



## PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

**TUESDAY 30 JUNE 2020  
1.30 PM**

**VENUE: [Peterborough City Council Youtube Page](#)**

### SUPPLEMENTARY AGENDA

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#### Committee Members:

Councillors: G Casey (Vice Chairman), C Harper (Chairman), P Hiller, R Brown, Warren, Hussain, Iqbal, Jones, B Rush, Hogg and Bond

Substitutes: Councillors: N Sandford, Simons, M Jamil and E Murphy

Further information about this meeting can be obtained from Karen Dunleavy on telephone 01733 452233 or by email – [karen.dunleavy@peterborough.gov.uk](mailto:karen.dunleavy@peterborough.gov.uk)



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**CASE OFFICERS:**

Planning and Development Team: Nicholas Harding, Mike Roberts, Janet Maclennan, David Jolley, Louise Simmonds,, Amanda McSherry, Matt Thomson, Asif Ali, Michael Freeman, Jack Gandy, and Carry Murphy

Minerals and Waste: Alan Jones

Compliance: Clive Dunnett, Julie Robshaw, Glen More, Andrew Dudley

**NOTES:**

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer, Head of Planning and/or Development Management Manager as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.

## PLANNING & ENVIRONMENTAL PROTECTION COMMITTEE

30 JUNE AT 1:30PM

- 1 Procedure for Speaking
2. List of Persons Wishing to Speak
3. Briefing Update

# UPDATE REPORT & ADDITIONAL INFORMATION

## PETERBOROUGH CITY COUNCIL

### PUBLIC SPEAKING SCHEME - PLANNING APPLICATIONS

#### Procedural Notes

1. Planning Officer to introduce application.
2. Chairman to invite Ward Councillors, Parish Council, Town Council or Neighbourhood representatives to present their case.
3. Members' questions to Ward Councillors, Parish Council, Town Council or Neighbourhood representatives.
4. Chairman to invite objector(s) to present their case.
5. Members' questions to objectors.
6. Chairman to invite applicants, agent or any supporters to present their case.
7. Members' questions to applicants, agent or any supporters.
8. Officers to comment, if necessary, on any matters raised during stages 2 to 7 above.
9. Members to debate application and seek advice from Officers where appropriate.
10. Members to reach decision.

**The total time for speeches from Ward Councillors, Parish Council, Town Council or Neighbourhood representatives shall not exceed ten minutes or such period as the Chairman may allow with the consent of the Committee.**

**MPs will be permitted to address Committee when they have been asked to represent their constituents. The total time allowed for speeches for MPs will not be more than five minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances.**

**The total time for speeches in respect of each of the following groups of speakers shall not exceed five minutes or such period as the Chairman may allow with the consent of the Committee.**

1. Objectors.
2. Applicant or agent or supporters.

**LIST OF PERSONS WISHING TO SPEAK**

<b>Agenda Item</b>	<b>Application</b>	<b>Name</b>	<b>Ward Councillor / Parish Councillor / Objector / Applicant</b>
4.1	<b>19/01752/FUL - Land Adjacent To 15 Apsley Way Longthorpe Peterborough PE3 9NE</b>	Cllr Fitzgerald Pauline Smith	Ward Councillor Objector
4.2	<b>20/00128/FUL - 58 Warwick Road Walton Peterborough PE4 6DB</b>	Cllr Nick Sandford Mr Banhire	Ward Councillor Applicant
4.3	<b>20/00266/FUL - 20 Broadway Gardens Peterborough PE1 4DU</b>	James Barber Naidre Werner/Sue Hessom	Objector Applicant
4.4	<b>20/00206/FUL - 24 Park Road Peterborough PE1 2TD</b>		

## BRIEFING UPDATE

**P & EP Committee 30 June 2020**

ITEM NO	APPLICATION NO	SITE/DESCRIPTION
1.	19/01752/FUL	<b>Land Adjacent To 15 Apsley Way Longthorpe Peterborough PE3 9NE</b> , Proposed one and half storey 2 bed dwelling

### Additional representations

Two additional written objections have been received from local residents as set out below. Both objectors have previously submitted written comments for consideration within the main Committee Report.

#### **1) Giles Richardson of No. 13 Apsley Way, received 24 June 2020:**

"I know that although he was in his eighties my father objected strongly to the planning application and the impact it would have on his home and the amenity of the area. I can confirm that I share these objections and whilst I could not be physically present in Peterborough to sign the document along with the other residents (my father signed the original March copy), I have read the updated paper that they are presenting to you tomorrow and it has the full support of me and my family."

**2) Mr Leedham of No.22 Apsley Way, on 25th June 2020** submitted a document on behalf of local residents at Nos. 13, 16, 18, 20, 22, 23, 24 and 25 Apsley Way setting out their objections. This document is a revision to one previously submitted on 9th March and already considered within the main Committee Report. Owing to the substantial nature of this document, it is attached in its entirety at Appendix 2 of this Update Report and has already been provided to Members.

### Written Statement

**Mrs Pauline Smith** has registered to speak in opposition of the application. In the event that the technology fails during her speaking period, a written statement has been prepared. This is attached at Appendix 1.

2.	20/00128/FUL	<b>58 Warwick Road Walton Peterborough PE4 6DB</b> , Change of use from dwelling to children's home and erection of 2m boundary fence
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### Additional representations

An additional written objection has been received from **Caroline Friskey on received 26 June 2020** as follows:

"Please consider my late response regarding the above address and subsequent application to convert it to a children's home. I will not be able to attend the meeting due to my job at Peterborough City Hospital; and also the fact that I have been trying to get round to my elderly neighbours for their input into the matter as many do not know what a zoom meeting is and some do not have the Internet and trying to explain this to them has had in itself been a challenge.

Most of the residents around 58 Warwick Road are in their 70's and 80's one of them not being far off his 90th and I must say on their behalf that they are all quite upset and worried about the impact the residence would have on their peaceful enjoyment of the Road and surrounding area.

Whilst they all understand that such homes are necessary it is just not the right environment to place one right in the midst of a mainly elderly community. They are frightened that these children would have a detrimental affect on their life as there is no space for them to enjoy outdoor activities; there is no garden area just a very small patch of grass at the side of the property with about a third of it being

taken up with a tree and flowerbed and a block paved drive that once 4 cars are parked would leave little or no space at the front. If staff parked on the road there is also a risk factor due to the blind bends that Warwick Road has at both ends and the middle where the property is situated. Such a lack of space is a potential for leading the children/teenagers to congregating on the street with their peers and could potentially make it frightening for the older residents after dark; the managers of this facility could make assurances that this would not be tolerated but in reality there would be very little they or anyone else would be able to do to prevent this from happening.

Children need space to play and run about they certainly wouldn't get it there and although there is a park and field at the bottom of Hastings Road I doubt very much that it would be a good idea to send them out to play there as during lockdown this has become a congregating point for youths to meet, drink alcohol and leave discarded food wrappers and worse still those little silver canisters that are used to get a "legal high". Around the corner there are people who supply drugs and I have witnessed one raid on a property myself, this could be verified, it could potentially lead to all sorts of issues.

One person who has been a foster parent for many years is quite horrified at the prospect, reminding me about the amount of times she had the police out to just one child on literally a daily basis as there was not an awful lot they could do and this young person knew this, this is going to be a home for up to 7. I know we can't predict that this would be the case with these children it does mean that the odds for this to happen is all to realistic.

The residents feel that they have been misled by the owner of the property as he originally stated it was to be a family home for a couple with a disabled child this has most certainly deviated away from that, they don't understand how he has been allowed permission for the overdevelopment of the property and also why he has gone ahead with furnishing and decorating before he is supposed too; many of them feel that it is a forgone conclusion and he knows that his plans have been agreed with already as it has all been dealt with very quietly, it only came to light what was happening when he applied for change of use and the fence erection. They feel that their feelings and opinions are not going to be taken into consideration as they are old and that the amount of money that must have been spent on remodelling the property indicates that the owner must have already been given the green light as it is to greater risk to undertake such a project without having some assurances.

It has nothing to do with property values as a house is only worth what someone is willing to pay, but it is about them being able to live out their lives in peace in the place they retired to because it was an elderly community, the last thing these people need or want is the risk that all this will be taken away from them.

Why could the unused community centre not have been a better proposal it has everything right on its doorstep. Why not use this as a residential care facility for the elderly as not all the ageing population need nursing homes this would be much more in keeping with the area.

I ask you to please consider the feelings of these elderly residents and reject the proposal.

Many thanks

Caroline Friskey

On behalf of the surrounding residents of number 58"

### **Written Statements**

**Councillor Sandford** and **Mr Nyasha Banhire** have registered to speak in (the former in opposition and the latter in support) in respect of the application. In the event that the technology fails during their speaking periods, written statements have been prepared. These are attached at Appendix 1.

3.	20/00266/FUL	<b>20 Broadway Gardens Peterborough PE1 4DU</b> , Permanent change of use from dwelling (C3) to residential institution (children's home) (C2)
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### Additional representations

**Councillor Joseph** submitted the following on **23 June 2020**:

"I have received an email from a resident who wishes for the applicants to repair the fences around the property, as the lack of secure fencing means that the occupants of the house are smoking close to the garden of the resident and also it is not a safe environment for their young children.

Is this something that can be brought before the committee, as the security and impact upon local residents was raised as a possible objection to the property being used as a children's home in the first instance?"

**Officer response:** The matter on boundary fencing has been dealt with in the main Committee report. Whilst Officers appreciate the neighbour's concerns, this matter is a private civil matter between the care provider and the neighbours. The alteration, or maintenance, of existing fencing does not require planning permission. The Local Planning Authority cannot impose conditions that are not directly related to the application, or which are not necessary to make the development acceptable. As such, a condition requiring this fence to be repaired could not be imposed.

### Written Statement

**James Barber** and **Naidre Werner** have registered to speak (the former in opposition and the latter in support) in respect of the application. In the event that the technology fails during their speaking period, written statements have been prepared. These are attached at Appendix 1.

4.	20/00206/FUL	<b>24 Park Road Peterborough PE1 2TD</b> , Construction of timber-framed outbuilding to rear for use as Shisha lounge, single storey side extension, increase height of rear wall to 2.5m and relocation of external staircase - resubmission
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### Altered recommendation

Owing to a failure with the postal system, the Agent/Applicant did not receive notification of this Committee meeting. As such, neither they nor Councillor Bashir (who referred the application) have been able to register to speak in support of the proposal. Accordingly, in the interests of fairness, Officers are seeking that the application be deferred for consideration by Members at the next Committee meeting and the recommendation is altered as follows:

'The Executive Director of Place and Economy recommends that the application be **DEFERRED** for consideration at the next available meeting of the Planning and Environmental Protection Committee.'

Page Break

### **APPENDIX 1 – Written Statements for speakers registered**

1.	19/01752/FUL	<b>Land Adjacent To 15 Apsley Way Longthorpe Peterborough PE3 9NE</b> , Proposed one and half storey 2 bed dwelling
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### **Mrs Pauline Smith, 18 Apsley Way on behalf of residents**

*NOTE: This statement is provided as a backup in case the Zoom meeting system connection fails. It is presented by Mrs Pauline Smith of 18 Apsley Way, on behalf of immediately affected residents from properties no's 13, 23 adjoining no 15 and 16, 18, 20, 22 and 24 Apsley Way opposite the proposed development. Full names and their agreement that I represent them have been provided to Daniel Kalley, Senior Governance Officer.*

I'd like to start by emphasizing that the overwhelming reaction of everyone to this application, residents of Apsley Way and beyond has been disbelief that it is a serious proposal accepted for consideration by

the Council. This view stems from the impact of the proposal on the streetscape and character of Apsley Way, the limited accommodation it provides, out of keeping with the rest of its surrounding area, the highway risks it creates and the fact that it is on garden.

I want to highlight some of the most significant points raised by residents that have not been answered by the Committee Report. These concern Policies LP16 design and the public realm, LP3 spatial strategy, LP13 road safety and LP17 amenity.

Firstly. The proposal is contrary to LP16 in terms of the impact it would have on local character and distinctiveness. This Character Area has houses sitting on large gardens with open frontages giving a sense of space and airiness. This distinctive character is much valued both by local residents and visitors and is generally known of in Peterborough; it is a key part of the attraction to home buyers, particularly families. This type of housing character is relatively scarce in the city. The addition of a property that will actually be 0.4 metres higher than its neighbours, located on the apex of the bend, will intrude massively on this streetscape. Its position following the curvature of the bend, rather than a straight line between the existing properties of no. 15 and no. 23 will worsen this impact. The Committee Report's stance is considered to be unreasoned and fails to objectively apply LP16's requirements.

