction of these highways, adequate time must be allowed in the development programme for technical vetting, approval of temporary traffic management, booking of road space for any off-site highway and service works and the completion of the Section 38 agreement. Application forms for Section 38 agreements are available from Transport & Engineering - Development Team on 01733 453421 or email [HighwaysDevelopmentTeam@peterborough.gov.uk](mailto:HighwaysDevelopmentTeam@peterborough.gov.uk)
- 5 Building Regulation approval is required for this development. For further information contact the Building Control Section on 01733 453422 or email [buildingcontrol@peterborough.gov.uk](mailto:buildingcontrol@peterborough.gov.uk).
- 6 The conditions on the Outline Planning application 13/01471/OUT are applicable to this Phase of the Reserved Matters and the developer will need to ensure that they are complying with all relevant conditions and submitting the relevant discharge of conditions with the detailed information in respect of their specific Phase.

## **General Notes**

- 1.1 Planning permission does not constitute approval under the Building Regulations or Bye-law approval relating to new streets and buildings.
- 1.2 It is an offence under Section 171 of the Highways Act 1980 to temporarily deposit building materials, rubbish or other things on the public highway or make a temporary excavation on it without the written consent of the Highway Authority. The Highway Authority may give its consent subject to such conditions as it thinks fit.

- 1.3 The applicant is reminded that under the Wildlife and Countryside Act 1981(Section 1) (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees within the application should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.

### **Appeals to the Secretary of State**

- 2.1 The applicant has a right to appeal to the Secretary of State against any conditions of this approval, under Section 78 of the Town & Country Planning Act 1990. The appeal must be made on a form which may be obtained from:

The Planning Inspectorate,  
Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN  
Telephone 0303 444 5000 or visit  
<https://www.gov.uk/government/organisations/planning-inspectorate>

- 2.2 If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: **28 days** of the date of service of the enforcement notice, **OR** within **6 months** of the date of this notice, whichever period expires earlier.
- 2.3 The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- 2.4 The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

### **Purchase Notices**

If the Local Planning Authority or the Secretary of State grants permission subject to conditions the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

### **Starting Work too soon**

If you start work on this development before complying with conditions that require to be met before work starts, your action has made this planning permission invalid. A fresh planning application will then be required, with the associated cost and delay.

## **Street Naming and Numbering**

If your proposal requires an address, this includes the sub-division of premises which will provide multiple occupancy for both residential and commercial buildings, please note this is not a function covered by your planning application and must be dealt with as a separate matter.

Please contact the Street Naming and Numbering Custodian, Asset Management Team on 01733 453489 for details of the procedure.

## **Third Party Rights to challenge a planning decision**

Currently there are no third party rights of appeal through the planning system against a decision of a Local Planning Authority. Therefore, if you have concerns about a planning application and permission is granted, you cannot appeal that decision.

Any challenge under current legislation would have to be made outside the planning system through a process called Judicial Review.

A 'claim for judicial review' includes a claim to review the lawfulness of a decision, action or failure to act in relation to the exercise of a public function, in this case, a planning decision. The court's permission to proceed is required in a claim for Judicial Review. A claim for Judicial Review is dealt with by the Administrative Court and if leave to judicially review a planning decision is granted, the Judicial Review will be decided by a judge at the High Court.

An application to Judicial Review a decision must be made within **6 weeks** of the decision about which you have a grievance being made. For further information on judicial review and the contact details for the Administrative Courts, please go to <http://www.justice.gov.uk/>