Secondly. The Committee Report is mistaken on the objective interpretation of LP3 as including development of residential gardens. LP3 focuses on 'previously developed land'. The National Planning Policy Framework and the Court of Appeal confirm that this phrase excludes private residential gardens in built-up areas. And LP3's subsequent reference to windfall sites is clearly constrained by the first paragraph of LP3 and so does not include gardens. The exclusion of gardens from the Local Plan's spatial strategy is consistent with the NPPF and national policy as they discourage development of gardens. The application site is a garden outside the focus of the Local Plan's spatial strategy and so should be discouraged.

Thirdly. Road safety in relation to LP13 is still a concern that as local residents we don't believe has been addressed. The location is on the first bend carrying traffic into all the rest of the large housing area beyond. Indeed it is worrying to read on page 4 of the Report to Committee that the Highway Services consultation states that 'it is appreciated that local residents have the knowledge and experience of local highway conditions, but comments can only be based upon on-site observations and the information put before LHA Officers during the consultation period.' We remind you that at least 50 local residents (those aware of the application) think that the proposed parking will create highway safety issues on a bend that local residents already find dangerous. The point we've made about the existing driveway being a secondary drive to no 15, and in practice barely used at all in the last two decades, compared to it becoming the main driveway for a new property is also overlooked or dismissed.

Fourthly. In relation to LP17 it appears that amenity impacts on the streetscape and immediately affected residents of the homes adjoining and opposite continue to be misunderstood and have not been explained by the application despite the requirements of LP17. In particular we point out that the tree officer requires the existing two trees to be retained – which we agree are in keeping with the streetscene – and yet the location of the development following the curvature of the road bend, will mean that certainly one (the cherry tree) and possibly both will have to be removed in order to construct the property. In relation to individual properties, the judgment of the Officer that the distancing is sufficient to mean the impact is acceptable ignores the distinctive character of the area, of relatively generous distancing between properties. And for No 23 in particular, the impact on amenity in the rear garden is substantial and the Report to Committee does not accurately reflect the benefits and usage of that garden by its occupants.

Lastly, given the weight of objections and concerns and the precedent that this application could set for the future of Apsley Way, please can all members of the planning committee confirm that they have read and had time to digest the document submitted on 25 June 2020 and entitled 'Residents' Objections revised as at 25 June 2020 to address the June Committee Report. And please can all responses be minuted.

2.	20/00128/FUL	<b>58 Warwick Road Walton Peterborough PE4 6DB</b> , Change of use from dwelling to children's home and erection of 2m boundary fence
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## **Councillor Sandford**

Mr Chairman,

I would like to raise objections to this planning application and in doing so I am speaking on behalf of a significant number of local residents in the Warwick Road, Richmond Avenue and Hastings Road area. I have myself received 8 emails raising detailed objections and I know my two ward colleagues have also been contacted by people objecting to the planning application. In the report it states that of 25 people submitting comments, 23 were opposed to the planning application. I think this reflects the strength of local feeling that I have found in the area.

Most local residents that I have spoken to do not object to the Council giving permission for the setting up of a children's home. They do, however, feel that this is not an appropriate location for it and, although a number of detailed points have been raised, I think the key objection concerns the character of the local area and the type of people living there.

Warwick Road in particular, in the immediate vicinity of the development site, is populated largely by a fairly settled population of predominantly elderly and retired people. It is stated by planning officers that they "note this point" but in the report they do not really respond to it.

So the character of the area is a key point. Basically residents feel that putting a children's home in this location is not an appropriate development. You will see from the comments raised that there are also concerns about the possibility of young people with behavioural difficulties being placed in the home. Even a small number of such children could have the potential to cause considerable disturbance to the residents of nearby homes.

One of the objectors quoted in the report mentions that the house at 58 Warwick Road has been significantly expanded previously so as to remove most of the garden space at the rear. Given that the space at the front is to be given over to car parking, the resident makes a good point that the children in the home will have nowhere onsite to play. I think the potential for disturbance of nearby residents is given away by the fact that the operators of the home originally intended to surround it with a two metre high fence. It is good that this is no longer proposed but the question remains as to why they felt it was necessary in the first place?

The Police objected originally because of the potential for crime or anti social behaviour. They are no longer objecting because they are reassured that Ofsted is regulating the development. But Ofsted can only respond to problems after they have happened..... they will not be on site 24 hours a day to respond to situations as they arise.

There is a section in the officer report that states this would not require planning permission if it were a facility for adults. But that argument is irrelevant as it is not an adult care facility but one for children.

I now want to refer to some national and local planning policies that are relevant to this case. It is concerning that there is no reference to the National Planning Policy Framework in the officers' report.... Surprising because this is the key statement of Government planning policy and it forms part of our local development plan.

### **Para 110. applications for development should:**

#### **c) create places that are safe, secure and attractive – which respond to local character and design standards;**

Is the committee convinced that this development truly responds to the character of this quiet residential area?

### **122. Planning policies and decisions should support development that makes efficient use of land, taking into account:**

#### **d) the desirability of maintaining an area's prevailing character and setting (including residential gardens)**

This development conflicts with the character of the area and does not provide any outdoor amenity space for children who may have learning or behavioural difficulties and need somewhere to "let off steam".

**127. Planning policies and decisions should ensure that developments:**

**a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;**

**c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, ...**

This paragraph makes similar points to the others. The policies together, I submit, are highly relevant and should form part of the committee's consideration of the merits of this planning application.

Turning to the Peterborough Local Plan (2019).

#### **Policy LP16: Design and the Public Realm**

**All development proposals are expected to positively contribute to the character and local distinctiveness of the area and create a sense of place. As such, and where applicable, proposals will be required to demonstrate to a degree proportionate to the proposal, that they:**

**a. Respect the context of the site and surrounding area and respond appropriately to: the local patterns of development, including street plots and blocks, spaces between buildings and boundary treatments;**

**h. Are safe and designed to minimise crime and antisocial behaviour, taking into account secure by design principles; and**

You might ask does this development in this location minimise the danger of crime and anti-social behaviour and respect the character of the site and patterns of development?

#### **Policy LP17: Amenity Provision**

##### **6.12 Amenity Provision**

**6.12.1 Standards of amenity influence people's health and quality of life. Through policy LP17, the council will seek to ensure that standards of amenity, which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy, are provided for in new development. This includes preventing unacceptable harm to existing occupiers arising from new development. This policy applies as much to extensions and conversions as it does to new development.**

##### **Amenity of existing occupiers**

**New development should not result in an unacceptable impact on the amenity of existing occupiers**

**of any nearby properties. These impacts may include:**

**c. noise and/or vibration levels resulting in disturbance for the occupiers or users of any nearby property or land; or**

##### **Amenity of future occupiers**

**Development proposals should be designed and located to ensure that the needs of future occupiers are provided for and should include:**

**j. well designed and located private amenity space, and/or communal amenity space in the case of apartments/flats;**

Is there not at least a possibility that the occupants of the childrens home might cause adverse impacts on the amenity of neighbouring properties occupied by elderly people and where is the amenity space that may be required by the occupants of the home?

#### **LP4. Employment**

##### **Other Employment Proposals**

**Other employment proposals not within GEAs, BPs or allocated sites will be supported, provided:**

**there is no significant adverse impact on the character and appearance of the area, and/or the amenity of neighbouring occupiers;**

**the proposals maximise opportunities for modal shift away from the private car.**

In the report officers state that this is not a business development. It is though clearly an employment use, in that it employs a number of people to staff the childrens home and given that the company running it is a limited company, presumably they are intending to run it profitably and so they are, to all intents and purposes, a business venture. Therefore LP4 is relevant and you need to consider whether it may possibly have some adverse impacts on the amenity of nearby residents.

One final point, some local people have said to me they would have liked to have attended the committee meeting but they do not have the skills or equipment needed to use Zoom. I know of at least one couple who would have been here if the meeting had been in person.

Peiople have also said to me that the company has been moving furniture and equipment into the building as though they thought they already had got planning permission. Whilst this may not be strictly illegal, it has given some people the impression that the application is a foregone conclusion. I hope members of the committee will take account of local people's objections and choose to reject the planning application.

Nick Sandford

### **Mr Nyasha Banhire**

I am a qualified Social Worker and have worked in traditional institutional children homes for over 10 years before qualifying as a social worker. Modern society should shift away from the traditional institutional children homes. This has also been also a recommendation from Ofsted who are the regulators of children homes .I strongly believe that every child despite their presenting needs or disability has the right to be loved, natured and live in an all-inclusive community environment like every other child who is not in care. All children are born equals, does not matter if a child is born and brought up in, care, stately home or council estate.

Reading comments from some residents, I have been left shocked that the same adults who are supposed to show empathy and protect vulnerable children are more concerned of themselves.

It's adults/parents like this who this day and age do not believe in equality and children rights. They will paint an unnecessary bad picture of children in care and the system trying not to let them down and to keep them safe.

Our company's approach is to create the environment of a typical family house. The home will cater for between 3 and 4 children on long term care from the ages of 8 - 16 years of age. As a company we are open to accepting any child where we can meet their needs in community which could be special needs, learning difficulties or physical disabilities hence the bungalow and environment is perfect will not discriminate.

We would want children we care for to be part of the community and be entitled to a chance to thrive. In today's world there should not be such thing as a "bad child". It is family, environment and society that shapes a child's behaviour, not something ingrown in a child.

I pray and hope the residents and council find it necessary to grant permission for this house.

Many thanks

3.	20/00266/FUL	<b>20 Broadway Gardens Peterborough PE1 4DU</b> , Permanent change of use from dwelling (C3) to residential institution (children's home) (C2)
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### **James Barber**

As long as the change of use for 20 Broadway Gardens does not adversely affect the residential amenity of its neighbours including ourselves, in principle we are in support of the planning application.

However, as the property stands, we believe if the application is approved, there is a substantial risk for disturbance and loss of privacy for ourselves being next door to 20 Broadway Gardens, which we believe are grounds to review this planning application and any conditions attached to planning consent that may be given.

The fence owned by 20 Broadway Gardens has partially collapsed into our garden, and as the fence further deteriorates, access can then be gained into our property leading to a lack of privacy, with the potential for noise and disturbance to ourselves.

This fact appears to have been dismissed as a civil dispute, but there is no dispute between ourselves and 20 Broadway Gardens, about responsibility for the fence. We just want the owners of 20 Broadway Gardens to secure the boundary to preserve our residential amenity.

If this does not form part of the planning approval if given, we fear that we will lose our privacy, and the risk for noise and disturbance is quite great.

There is a simple solution to remove this risk and the future stresses this could bring, with 20 Broadway Gardens replacing the fence as they have pointed towards doing in the past, but not acted on even after chasing them.'

I thank the committee for seriously taking into consideration our views with regard to our privacy as an adjoining neighbour.

### **Naidre Werner**

Two years ago, Sue Hessom and I, Naidre Werner as Directors of Florinee Homes Ltd applied for planning permission to change the use of 20 Broadway Gardens from a domestic dwelling to an unregulated children's home, ages 16 to 18. We were granted temporary permission with a view to revisiting permanent planning changes in two years.

Whilst there were no planning objections two years ago, there were considerable concerns from the community that having this type of provision within their neighbourhood would increase anti-social behaviour, criminal activity and pose a threat to their own children and household environment.

Over the last two years, the police presence on Broadway Gardens is perceived to have increased at times. This is not due to criminal activity at the address, or for increased criminal activity on the street – it has been down to young people missing from the property and our duty to report them missing in order to safeguard them. You have a copy of the corrected reporting numbers from PC Carol Aston.

Crime statistics show that there has been no increase in the area since the presence of the children's home on Broadway Gardens – comparing April 2018 (around the time that temporary planning permission was granted) to April 2020 (latest figures available) figures, there is in fact a decrease in the amount of crime committed in the area with a reduction from 713 crimes reported in April 2018 to 487 crimes reported in April 2020. Source [www.crime-statistics.co.uk](http://www.crime-statistics.co.uk)

Two years ago, and in support of this current application, consultee reports from the Highways Agency and the Conservation Officer concluded that there was ample space for parking vehicles and there were no concerns over traffic generation. Furthermore, the domestic use of the property was to be maintained as a family home looking after young people in care - and therefore the proposed change of use did not impact upon the setting nor undermine the significance of the Conservation Area. This has not changed.

With respect to any impacts affecting neighbours, we continue to enforce firm, sensible house rules and adopt strict curfew times. Noise is contained and the home does not generate any further light pollution than any other regular family home in the street. We do not permit loitering outside on the street, and the young people's licence agreement clearly states the consequences of any unacceptable behaviour. We have honoured our promises to the community and therefore any young person who has continued to disrespect their licence agreement has been transferred to a different home. Over the last two years, this has only happened twice.

Our development plan for this home is to now become Ofsted registered and regulated with a smaller number of residents i.e. 5. We will continue to have a duty of care to thoroughly plan, match and risk assess every young person who might want to live at Broadway Gardens against those who are already living at the property and with due consideration for the community.

As far as integration with the community is concerned, we have stood by our pledge to work with residents and within local community groups. Sue and I sit on the Committee of the Friends of Central Park and have initiated new activities for young people in the park and helped raise funds for local causes in the area. Our local councillors can vouch for our community integration as we regularly see Councillor Aasiyah Joseph and ex councillor John Peach at meetings.

The statement from the Broadway residents Association confirms that we have upheld our commitment to keeping channels of communication open, with all neighbours having our personal mobile numbers and through meeting the Chair and the Secretary on a regular basis to catch up on how our young people are doing and have the opportunity to raise any community/neighbourhood concerns that have been raised in resident meetings.

Many of our young people have benefitted significantly from living at 20 Broadway Gardens. They have gone onto study at college, get gainful employment, pass their driving test, and successfully become independent, living in their own flats.

Florinee Homes has achieved what we promised that we would do - repair young people's lives through guidance, care, stability, and emotional support. We have enabled young people to develop trust, a sense of self-worth, responsibility, and citizenship in order that they become young adults who successfully integrate into society and their local community. Please allow us to continue this good work and allow this home to remain vitally important for our current residents and any future young person's life. Hopefully, this will be reflected in your vote today.

**Objections to planning application reference 19/01752/FULL (revised)**

**RESIDENTS' OBJECTIONS**  
**REVISED AS AT 25 JUNE 2020**  
**TO ADDRESS THE JUNE COMMITTEE REPORT**

to

**the proposed development of garden land  
of 15 Apsley Way, Longthorpe,  
Peterborough**

## EXECUTIVE SUMMARY

This document has been delivered to Peterborough's Planning Services at Sand Martin House, Bittern Way, Fletton Quays, Peterborough PE2 8TY on Monday 9 March 2020.

This document concerns planning application reference 19/01752/FUL (the design drawing of which was replaced on or around 4 March 2020) which is for **full** planning permission for the development of a house on the garden of 15 Apsley Way, Longthorpe, Peterborough (**Proposal**). This document sets out comprehensive objections to the Proposal with detailed analysis justifying the objections as-in the context of ~~against~~ Peterborough Local Plan's relevant policies and its 'overarching principles'. It also addresses points made in the June Committee Report (Committee Report).

In essence, this document demonstrates that planning permission should not and/or cannot be granted for the Proposal for the reasons (amongst others) summarised below:

- (1) the Proposal places a new house in the middle of a street scene, on the apex of the street's curvature where it will detrimentally affect a street scene well known for its sense of space and airiness created by well-spaced out houses and large gardens (see **Schedule 2**);
- (2) the Proposal's multiple design deficiencies/defects and paucity of information demonstrate an overwhelming disregard for the local character and vernacular of the houses, size of plots and amenity space and so:
  - (i) the Proposal fails to demonstrate that it can, "... *positively contribute to the character and local distinctiveness of the area and create a sense of place*", as required by Local Policy LP16 (see **Schedule 1**); and
  - (ii) the Proposal fails; "... *to ensure that standards of amenity, which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy, are provided for ... This includes preventing unacceptable harm to existing occupiers arising from new development*", as required by Local Policy LP17 (see **Schedule 2**);
- (3) the ridge line height of the Proposal's house will be circa 40cm higher than that of other houses (see **section 3.3(a)(ii)** and **Schedule 1**);
- (4) the LHA's requirement to maintain visibility across the curvature of the street prevents the Proposal being able to provide the 2 'appropriate and deliverable' parking spaces required by Policy LP13 (see **Schedule 3**); the objections made put the local authority on notice that at least 50 local residents (who became aware of the application) consider that the Proposal will exacerbate highway safety issues on a bend that local residents already considered dangerous;
- (5) it seeks to develop urban garden which is outside Policy LP3's spatial strategy and which is deterred by national policy (see **Schedule 5**); ~~and in so doing -~~ Schedule 5 responds to the Committee Report's interpretation of LP3 which, despite concerning a public matter is not transparent; the application site is clearly not within the focus of LP3 and so the Local Plan is not encouraging development of it or other residential gardens in built-up areas;
- ~~(6)~~ it seeks to take over half of No. 15's garden resulting in substantially reduced amenity space for No. 15 and inadequate amenity space for the Proposal's house (see **Schedules 1 and 2**);  
and
- ~~(7)~~ though it is for **full** planning permission, its paucity of information makes the design too uncertain and the Proposal incapable of any reasonable and proper assessment as against the Local Plan's policies (a constant theme - see **all Schedules**); and-

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(8) the Committee Report makes no new cogent point but it does contain new shortfalls in the planning department's reasoning and application of policy - this document addresses 'some' of the fundamental ones.

Evaluation of the Committee Report and interpretation and application of the Local Plan's policies has to be carried out as per Lord Reed's dictum in the Supreme Court case of Tesco Stores Ltd v Dundee CC [2012]<sup>1</sup> (confirmed in the recent Court of Appeal case as good law) (emphasis added);

"policy statements should be **interpreted objectively** in accordance with the language used, read as always in its proper context" and, "...many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment. Such matters fall within the jurisdiction of planning authorities, and their exercise of their judgment can only be challenged on the ground that it is irrational or perverse... Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean."

**In view of the objections set out in this document and those and the number of other objections, a decision to grant planning permission would be perverse.**

It is incumbent on the planning committee to give a full and transparent written report for the reasons for whatever decision it comes to as whatever decision is made has ramifications wider than the application itself.

The sections and associated Schedules of this document provide the following:

- **Section 1** describes the area in which the Proposal is located;
- **Section 2** describes 15 Apsley Way as it currently exists;
- **Section 3** describes the Proposal and some of its damaging/deficient features;
- **Section 4** provides an architect's impression of Apsley Way without and with the Proposal;
- **Section 5** provides extracts from the Local Plan that set out its approach against which any proposal has to be evaluated;
- **Section 6** provides recent Supreme Court and Court of Appeal decisions on how Local Plans have to be interpreted and applied;
- **Section 7** identifies the specific policies and some laws that the Proposal has to satisfy or address and references the relevant Schedules of this document that provide the detailed analysis of the Proposal against those policies and laws; and
- **Section 8** sets out the conclusions.

**This document ~~is~~was submitted as at 9 March 2020 and this revised version (with tracked changes) is submitted as at 25 June 2020 and sets out the further objections, and responses to the Committee Report, of the following residents of Apsley Way:**

<i>Name</i>	<i>House No.</i>	<i>Signature</i>
Keith Richardson (deceased)	13	<u>Only signed on 9 March 2020</u>

<sup>1</sup> UKSC 13, [2012] PTR983

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<u>Giles Richardson</u> <u>(son of Keith</u> <u>Richardson)</u>	<u>13</u>	
Dan Robinson	16	
Vicky Robinson	16	
Pauline Smith	18	
David Montgomery	20	
Anita Leedham	22	
David Leedham	22	
Assad Khan	23	
Ismat Nawaz	23	
Elizabeth Kelly	24	
Peter Kelly	24	
Phil Johnson	25	
Vera Johnson	25	

## ASSESSMENT

### 1 CHARACTER AREA

The character of Apsley Way is quite striking when entering off Thorpe Road. It is one of spaciousness formed by low density development on generous plots and huge set back distance of properties from the street. It is somewhat uniform in layout, and that is very reflective of its time. No. 15 sits within the middle of a distinctive length of Apsley Way which runs from the Thorpe Road to the bend after the turning for Peddars Way (**Character Area**) most of which is part of the historic 1960's New Town development of Peterborough. It is one of a small number of such small suburban housing estates of the 1960's on the edge of the city.

This Character Area is known for having well-spaced out houses sitting on large gardens giving the house and street a sense of space and airiness. The layout has a deliberate and conscious plan and has withstood the test of time. It is a pleasant place with high local value. Such distinctive character is much valued both by local residents and visitors and is generally known of in Peterborough; it is a key part of the attraction to home buyers, particularly families. There are relatively few parts of the city's suburbs that have such an identifiable, special character (outside of conservation areas) that are worthy of recognition. Its character adds to the richness of the city. Unsympathetic development will easily erode its a clear distinctiveness and sense of place. Central to such character and distinctiveness is that buildings do not dominate, intrude on or, crowd the street-scene.

Some photos of Apsley Way are attached – see Annexure 1.

Other than a brief, overview of plot sizes on page 11 of the Committee Report<sup>2</sup> there is no description of Apsley Way's character and amenity in the Committee Report. And yet the Committee Report seeks to make judgements as to the proposed development's impact on such character and amenity. The failure to properly set out the area's character and amenity means that the Committee Report only contains conjecture (instead of transparent judgements) and so opens its guidance to challenge for being irrational/illogical.

### 2 15 APSLEY WAY

2.1 15 Apsley Way (**No. 15**) consists of a triangular plot the freehold extent (registered under title CB32747) of which is shown edged red on the **attached** title plan (**Title Plan**) – see Annexure 2. Its two-storey house, attached garage and driveway, built in late 1960s, is on the west side of the plot with the remainder, and majority of the plot being garden (**No. 15's Layout**). A fence and tall hedge run westwards from the east side of the house which creates a large private garden area behind it which is the part of No.15 which has been coloured yellow on the Title Plan (East Garden). The hedge and fence shroud from street view, a wooden garage (erected in circa 1998) within the East Garden. Like other houses in the street, there is a large open garden running in front of the house and the fence/hedge (**Front Garden**) though a concrete paved driveway is at the eastern end which leads to/from gates in the said fence (**Secondary Driveway**).

2.2 The No 15's triangular plot is of a size in keeping with others in the street. Its shape is due to the neighbouring properties (No. 13 on the west and No. 23 on the east) being at an angle to

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<sup>2</sup> See the first paragraph under the section headed "**b) Design and impact to the character and appearance of the site and the surrounding area**"

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one another due to the street's bend. ~~Designing~~ No. 15's plot was laid out so that its house, attached garage and principal driveway are on the west side ~~so creating has allowed the creation of~~ the East Garden.

- 2.3 No.15's house has a large, rear, ground floor window on its east side (**Picture Window**) which overlooks the East Garden and acts as a principal source of light to the applicable reception room. Likewise, a first floor, double dormer window in the house's east elevation overlooks the East Garden and the eastern part of the Front Garden and provides a long view along Apsley Way (**East Dormer Window**).
- 2.4 No 15's plot is circa 785m<sup>2</sup> and as can be seen on a google view is one of the smallest within the Character Area and is surrounded by much larger plots. The ratio of the plot (house and gardens) size to the house's footprint for No 15 is circa 4:1. Such ratio for other plots/houses in the Character Area is higher being between circa 4½ :1 and 6:1 (though the even numbered houses between Wayford Close and Peddars Way are circa 3½ :1) (please look at Google views). It is noted that the Committee Report takes no account of or, questions these detailed ratios. The result of removing the East Garden from No 15 is that both No 15 and the application site will be substantially smaller than all other plots and out of keeping and the ratio falls.
- 2.5 Despite being the plot on the apex of the street's bend, No. 15's Layout avoids the house and associated vehicles prejudicing visibility across, and use of, the street at such bend. The resident of No 13, who has lived in his house for over 50 years and was present when the street was developed has confirmed in his objection letter that No. 15's Layout was intentionally designed (at a time of far less traffic and slower vehicles) because it was considered dangerous to build on the Proposal's Site.

### 3 PROPOSAL

- 3.1 The Local Plan states that, "*Urban design ... play[s] a significant part in people's everyday lives. Good design can help to create attractive places and spaces for people to live, work, play, relax and visit*"<sup>3</sup>.
- 3.2 The Proposal will remove and use nearly half of No. 15's plot and in so doing will take more than half of No. 15's existing garden land - the extent of No. 15 that will be used by the Proposal is shown coloured yellow on the Title Plan (**Proposal's Site**); this is all garden save for the wooden garage and on the east side, a short paved (but infrequently used) driveway. Currently, the Proposal's Site is divided by a fence and hedge running east/west. The Proposal's House will be built on garden (only part will be built over the location of the existing wooden garage). (It should be noted that planning authority misdescribes the Proposal Site as "*Land Adjacent to 15 Apsley Way...*" - as evident from the legal title and on the ground, such address consists of the house and its gardens so the accurate description is, "*Land/garden of 15 Apsley Way*").
- 3.3 The Proposal includes:
- (a) a 1½ storey house (**Proposal's House**):

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<sup>3</sup> Local Plan – paragraph 6.11.1

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- (i) having an L-shaped, pitched roof - the slightly longer side runs parallel to the street whilst the other faces No. 15 presenting No. 15 with the view of a large roof plane;
  - (ii) the roof's apex is circa 6.5m high whereas those of other houses in the area are circa 6.1m high;
  - (iii) sited so close to No 23 that: (1) the apex of its east elevation is circa 3m, and its rear ridge is less than 1.5m, away from No. 23; and (2) the house's mass sits close to No. 23's patio and garden area;
  - (iv) sited close to the apex of the road – consequently, it cuts into street views and as it is taller and stands forward of neighbouring houses (points not noted in the Committee Report) it has a significant impact; and
  - (iv) all external doorways are stepped;
- (b) a 1.8m high, close boarded fence running north/south along the west boundary of the Proposal's Site (so along the blue line shown on the Title Plan) to a point parallel with a point just behind the front elevation of No. 15's house; it divides off the Proposal's Site from the remainder of No. 15 and will be only circa 90cm away from No. 15's house, including its Picture Window (**Proposal's West 1.8m Fence**);
  - (c) 0.6m post and rail fencing on the east and west front boundaries of the Proposal's Site (**Proposal's 0.6m Fencing**);
  - (d) creating a new driveway on the east side of the Proposal's Site starting at the same point where the existing Secondary Driveway starts (currently in front of the existing gates) but then it pivots away from the east boundary, and into the apex of the street's bend; it will be 10m long and only wide enough to accommodate cars in tandem (**Proposal's Driveway**);
  - (e) a front elevation facing and its windows looking across to No.s 18 and 20 (**Proposal's Front Elevation**); and
  - (f) (in the Proposal's Front Elevation) first floor windows of circa 1.8m x 0.8m and 1.2m x 0.8m and ground floor windows of 1.9m x 0.8m and 1.1m x 0.8m (the other houses in the area have picture windows of circa 2.5m x 1.5m at ground and first floors) (**Proposal's Front Windows**).
- 3.4 However, whilst the Proposal is for 'full' planning permission for the proposed development, the Proposal does not include;
- (a) (despite the express requirements of Policy LP16) any statement/drawings that explain how the Proposal addresses Policy LP16 (the Committee Report makes is silent upon and overlooks this requirement);
  - (b) any elevations showing how the Proposal's House sits in the context of neighbouring houses and views from within the street;
  - (c) a garage;
  - (d) a covered bicycle store;
  - (e) information of internal ceiling heights;

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- (f) details identifying how the Proposal meets specific building regulations required to be met by specific policies and key building regulation requirements that would require major changes to the design (see **Schedule 4**);
- (g) “facilities for electric plug-in and other ultra-low emission vehicles, or as a minimum the ability to easily introduce such facilities in the future”; or
- (h) any accurate measurements – the Proposal’s design plan (in the bottom right-hand corner) states, “... Do not scale from this drawing. Check all dimensions on site. The contractor shall bring any discrepancies immediately to the notice of the designer” (so the above measurements can only be approximate) (**Non-scalable Statement**); or
- (v) suitable drawings the Proposal as to its affects on the trees which the Tree officer has requested be retained – Schedule 6 shows that the proposed house cannot be built without such trees being removed.

3.5 The Proposal is for full planning permission.

### 4 STREET SCENE – ARCHITECT’S IMPRESSION

**Attached** is an architect’s mock-up of Apsley Way without and with the Proposal (**Street Scene**) – see **Annexure 3**.

### 5 LOCAL PLAN POLICIES <sup>4</sup>

~~4.1~~ The following are key extracts from the Local Plan.

- (a) “[The vision is to create a] *place where attractive, inclusive and well-designed neighbourhoods provide a range of quality housing to meet the present and future needs and aspirations of all communities*” <sup>5</sup>. “[And that to] *achieve our vision we have identified a set of overarching objectives ... grouped around the ten Environmental Action Plan themes, though many objectives will contribute to more than one theme*”<sup>6</sup>. “*The NPPF*<sup>[7]</sup> *clearly states that the purpose of the planning system is to contribute to the achievement of sustainable development ‘which should be seen as a golden thread running through both plan-making and decision-taking’.*”<sup>8</sup>
- (b) The relevant “*overarching principles*”<sup>9</sup> to the Proposal are:

1:	Zero Carbon	1.1	To <b>reduce</b> reliance on fossil fuels, maximise the use of renewables and reduce carbon dioxide / methane emissions
2:	Sustainable Water	2.3	To <b>minimise</b> water consumption and encourage water re-use
3:	Land Use and Wildlife	3.1	To <b>protect</b> and enhance landscape, biodiversity and geodiversity and minimise the pollution of natural resources
4:	Sustainable Materials	4.1	To <b>minimise</b> the consumption of non-renewable natural resources and maximise the re-use of materials

<sup>4</sup> [https://drive.google.com/file/d/1NMAZKc0AcA8ibplwB\\_2raMVjtVojH6r0/view](https://drive.google.com/file/d/1NMAZKc0AcA8ibplwB_2raMVjtVojH6r0/view)

<sup>5</sup> Local Plan - Paragraph 3.1: Our Vision for Peterborough

<sup>6</sup> Local Plan - Paragraph 4.1: Our Objectives

<sup>7</sup> National Planning Policy Framework

<sup>8</sup> Local Plan - Paragraph 4.2: Our Objectives

<sup>9</sup> Local Plan – page 9-10

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8:	Culture and Heritage	8.2 To protect and enhance townscape character, retain local distinctiveness...
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- (c) “Applications for new development must be supported by a Design and Access statement, in line with current planning legislation. **Developers will be expected to explain how the policy matters ... [namely, Policy LP16] have been addressed within their development proposals.**”<sup>10</sup>. The application makes no attempt to address LP16, LP17, L13 etc and the Committee Report ignores this requirement that is incumbent on applicants.
- (d) “Standards of amenity influence people's health and quality of life. **Through policy LP17, the council will seek to ensure that standards of amenity, which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy, are provided for in new development. This includes preventing unacceptable harm to existing occupiers arising from new development. This policy applies as much to extensions and conversions as it does to new development**”<sup>11</sup>.
- (e) “[As regards parking and highways] [d]evelopment should **consider user’s needs, impact on neighbouring users and the safe and efficient use of the highway network, and consider imaginative solutions for car share facilities, powered...**”<sup>12</sup>.
- (f) “**All dwellings should meet Building Regulations Part M4(2)**”<sup>13</sup> (please note paragraph 2 of Schedule 4).
- (g) “**To minimise impact on the water environment all new dwellings should achieve the Optional Technical Housing Standard of 110 litres per day for water efficiency as described by Building Regulation G2**”<sup>14</sup>.
- (hg) “**The spatial strategy makes provision for housing growth in a wide variety of places across the local authority area, but with a distinct emphasis on locations within and adjoining the urban area of the city. These are generally the most sustainable and help to maximise the use of previously developed land** [which (as per National Planning Policy Framework) **excludes gardens**<sup>15</sup>]”<sup>16</sup>.

### 65 INTERPRETATION OF LOCAL PLANS

The correct approach to interpretation of a Local Plan document is set out by Lord Reed in the Supreme Court case of Tesco Stores Ltd v Dundee CC [2012]<sup>17</sup> that:

*“... policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context ... many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment. Such matters fall within the jurisdiction of planning authorities, and their exercise of their judgment can only be challenged on the ground that it is irrational or perverse... Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean.”*

<sup>10</sup> Local Plan – paragraph 6.11.3

<sup>11</sup> Local Plan – paragraph 6.12.1

<sup>12</sup> Local Plan – paragraph 5.28

<sup>13</sup> Local Plan – page 30 see Policy LP8: Meeting Housing Needs under the heading, “Dwellings with higher access standards”

<sup>14</sup> Local Plan – page 83 see Policy LP32: Flood and Water Management under the heading, “Water Efficiency”

<sup>15</sup> The National Planning Policy Framework (NPPF) -

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf) - defines on page 70 “previously developed land” as excluding urban, residential gardens definition

<sup>16</sup> Local Plan – paragraph 6.8.8

<sup>17</sup> UKSC 13, [2012] PTR983

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That approach has again been recently confirmed by the Court of Appeal case of Dartford Borough Council v Secretary of State for Communities and Local Government [2017]<sup>18</sup> concerning the the interpretation of “*previously developed land*”.

### 76 EVALUATION OF THE PROPOSAL AGAINST POLICIES

The following schedules evaluate the Proposal against the applicable Local Plan Policies and considers the views/requirements of relevant Consultees and as applicable, relevant definitions and directions in the National Planning Policy Framework (NPPF)<sup>15</sup>:

<i>Schedule</i>	<i>Policies/consultees' comments considered</i>
1	LP16: Design and the Public Realm <sup>19</sup>
2	LP17: Amenity Provision <sup>20</sup>
3	LP13: Transport <sup>21</sup> LHA's comments
4	LP8: Meeting Housing Needs <sup>22</sup> LP13: Transport <sup>21</sup> LP31: Renewable and Low Carbon Energy <sup>23</sup> LP32: Flood and Water Management <sup>24</sup>
5	LP1: Sustainable Development and Creation of UK's Environment Capital <sup>25</sup> LP2: The Settlement Hierarchy and the Countryside <sup>26</sup> LP3: Spatial Strategy for the Location of Residential Development <sup>27</sup>

### 87 CONCLUSIONS

This document identifies fatal and significant defects and deficiencies in the Proposal and the Committee Report which demonstrate that **it would be perverse to grant planning permission**.<sup>28</sup>

To grant planning permission would create a precedent for allowing planning applications to ignore and/or pay lip-service to the clear requirements of the Local Plan's policies and 'overarching principles' and so, be contrary to the Supreme Court's ruling.

<sup>18</sup> EWCA Civ 141

<sup>19</sup> Local Plan – page 48

<sup>20</sup> Local Plan – page 49

<sup>21</sup> Local Plan – pages 43-44

<sup>22</sup> Local Plan – page 30

<sup>23</sup> Local Plan – pages 80-81

<sup>24</sup> Local Plan – pages 82-83

<sup>25</sup> Local Plan – page 11

<sup>26</sup> Local Plan – pages 12-13

<sup>27</sup> Local Plan – pages 15-16

<sup>28</sup> The question arises as to how and why was the Proposal's application not rejected at the application stage; failure to do so has resulted in avoidable cost and time for the council employees, counsellors and residents.

SCHEDULE 1

Policy LP16: Design and the Public Realm

1

**Policy LP16: Design and the Public Realm**

*“All development proposals are expected to positively contribute to the character and local distinctiveness of the area and create a sense of place. As such, and where applicable, proposals will be required to demonstrate to a degree proportionate to the proposal, that they:*

*“a. Respect the context of the site and surrounding area and respond appropriately to:*

- the local patterns of development, including street plots and blocks, spaces between buildings and boundary treatments;*
- building form, including size, scale, massing, density, details and materials;*
- topography;*
- ...*
- existing views into, out of or through the site;*

*“b. Make effective and efficient use of land and buildings, through the arrangement of development plots and the design, layout and orientation of buildings on site;*

*“c. Are durable, flexible and adaptable over their planned lifespan, taking into account potential future social, economic, technological and environmental needs, through the structure, layout and design of buildings and places;*

*“d. Use appropriate, high quality materials which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability;*

*“e. Maximise permeability and legibility for pedestrians and cyclists, and avoid barriers to movement, through careful consideration of street layouts and access routes that are attractive, accessible and easily recognisable;*

*“f. Provide well designed boundary treatments, that reflect the function and character of the development and its surroundings; ...”*

2

**Summary**

The Proposal is within the distinctive Character Area known for having well-spaced out houses with large gardens that provide a sense of space and airiness. And yet the Proposal shows no regard to that character. It seeks to divide off half of No. 15's plot and place the Proposal's House on residential garden. That will result in (amongst other things):

- (a) a materially reduced plot for the family house on No. 15;
- (b) a small plot for the Proposal's house;
- (c) the Proposal's House having a very small private rear garden (any future occupant's perception of smallness will be accentuated by its triangular shape) that is shadowed and overlooked;
- (d) a large mass on the first curvature in the street so removing open views along the street and for neighbouring houses and pedestrians over the existing East Garden.

Hence, the Proposal's design and mass will substantially damage the local character, particularly as the Proposal's House is to stand on the apex of the first curvature in the

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street within the middle the Character Area. An indication of the Proposal's impact on the street-scene is provided by the Street Scene ([attached see at Annexure 3](#)).

LP16 requires the Proposal to: "... to positively contribute to the character and local distinctiveness of the area and create a sense of place." The "degree proportionate to" the Proposal, that it is required to demonstrate that it does so positively contribute, must necessarily be set high as the Proposal: (i) seeks to develop urban garden which is outside Policy LP3's spatial strategy and deterred by national policy (see **Schedule 5**); and (ii) is to be set int the middle of the Character Area.

Notwithstanding that high hurdle for the Proposal, the following paragraphs describe how the Proposal fails to meet the applicable criteria of Policy LP16, even at a very basic level. In many cases the Proposal's paucity of information makes the Proposal incapable of any reasonable and proper assessment against Policy LP16 and in the impact of paucity needs to be understood in the Proposal's failure to address other policies such as Policies LP8, LP13 and LP32 as explained in **Schedule 4**.

The following paragraphs describe and explain how the Proposal fails to satisfy Policy LP16.

### 3 Local Patterns of development

- 3.1 The left-hand column of the following table sets out the requirements of paragraph a. in LP16 and the relevant failings of the Proposal by which it is evident that the Proposal only disrespects the surrounding area and makes no positive contribution that LP16 expects.

<i>LP16: "a. Respect the context of the site and surrounding area and respond appropriately to:"</i>	<i>Relevant failings of the Proposal</i>
<ul style="list-style-type: none"> <li>• <i>the local patterns of development, including street plots and blocks, spaces between buildings and boundary treatments"</i></li> </ul>	<ul style="list-style-type: none"> <li>(a) The Proposal disregards the area's plot sizes that provide large, spacious 3 to 4 bedrooms houses, with garages and large gardens.</li> <li>(b) The Proposal's principal private rear garden will be very small (the triangular shape will accentuate the perception of that), shadowed and overlooked – that is not in line with paragraph j of Policy LP17 which requires, "<i>well designed and located private amenity space</i>".</li> <li>(c) The Proposal's House will stand on the apex of street's curvature where it height and mass will materially undermine the sense of space within the street by closing-in the existing open views along the street and by removing open views, particularly enjoyed by neighbours and pedestrians, over the East Garden.</li> <li>(d) The Proposal's 0.6m Fencing is contrary to the open plan design of the street (this is a simple and obvious illustration of one of the many examples of the designer's disregard for the area's character).</li> </ul>

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		<p>(e) The Proposal has no garage – all houses in the Character Area have one.</p> <p>(f) The Proposal’s Design &amp; Access Statement states but provides no drawings and measurements to demonstrate that, “...<i>the proposal is aligned with the existing building frontages.</i>” In any event, the statement is wrong – the Proposal’s House will be closer to the pavement than neighbouring buildings (it will also stand forward of the existing fence and hedge).</p> <p>(g) The ratio of the plot size to house footprint for No 15 is circa 4:1. Such ratio for other plots/houses in the Character Area is higher being between circa 4½ :1 and 6:1 (though the even numbered houses between Wayford Close and Peddars Way are circa 3½ :1). When No 15 is bereft of the garden land required by the Proposal, No. 15’s ratio reduces to circa 2¼:1 creating a large house on a small garden that is out of keeping with the Character Area.</p> <p>(h) See <b>Schedule 4.</b></p>
<ul style="list-style-type: none"> <li>•</li> </ul>	<p><i>“building form, including size, scale, massing, density, details and materials”</i></p>	<p>(a) The Proposal crams a 2 bedrooms house, without garage, onto a small plot.</p> <p>(b) The <b>ridge line of the Proposal’s house will be approximately 6.5m which is substantially and materially higher than neighbouring houses at circa 6.1m.</b></p> <p>(c) The Proposal has insufficient detail to demonstrate how its design will complement existing property designs; the street has a clear design pattern and use of materials and the Proposal does not show how the new property would fit that</p> <p>(d) The Proposal incorrectly describes No. 15 as having a larger than normal plot. A Google view shows the all plots surrounding No. 15 both towards the entry and immediately beyond No. 15 are all larger and significantly larger than the plots of the Proposal’s Site and No. 15 as reduced by the Proposal.</p> <p>(e) The Proposal will create two properties with disproportionately small gardens compared to the Character Area.</p> <p>(f) The Proposal’s lack of garage and tandem, off-road parking will exacerbate the intrusion of parked vehicles onto the street scene.</p>

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		(g) The size of the Proposal’s Front Windows (defined in <b>section 3.3(f)</b> ) are out of keeping with those of the houses in the street and so will appear small and mean by comparison.  (h) See <b>Schedule 4</b> .
•	“topography”	Given the flat, open street topography the Proposal will significantly intrude onto the street scene due to its position on the apex of the street’ bend.
•	“existing ... views into, out of or through the site”	(a) The Proposal’s House will stand on the apex of the street’s curvature where its height and mass will materially undermine the sense of space within the street by closing-in the existing open views along the street and by removing open views, particularly enjoyed by neighbours and pedestrians, over the East Garden.  (b) The Proposal’s lack of garage and tandem, off-road parking will exacerbate the intrusion of parked vehicles onto the street scene.  (c) See <b>Schedule 4</b> .

### 3.2 “Context”

Policy LP16 requires the Proposal to:

*“demonstrate...respect [for] the **context** of the site and surrounding area”.*

Chamber’s English dictionary defines ‘context’ as:

*“the situation within which something exists or happens, and that can help explain it...”*

(Bearing in mind the words of Lord Reed in **section 6**) there are restrictive covenants that prevent development such as the current Proposal and which are registered against the freeholds of the houses in the street including that of the Proposal’s Site and No. 23 (details are available in the Land Registry’s public registers). It seems reasonable to conclude that such covenants should be taken into account as part of the “**context of the site and surrounding area**” and as such it is clear that the Proposal seeks to ignore those restrictive covenants which were intended to protect the design and character of the street.

The **attached** Official Copy Entries of CB32747 (the freehold title entries for No. 15) set out the restrictive covenants and the **attached** extract of a transfer of a resident’s house sets out the covenants that will mirror those referred to in entry C2 of the Official Copy Entries – [the attachments are in Annexure 4](#).

[The Committee Report states that restrictive covenants cannot be considered in assessing the area’s character as such, “fall under separate legislation outside of planning and therefore they cannot be considered under assessment of any proposal”.](#) The Committee Report gives [no transparent explanation for such claim. But, in any event, the Committee Report misses the point - it is not the legal effect of the restrictive covenants but their existence and repetition on the titles to the houses in the street which provide the history and explanation for the area’s](#)

character that includes large plots and an open street scene which has existed since the plots were laid out and the houses built.

#### 4 Make effective and efficient use of land

Paragraph b. of Policy LP16 requires that the Proposal demonstrate that it:

*“b. Make[s] effective and efficient use of land and buildings, through the arrangement of development plots and the design, layout and orientation of buildings on site”*

Fundamentally, the Proposal’s arrangement of garden land as a development plot is not within the focus of Policy LP3 and as the NPPF points out <sup>29</sup>:

*“[p]lanning policies and decisions should support development that makes efficient use of land, taking into account: ... d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens) ... ; and e) the importance of securing well-designed, attractive and healthy places.”*

As the Proposal’s Site is not within the focus of Policy LP3 there is no presumption in favour of its development so making the prevailing character and setting a priority. Accordingly, the effective and efficient use of the Proposal’s Site is not as a development plot, but its continued use as the principal part of the private garden enjoyed in conjunction with No. 15’s family house which contributes to the character of the area and benefits neighbours so securing an already well-designed, attractive and healthy place.

That said, even as a development plot, the Proposal fails to demonstrate any achievement of Policy LP16’s paragraph b. as is evident from the detrimental effects identified in preceding paragraphs and in other Schedules.

#### 5 Durable, flexible and adaptable over its planned lifespan

Paragraph c. of LP16 requires that the Proposal demonstrate that it:

*“c. [is] durable, flexible and adaptable over [its] planned lifespan, taking into account potential future social, economic, technological and environmental needs, through the structure, layout and design of buildings and places;”*

The Proposal shows a building design of a very standard nature but provides no essential information such as the following:

- the materials to be used (as specifically required by Policy LP16’s paragraph b.) and where they are to be sourced from (please note **Schedule 4 paragraph 4**);
- storage space for bicycles as required by paragraph I of Policy LP17 (see **Schedule 2 paragraph 3**); or
- facilities for electric plug-in and other ultra-low emission vehicles, or as a minimum the ability to easily introduce such facilities as required by Policy LP13 (see **Schedule 4 paragraph 3**);
- energy efficiency and inclusion of renewables (see **Schedule 4 paragraph 4**);
- water efficiency as required by Policy LP32 (see **Schedule 4 paragraph 5**);
- evidence of sufficient capacity in the street’s sewers to accommodate the additional inputs from the future occupants and the accelerated water runoff from the Proposal’s roof; and

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<sup>29</sup> NPPF - paragraph 122

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- the drainage arrangements including the siting, efficacy and effects of soakaways for particularly in view of the Proposal’s small garden areas and proximity to neighbouring buildings.

Such shortfalls clearly show that the Proposal does not even satisfy express requirements of specific Local Plan policies or give any regard to achieving the ‘*overarching principles*’ and gives no consideration to future needs of either the future occupants or future wider society.

It is clear that for any proposed development - whether a new house or a new airport runway – pragmatically and legally, achieving carbon, energy and water efficiency in its construction and operation is a requirement (and particularly as retrofit is less effective and more costly).

In the context of the Proposal, such requirements are expected by:

- the Local Plan’s ‘*overarching principles*’ (see **sections 4.1(a) and (b)** above);
- the Peterborough City Council’s Environment Action Plan and claim to Environment Capital status; and
- Peterborough City Council’s declaration in September 2019 of the Climate Emergency, committing itself to act to counter the emergency both in its own direct actions and its application of its powers and policies.

### 6 Use appropriate, high quality materials

Paragraph d. of Policy LP16 requires that the Proposal demonstrate that it:

*“d. Use[s] appropriate, high quality materials which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability;”*

The only relevant information that the Proposal provides (despite it being an application for ‘full’ planning permission) is that the “...*proposed new house design style reflects some of the characteristics of its neighbours*”<sup>30</sup> and that the materials for walls will be “*Brick similar to adjacent*” for the roof, “*concrete tiles similar to adjacent*” and for windows, “upvc”.<sup>31</sup>

The Proposal is clearly bereft of even the basic information that paragraph d. of Policy LP16 requires. The Proposal shows no similar fascia boards or other detailing as appears on other houses. Instead the Proposal’s House will only reflect “*some of the characteristics of its neighbours*” – that only leaves uncertainty as opposed demonstrating the requirements of paragraph d. of Policy LP16.

### 7 Maximise permeability and legibility

Paragraph e. of Policy LP16 requires that the Proposal demonstrate that it:

*“e. Maximise permeability and legibility for pedestrians and cyclists, and avoid barriers to movement, through careful consideration of street layouts and access routes that are attractive, accessible and easily recognisable;”*

It is apparent from **Schedule 3** that the Proposal will only create barriers to movement which are significant and dangerous.

### 8 Provide well designed boundary treatments

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<sup>30</sup> The Proposal’s Design & Access Statement

<sup>31</sup> As specified in the Proposal’s planning application form

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Paragraph f. of Policy LP16 requires that the Proposal demonstrate that it:

*“f. Provide well designed boundary treatments, that reflect the function and character of the development and its surroundings;”*

The Proposal fails to meet that requirement as:

- (a) the Proposal’s 0.6m Fencing Proposal (defined in **section 3**) would be the only such boundary fencing in the Character Area and the LHA’s own safety requirements (see **Schedule 3** in particular **paragraph 5**); and
- (b) the Proposal’s West 1.8m Fence (defined in **section 3**) would be erected circa 90cm from, and across the view of, No. 15’s Picture Window (defined in **section 2.3**) so eradicating its outlook onto (and sense of space gained from) the East Garden as well as blocking the majority of light through the window into reception room it serves.

SCHEDULE 2

POLICY LP17: AMENITY PROVISION

1 Summary

The following paragraphs explain how the Proposal fails to meet the requirements of Policy LP17;

*“...to ensure that standards of amenity, which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy, are provided for in new development. This includes preventing unacceptable harm to existing occupiers arising from new development.”<sup>32</sup>*

As Policy LP17 is made up of two parts, those parts are set out and evaluated against the Proposal separately.

2 Policy LP17: Amenity Provision – 1<sup>st</sup> part

2.1

**“Amenity of existing occupiers**

*“New development should not result in an unacceptable impact on the amenity of existing occupiers of any nearby properties. These impacts may include:*

*“a. loss of privacy for the occupiers of any nearby property; or*

*“b. loss of ... amenity space; or ...*

*“d. loss of light to and/or overshadowing of any nearby property; or*

*“e. overbearing impact on any nearby property; ...”*

2.2 Unacceptable impacts on neighbours

The following table identifies the impacts that the Proposal will have on neighbours; the letters in the columns under the heading ‘Unacceptable Impacts’ correspond with the relevant example of unacceptable impact identified by that letter in the extract of Policy LP17 above.

	<i>Unacceptable impacts</i>			
	a.	b.	d.	e.
<b>Effects on No. 15</b>				
Erection of the Proposal’s 1.8m Fence circa 90cm from, and across the view of No. 15’s Picture Window so eradicating its outlook on the East Garden and blocking the majority of light through it into the reception room it serves.	X	X	X	X
Removal of over half of the garden of No. 15 leaves No.15 with a much smaller north facing garden as its only private garden and which has poor light compared to the East Garden. The Proposal divides No 15’s Plot Size – already the smallest in the Character Area – creating 2 houses on 2 small plots of 383m <sup>2</sup> and 402m <sup>2</sup> . Those plots are out of keeping with the design and character of the Character Area.		X	X	
The garden taken by the Proposal and the mass of the Proposal’s House eradicate the sense inherent in No 15’s Layout (defined in <b>section 2.1</b> ) that is currently enjoyed from within No.15 via its Picture Window and its East Dormer Window (defined in <b>section 2.3</b> ) and externally from within the various parts of No 15’s private gardens.		X	X	X

<sup>32</sup> Local Plan - paragraph 6.12.1

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	<i>Unacceptable impacts</i>			
	a.	b.	d.	e.
<b><i>Effects on No. 13</i></b>				
The Proposal's House will be in full view of, and block the view over the East garden from, the rear east facing bedroom window of No. 13.	X	X		X
<b><i>Effects on No. 23</i></b>				
No. 23 enjoys a patio and garden area near to the rear of its house that enjoys light from and views over the East Garden. The Proposal's House will be very close to No. 23's patio and garden; the apex of the east elevation of the Proposal's House will be circa 3m, and its rear ridge less than 1.5m, away from No. 23. Erection of the Proposal's House will present an overbearing mass that blocks light and views to and from No. 23 which will materially diminish the enjoyment of No. 23's patio and garden.		X	X	X
<b><i>Effects on No.s 18, 20 and 22</i></b>				
No.s 18, 20 and 22 enjoy views from their front windows through the airspace above the East Garden and views of greenery provided by the front garden and hedge uncluttered by vehicles using the Secondary Driveway. The Proposal's House will: (a) remove those views and materially reduce the visible greenery; (b) replace all of the aforesaid with a building mass (of uncertain design) and numerous vehicles; (c) have overbearing effect on neighbours that is pronounced by the Proposal's House being on the apex of the road's curvature and closer to the pavement than neighbouring houses; (d) remove privacy for neighbours as the Proposal's Front Windows (defined in <b>paragraph 3.3(f)</b> ) will instead look out at the neighbours.	X	X	X	X

### 3 Policy LP17: Amenity Provision – 2<sup>nd</sup> part

3.1

#### ***“Amenity of future occupiers***

*“Development proposals **should** be designed and located to ensure that the needs of future occupiers are provided for and **should include**:*

*“h. adequate natural light, privacy and noise attenuation; and*

*“i. adequate amenity for the living and storage needs of prospective occupiers; and*

*“j. well designed and located private amenity space ...;*

*“k. well designed and located bin storage and collection areas ...; and*

*“l. cycle storage (in accordance with the standards set out in Appendix C).”*

### 3.2 Lack of account for needs of future occupiers

The following table identifies the deficiencies/defects in ~~such of~~ the information ~~as that~~ the Proposal does provide ~~as compared to that allows for its consideration as against~~ Policy LP17's second part concerning the requirements that the design provide for future occupants.

The letters in the columns under the heading ‘*Lack of required provision*’ correspond with the relevant requirement identified by that letter in the extract of Policy LP17 above.

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<u><i>Deficiency/defect in the Proposal</i></u>	<i>Lack of required provision</i>				
	h.	i.	j.	k.	l.
The Proposal provides no information as regards noise attenuation.	X				
The size of the Proposal's Front Windows (defined in <b>section 3.3(f)</b> ) are very small and there are very few other sources of natural light.	X				
By squeezing the Proposal's House into the Proposal's Site the resultant rear garden is small, awkward in shape (being triangular) and so prone to increased shadowing. Also, it is overlooked by No. 13's and No. 15's 1 <sup>st</sup> floor, eastward looking windows.	X		X		
The Proposal fails to address key policy requirements and laws (eg see <b>Schedule 4</b> ) leaving the design so uncertain and indefinite that it is impossible to assess whether it does provide adequate amenity for the living and storage needs. In any event the examples of evident design failings set out in <b>Schedule 4</b> showing non-compliance with policy and laws must necessarily mean that the Proposal fails.		X			
For the reasons identified in <b>Schedule 4</b> , the Proposal fails to provide appropriate amenity required/expected by other policies and the Local Plan's 'overarching principles'.		X			
The Proposal's Driveway is inadequate and because of the LHA's own Safety Objective cannot provide the necessary parking (see <b>Schedule 4 paragraph 3</b> )		X	X		
The Proposal does not include cycle storage.					X

As to the last point concerning cycle storage, the Committee Report states on page 12 (emphasis added):

*"No cycle parking is proposed. Whilst Policy LPI[7] requests provision of cycle parking in a covered space, it is not considered reasonable to refuse on this matter alone."*

Policy 17, does not "request", it states that the Proposal "should include" cycle storage (in accordance with the standards set out in Appendix C) – how can the Committee Report present this and similar 'opinions' in view of Lord Reed's dictum? And where does the Policy (objectively) incorporate discretion to conclude that failure to satisfy this condition alone means it is unreasonable (in the case of an application for full planning permission) to reject the application.

Such statements in conjunction with other equally defective statements in the Committee Report indicate that the planning department is willing (for some undisclosed reason) to try to override clear (objectively) policy requirements in favour of recommending a planning application that is woefully incomplete and inappropriate.

### SCHEDULE 3

#### Highway issues + Policy LP13: Transport

#### 1 Summary

This Schedule considers the Proposal's parking provision on the Proposal's driveway (**Proposal's Driveway**) in the context of: (a) key facts from local knowledge; (b) intensification of use and the impacts on highway safety and the LHA's comments/requirements provided by Claire Dowsett (Engineer (Development)) in her note of 23 December 2019 (**LHA Note**) and email dated 13 January 2020 to Jack Gandy (**LHA Email**); and (c) Policy LP13.

The conclusion is that there will be an intensification of use and much greater risks for vehicles, cyclists and pedestrians. The LHA's requirement to protect visibility across the street's ~~corner~~-bend (see the Safety Objective in paragraph 5) prevents 2 vehicles being parked on the Proposal's Driveway. Consequently, Policy LP13 cannot be satisfied and so that policy prohibits planning permission being granted.

#### 2 LHA deference to local knowledge

The LHA acknowledges in the LHA Email that:

*"they [the residents] have a greater knowledge and experience of the local highway conditions ... I can only base my comments upon my on-site observations and the information that is put before me as part of the consultation process".*

#### 3 Key facts

##### 3.1 Secondary Driveway – Infrequent usage

The Secondary Driveway was installed over 20 years ago but has been used only infrequently over the last 20 years (at least) principally for parking a classic car owned by No. 15's last, resident owner (recently deceased) or for driving that car to/from No. 15's wooden garage which is behind the existing hedge/fence. It has always been a secondary driveway to No. 15 the principal driveway is on the west side and that provides parking for 2 cars and direct access into a garage. Since the death of the last resident owner there has been no usage of the Secondary Driveway by any resident owner.

Such history that can be verified by immediate neighbours who have lived at their current addresses for at least 20 years and include: Mr K Richardson at No. 13; Mrs P Smith at No. 18; Mr D Montgomery at No. 20; Mr D and Mrs A Leedham at No. 22; and Mr P and Mrs V Johnson at No. 25.

##### 3.2 Different location of the Proposal's Driveway

The LHA Email states that;

*"[the Proposal's Driveway] is existing with a dropped kerb leading directly into the public highway. This would suggest that historically it has been used for the parking of vehicles or as a vehicle access point for the host dwelling."*

The existing driveway referred to is the Secondary Driveway abutting No. 15's eastern boundary. However, the Proposal's Driveway will use only part of the Secondary Driveway as the Proposal's Driveway will be pivoted so as to exit onto the street closer to the apex of the street's bend – please refer to the Proposal's plan.

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### 3.3 **Reversing**

The LHA Email also states that:

“[the Proposal will] *result in vehicles reversing out onto the public highway ... [and] ... there are many houses in the vicinity of the site whereby motorists reverse from driveways out onto the public highway*”.

The LHA have missed a distinguishing fact namely that reversing off the Proposal’s Drive will (unlike for other houses) be into, just behind, the apex of the street’s bend.

### 3.4 **Resident’s objections**

A substantial number of local residents have made objections which include that the development if permitted, would substantially and materially increase the risk of harm for road users and pedestrians. Such objections are based on residents’ current experience of the dangers created by this bend in the street due to:

- (a) difficult visibility around the ~~corner bend~~ due to ~~the its size of the bend~~;
- (b) cars parking on or near the bend blocking visibility and forcing moving cars into oncoming traffic;
- (c) an ever-increasing volume of traffic (which will be increased by proposals for road closures around school drop-off/collection times<sup>33</sup>);
- (d) speeding vehicles; and
- (e) increasing number of cars being parked on the street by visitors to the local pub, Longthorpe Tower and church resulting in cars being on the wrong side of the road when approaching the ~~corner bend~~ from the Thorpe Road end.

## 4 **Intensification of use**

The LHA Email states that;

“... [the Proposal’s Driveway] *shall be utilised for the new dwelling. As the dwelling is a single unit this, in theory, does not constitute an intensification of use ...*”

That statement is both theoretically and empirically incorrect. The Secondary Driveway is a little used drive that serves an existing family house served by a principal drive and garage. The Proposal’s Driveway (which replaces the Secondary Driveway) would be the principal driveway for a new family house.

Such intensification coupled with the Proposal’s tandem parking arrangement will also increase the frequency of reversing into the street in order to allow the *trapped* car out.

## 5 **Road safety**

### 5.1 **LHA’s planning conditions**

Initially, in their LHA Note the LHA had said that if planning permission were to be granted then they would want the following planning condition to be imposed:

“*Prior to occupation of development hereby permitted vehicle to pedestrian visibility splays of the following dimensions 1.5m x 1.5m on both sides of the new access shall*

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<sup>33</sup> Longthorpe Primary School and the council will be experimenting with closing nearby roads at school drop-off/collection times. This will push more of the associated traffic onto Apsley Way (it is already being used for such purpose by parents) – see the ~~attached attached~~ copy letter dated 03/03/2020 from the Council, the School and sustrans – [see Annexure 5](#).

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*be provided and 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 of the highway boundary.”*

However, after further consideration, the LHA state in the LHA Email that the LHA requires the following prohibition (**LHA Prohibition**):

*“prohibit the erection of any boundary treatment adjacent the curve in the road...”.*

The LHA Prohibition clearly prohibits the Proposal’s 0.6m Fencing. And yet, in direct contradiction to the LHA, the Committee Report is directing that a 0.6m fence be required in the interests of mitigating the risks presented by use of the Proposal’s driveway<sup>34</sup>.

### 5.2 **LHA’s Safety Objective**

The LHA Email states that the LHA Prohibition is necessary as (**Safety Objective**):

*“... forward visibility for motorists around the curvature of the road adjacent the new dwelling..... [f]or the safety of motorists/cyclists etc this visibility splay should be maintained...”*

However, the LHA erroneously concluded that their LHA Safety Objective can be achieved with a planning condition should planning permission be granted.

The LHA’s error is not to have brought into account the effect of parking on the Proposal’s Driveway - with two vehicles parked in tandem on the Proposal’s Drive, the vehicle nearest to the pavement will block visibility (**First Factor**) and prevent the LHA Safety Objective (a vehicle is a far greater block on visibility than the Proposal’s 0.6m Fencing).

Nor has the LHA taken into account other reasonably, foreseeable effects on the visibility splay due to tandem parking and installing a new house (**Other Factors**), namely:

- (a) regular reversing off and onto the drive to allow use of the car trapped by the car nearest the pavement;
- (b) resident/visitor parking in on or near to the bend (on/off the pavement) so adding to the chicane of parked vehicles which road users have to negotiate;
- (c) the vehicle nearest the pavement likely overhanging the pavement (please note: (i) the Proposal’s Driveway is circa 10m whereas the average car length is over 4.8m and vans are larger still; and (ii) existing houses in the street have sufficient space to park two cars well away from the pavement); and
- (d) the detrimental effect to the safety of the residents/visitor of No. 23 accessing and especially egressing from No. 23’s driveway and of other road users.

### 5.3 **LP13 + Safety Objective = No planning permission**

Policy LP13 and Appendix C require that any new, two bedrooms house must have 2 parking spaces and such amount of parking is in keeping with the area<sup>35</sup>; the Proposal appears to satisfy that.

<sup>34</sup> See sections 5(c) and proposed condition C13 in section 7 Recommendations, of the Committee Report

<sup>35</sup> LP13 provides that, “[planning permission for a new house] will only be granted if the proposal makes appropriate and deliverable parking provision in accordance with the standards in Appendix C...” and Appendix C requires a new 2 bedrooms house to have 2 parking spaces and (in the “Informative notes”) that such is; “[a] ‘minimum’ and will be applied in most instances.... However, in some instances the standards will be inappropriate, for example where this would harm the established character of the area”.

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However, it would be perverse to disregard or give little weight to the First Factor and/or Other Factors (see the preceding paragraph) in determining how the Safety Objective can be achieved. By giving those factors due regard, the only reasonable, logical conclusion is that in order to achieve the LHA's Safety Objective (as a minimum), parking of a second car on the Proposal's Driveway must be prohibited.

As a consequence, the Proposal cannot satisfy LP13 as the Safety Objective prevents the Proposal from providing *appropriate and deliverable* parking provision, namely 2 parking spaces. In turn LP13 requires that planning permission cannot be granted in such event.

## SCHEDULE 4

### Design Defects/Deficiencies

#### 1 Design Defects/Deficiencies

The subsequent paragraphs identify some of the important defects/deficiencies in the Proposal's design due to failure to address Policies LP8, LP13 and LP32 and applicable laws.

In not addressing such policies and laws, it is unknowable if and to what extent the Proposal's design (internal and/or external) would have to change to fulfil the relevant policies' and laws' requirements (the Non-scalable Statement (see **section 3.4(g)**) only augments such uncertainty). Individually and in aggregate the Proposal's defects/deficiencies make it too uncertain for any reasonable and proper evaluation of the Proposal and in particular as against Policies LP16 and LP17. So, it would be perverse to even contemplate granting planning permission.

It would be perverse also (and make a farce of the planning committee process) to attempt to overcome those defects/deficiencies by imposing planning conditions requiring compliance with the relevant policies. That is because such a planning permission would give the applicant consent to a variable design albeit possibly subject to such variations having to be approved by the local planning department. But such variations may, whether or not due to necessity, be so significant that had they been part of the current Proposal the planning committee would refuse consent.

By way of example of the uncertainty, the staircase's arrangement would appear not to comply with the requirements of Policy LP8 as it would appear unsuitable for accommodating a chair lift (as required by the applicable building regulations). So, if the staircase needs reconfiguring it becomes unknown how the design - shape/size/eave height/layout – may have to be changed. In any event, the Proposal provides no cross-sectional drawings so, the planning committee has no indication that the ceiling height for the Proposal's staircase meets minimum legal requirements.

#### 2 LP8

##### 2.1 Policy LP8: Meeting Housing Needs

###### ***“Dwellings with Higher Access Standards***

*“Housing should be adaptable to meet the changing needs of people over time. **All dwellings should meet Building Regulations Part M4(2)** <sup>136</sup>, unless there are exceptional design reasons for not being able to do so (e.g listed building constraints or site specific factors such as vulnerability to flooding or site topography).”*

##### 2.2 Evaluation of the Proposal against LP8

There are no, and the Proposal does not identify any, “*exceptional design reasons*” that exempt the Proposal from having to meet LP8's requirements. Nor does the Proposal give any information as to how and where it is meeting those requirements or where it isn't why it isn't and why it is lawful not to do so. So, it is unknown whether LP8's requirements can be met or, if they can, whether any consequent design changes (in conjunction with all other

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/540330/BR\\_PDF\\_AD\\_M1\\_2015\\_with\\_2016\\_amendments\\_V3.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/540330/BR_PDF_AD_M1_2015_with_2016_amendments_V3.pdf)

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design considerations) mean that the Proposal would satisfy other policies (including LP16 and LP17) and laws.

However, even a cursory review of the Proposal against Building Regulations Part M4(2) shows that the Proposal breaches the requirements - example include:

- the house does not provide the step-free access;
- the parking arrangements mean that there is a localised obstruction opposite and close to a doorway (namely the back door)
- the staircase does not meet the controls on level changes so that stair lifts can be added in the future;
- the minimum access areas into bedrooms (the space beyond door accesses) appear too small - because of the Non-scalable Statement (see **section 3.4(g)**) the drawing fails to show compliance and in any event, the areas appear to be too small.

The Committee Report presents no applicable, exceptional designs reasons but simply states that the Proposal “appears” to meet the requirements of LP8<sup>37</sup>. That is insufficient as the Policy (objectively) is a yes or no matter; it is incumbent on the Committee Report (else the planning committee) to provide a definitive (and accountable) statement whether or not the Policy has been satisfied.

### 3 LP13

#### 3.1 Policy LP13: Transport

*“All development requiring parking provision should be designed, unless there are exceptional design reasons for not being able to do so (eg. listed building constraints or site specific factors), to incorporate facilities for electric plug-in and other ultra-low emission vehicles, or as a minimum the ability to easily introduce such facilities in the future.”*

#### 3.2 Evaluation of the Proposal against LP13

The Proposal does not address LP13’s requirements. So, it is unknown whether LP13’s requirements can be met or, if they can, whether any consequent design changes (in conjunction with all other design considerations) means that the Proposal would satisfy LP16’s and LP17’s requirements.

### 4 LP31

#### 4.1 Policy LP31: Renewable and Low Carbon Energy

*Low Carbon Energy Development proposals will be considered more favourably if the scheme would make a positive and significant contribution towards one or more of the following (which are listed in order of preference):*

**Reducing demand:** *by taking account of landform, location, layout, building orientation, design, massing and landscaping, development should enable occupants to minimise their energy and water consumption, minimise their need to travel and, where travel is necessary, to maximise opportunities for sustainable modes of travel.*

**Resource efficiency:** *development could take opportunities to use sustainable materials in the construction process, avoiding products with a high embodied energy content; and minimise construction waste.*

<sup>37</sup> See page 14 in section (g), the Committee Report.

*Energy production: development could provide site based decentralised or renewable energy infrastructure. The infrastructure should be assimilated into the proposal through careful consideration of design. Where the infrastructure may not be inconspicuous, the impact will be considered against the contribution it will make.*

#### 4.2 Evaluation of the Proposal against LP31

Whilst compliance with Policy LP31 is not mandatory, the Proposal contains nothing to demonstrate any contribution to the matters set out in the policy (such as - and as other houses have - roof mounted photovoltaics and/or solar water heating) must weigh heavily against the Proposal in view of:

- the Local Plan's 'overarching principles' (see sections 4.1(a) and (b) above);
- the Peterborough City Council's Environment Action Plan and claim to Environment Capital status; and
- Peterborough City Council's declaration in September 2019 of the Climate Emergency, committing itself to act to counter the emergency both in its own direct actions and its application of its powers and policies.

### 5 LP32

#### 5.1 Policy LP32: Flood and Water Management

*"To minimise impact on the water environment all new dwellings should achieve the Optional Technical Housing Standard of 110 litres per day for water efficiency as described by Building Regulation G2."*

#### 5.2 Evaluation of the Proposal against LP13

The Proposal does not address LP32 – there are no details of grey water treatment, relevant fit-out etc. So, it is unknown whether LP32's requirements can be met or, if they can, whether any consequent design changes (in conjunction with all other design considerations) means that the Proposal would satisfy LP16's and LP17's requirements.

The Proposal gives no information as to how its design can achieve satisfaction of Policy LP32 which is vital in view of the future shortfalls in secure water supplies for the region, as evidenced in Anglian Water's recent 25 years Water Resources Management Plan <sup>38</sup>.

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<sup>38</sup> Anglian Water's recent 25 year Water Resources Management Plan - <https://www.anglianwater.co.uk/siteassets/household/about-us/wrmp-report-2019.pdf> - see Executive Summary: Baseline Supply Demand Balance following p 15, paragraphs 2.33 Climate Change plus 4.1.2 and following paragraphs: Demand Management Strategy

SCHEDULE 5

No presumption in favour of development on garden land

1 Presumption in favour of sustainable, urban development

Policy LP1<sup>39</sup> directs that:

*“[w]hen considering development proposals, the council will take a positive approach that reflects the **presumption in favour of sustainable development** contained in the National Planning Policy Framework. It will seek ... to secure development that improves the economic, social and environmental conditions in the area, and in turn helps Peterborough create the UK's Environment Capital.”*<sup>40</sup>

Policy LP2<sup>41</sup> directs that:

*“[d]ecisions on ... the location and scale of new development will be taken on the basis of the ... settlement hierarchy”* which, in the case of the City includes the, *“existing urban area”*.

The planning committee is requested to set out its understanding of what is “sustainable development” since that identifies the first hoop that the Proposal has to satisfy. This was requested on 17 March 2020 in an email from Mr Leedham. Unfortunately, the Committee Report misreports the request and in provides a meaningless response<sup>42</sup> – a copy of Mr Leedham’s email is **attached** – see Annexure 6.

2 LP3: Spatial Strategy

The Local Plan sets the spatial strategy for development within the City and identifies specific areas.<sup>43</sup> Policy LP3<sup>44</sup> states that:

*“The overall development strategy is to continue to **focus the majority of new development** in and adjoining the urban area ... (maximising growth within the urban area) ... making the most effective use of **previously developed land** ... Provision has been made in this Local Plan to facilitate the development of approximately 19,440 additional dwellings over the period from April 2016 to March 2036.*

*“The broad distribution of dwellings, taking account of commitments, is as follows:*

<i>Location</i>	<i>Approximate Percentage of Growth</i>
<i>Urban Area of Peterborough</i>	<i>Maximise (equates to 27%)</i>
<i>...</i>	<i>...</i>
<i>Windfall</i> <sup>45</sup>	<i>9%</i>

*“... Individual sites to deliver the scale of housing growth set out above are contained in Part D of this Plan.”*

<sup>39</sup> Policy LP1: Sustainable Development and the Creation of the UK's Environment Capital

<sup>40</sup> Underlining added for the purposes of this document.

<sup>41</sup> Policy LP2: The Settlement Hierarchy and the Countryside

<sup>42</sup> See page 11 of the Committee Report, the 4<sup>th</sup> paragraph under the heading “a) Principle of development”

<sup>43</sup> Local Plan – paragraph 5.28

<sup>44</sup> Policy LP3: Spatial Strategy for the Location of Residential Development

<sup>45</sup> “Windfall Development” is defined in the Local Plan’s Glossary as “development on a site which is not allocated for development in the Local Plan” and being (amongst other things) “typically small scale (1-9 units)” or, “infill”. And “infill” is defined in the Glossary as, “the use of vacant land and property within a built-up area for further construction or development (see also “windfall site”)”

3 **Previously developed land**

The Peterborough Local Plan does not define *“previously developed land”* so the meaning has to be taken from the National Planning Policy Framework (“NPPF”) which defines it as (emphasis added)<sup>46</sup>;

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: ...land in built-up areas such as residential gardens...”*

The phrase *“previously developed land”* is defined in the National Planning Policy Framework (NPPF) and expressly excludes gardens. That exclusion of gardens was, with much publicity, introduced in 2010 to prevent development of gardens (ie ‘garden grabbing’). The Court of Appeal has confirmed in *Dartford Borough Council v Secretary of State for Communities and Local Government* [2017]<sup>47</sup> (**Dartford Case**) that *“previously developed land”* does indeed exclude private residential gardens in built-up areas.

Policy LP3 focuses the City’s urban development on land other than residential gardens (LP3’s reference to circa 9% of such development being achieved from windfall development can only be read in the same context — see footnote 37) which removes garden land from the presumption in favour of development.

The policy’s table refers to “Windfall” as accounting for 9% of the approximate percentage of growth. Paragraph 7.1.12 of the Local Plan states that this amounts to a, *“windfall allowance of 1,868 dwellings”*. There is no definition of “Windfall” in the Local Plan but there are the following definitions in the Glossary:

*““Windfall Development” - development on a site which is not allocated for development in the Local Plan. Windfall developments are typically small scale (1-9 units); infill; change of use; or unexpected large sites (eg brownfield site).”*

*““Infill - the use of vacant land and property within a built-up area for further construction or development (see also “windfall site”).”*

The Committee Report states on page 11 (emphasis added):

*“Furthermore, Policy LP3 supports delivery of housing delivery **through windfall sites** (sites that are not specifically identified within the Local Plan). Such windfall sites can include residential gardens and Officers have historically approved housing delivery on gardens where other material planning considerations are not considered to be unacceptable. Furthermore, prior to its adoption in 2019, the Peterborough Local Plan (2019) went through extensive consultation and examination by an independent Planning Inspector who found the Plan to be ‘sound’, before it was adopted by Peterborough City Council.”*

The Committee Report is trying to say that LP3’ “Windfall” sites include residential gardens in built-up areas. That is a perverse interpretation for the following reasons:

<sup>46</sup> And such is indicated in the Local Plan’s Glossary which has the following definition, *“Brownfield Land - (also known as Previously Developed Land, see NPPF)”*.

<sup>47</sup> EWCA Civ 141 -

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/AttachmentShowServlet?ImageName=194531>

## Objections to planning application reference 19/01752/FULL (revised)

- (a) LP3' first paragraph sets out what LP3 is focusing on and the definition from the NPPF makes it clear (objectively) that it excludes residential gardens in built-up areas;
- (b) the subsequent paragraphs including the reference to Windfall explain how that focus of LP3 is to be achieved - the reference to "Windfall" can only be read as stating that the "windfall allowance of 1,868 dwellings" (see paragraph 7.1.12 of the Local Plan) is to be focused on windfall sites which are not residential gardens in built-up areas.

### 4 LP3 (Objective interpretation)

In light of the NPPF definition and the Court of Appeal's decision, LP3 is not ambiguous, as it clearly has to be read as the following (additional words added in red)

*"The overall development strategy is to continue to focus the majority of new development in and adjoining the urban area of the City of Peterborough (maximising growth within the urban area), creating strong, sustainable, cohesive and inclusive mixed-use communities, making the most effective use of previously developed land **ie not residential gardens**".*

### 5 National Policy / NPPF

As LP3 is not encouraging development of gardens it is relevant to take account of National policy which also discourages development on gardens. When the definition of "previously developed land" was amended in the NPPF the Government stated<sup>48</sup> that Garden grabbing – which is a direct reference to the sites such as the application site - is not to be permitted as it is, "robbing communities of green breathing space, safe places for children to play and havens for urban wildlife" and "character of neighbourhoods and gardens have been destroyed, robbing communities of vital green space." The Government went on to refer to Dr Ross Cameron, School of Biological Sciences, University of Reading who said that; "In essence, protecting gardens is important to improve quality of life, and particularly for people in cities."

Paragraphs 70 and 122 of the NPPF discourages development of gardens (because of their inherent value) - it states (emphasis added):

*"Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."*<sup>49</sup>

*"Planning policies and decisions should support development that makes efficient use of land, taking into account: ... d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) ..."*<sup>50</sup>

Policy LP3, as objectively interpreted (so contrary to the Committee Report), complies with those paragraphs of the NPPF by excluding residential gardens from the sources of land which the Local Plan is focusing residential development on.

<sup>48</sup> <https://www.gov.uk/government/news/new-powers-to-prevent-unwanted-garden-grabbing>

<sup>49</sup> NPPF - paragraph 70

<sup>50</sup> NPPF - paragraph 122 under the heading "Achieving appropriate densities"

## 6 Committee Report

### 6.1 Officers have sought legal advice

The Committee Report states that<sup>51</sup>;

“Officers have sought legal advice and state that Policy LP3 neither encourages nor discourages use of residential gardens for development”

There are three issues with that statement:

- (a) in the context of LP3, it is saying that it is ambiguous as to whether the focus of the majority of development in the City should be in private, residential gardens or not – as explained above, it is objectively evident that there is no such ambiguity in LP3;
- (b) the Committee Report and decision of the planning committee is public but the legal advice being relied upon has not been disclosed so preventing any evaluation/questioning of the source or its soundness; and
- (c) it is silent as regards the context and meaning of “previously developed land” despite the point having been made out at length in several objection letters.

### 6.2 Soundness of the Local Plan

The soundness of the Local Plan is not in question. What is in question is the planning department’s interpretation and application of LP3 and the rigour with which it interprets and applies policies, in this case, on garden land which LP3 is avoiding development on.

Other comments made in Committee Report concerning its soundness are not relevant to its interpretation as explained in the Dartford Case;

“The public nature of these documents is of critical importance. The public is in principle entitled to rely on the public document as it stands, without having to investigate its provenance and evolution.” (R (TW Logistics Ltd) v Tendring DC [2013] EWCA Civ 9, [2013] 2 P & CR 9 at [15])”

### 6.3 Relevance of previous grants of planning permission

The Committee Report states that<sup>51</sup>;

“Such windfall sites can include residential gardens and Officers have historically approved housing delivery on gardens where other material planning considerations are not considered to be unacceptable”

When past decisions were made, the point about the correct objective interpretation of LP3 appears had not to have been raised – it has now.

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<sup>51</sup> See page 11 of the Committee Report, the 3<sup>rd</sup> paragraph under the heading “a) Principle of development”

**SCHEDULE 6**

**Tree Officer's requirements can't be met**

The Trees officer requested that the existing Magnolia and Cherry Trees be retained:

*“Please request or condition that the existing Magnolia & Cherry situated on the front verge of the proposed property are retained...”*

On the following google map view and Proposal's drawing, a line has been drawn which continues the line of the front of No 15's house and so the line on each is in the same place. The line enables the viewer to see the location of the said trees in relation to the Proposal and this shows that the Proposal's house and foundations cannot be built without those trees being removed.

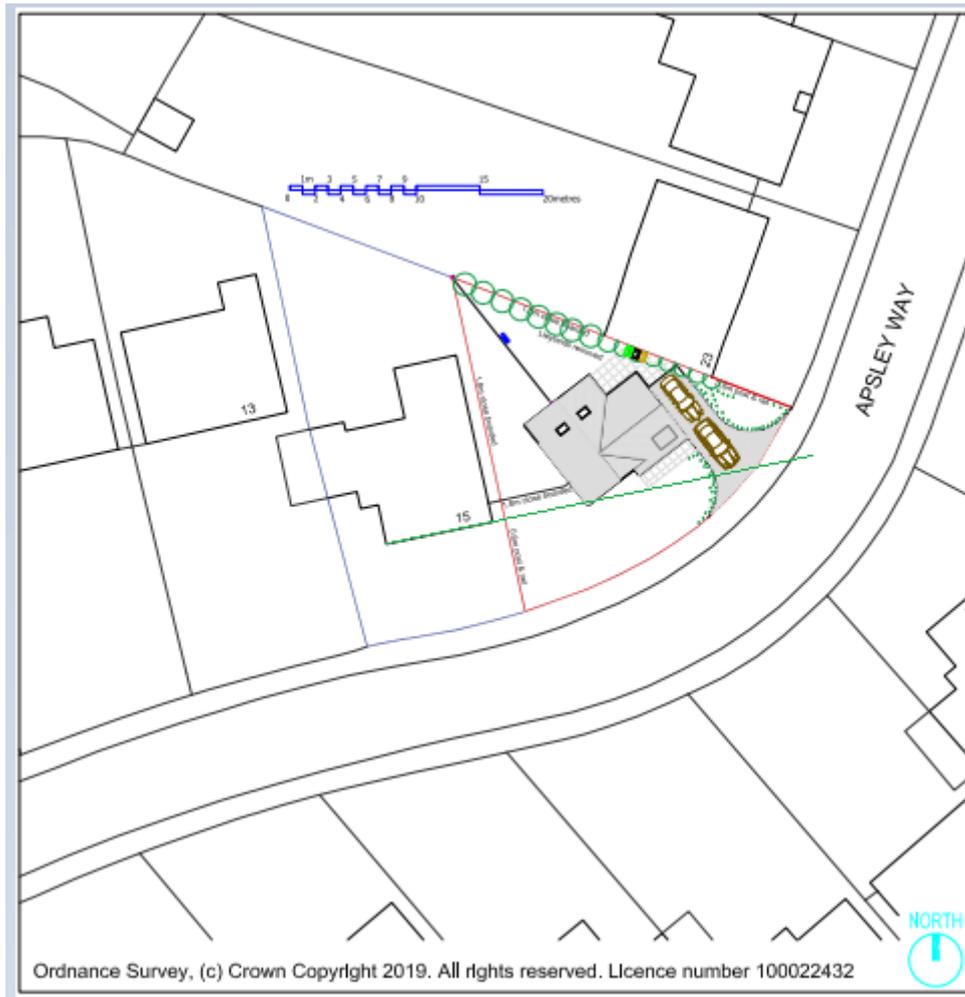
Not only does this means the Tree officer's request cannot be met it is but it is yet another indication of two underlying flaws:

- (a) the Proposal's fails to explain its impact; and
- (b) the Committee Report's failure to identify key defects.



Tree Locations

Objections to planning application reference 19/01752/FULL (revised)



## ANNEXURE 1

### Photos of Apsley Way (referred to on page 5)

(a) Aerial view



(b) Looking along Apsley Way from Thorpe Road



(c) Moving eastwards towards No 15 (No 15 is the last house on the left side of the road)



(d) Outside No 15; its house is on the left



(e) View from the driveway of No 16 looking across as the Proposal's site (the East Garden)



(f) Looking westwards – No 23's driveway and garages on the right with No 15 showing just behind the garages and the Proposal site (the East Garden) in between



**ANNEXURE 1 (continued)**

**Photos of Apsley Way**  
**(referred to on page 5)**

- (g) View looking West across the front of Proposal's site (the East Garden) from a car reversing off No 23's drive.



(h) View from No 23's drive across the Proposal's site (the East Garden)



**ANNEXURE 1 (continued)**

**Photos of Apsley Way**  
**(referred to on page 5)**

**(i) View from pavement outside No 23 looking towards the Proposal's site (the East Garden)**



(j) View looking at No 23 and with the No 15 appearing above the garages of No 23 and the Proposal's site (the East Garden) in between.



(k) View of the frontage of the Proposal's site (the East Garden) – the nearest car is on the drive of No 23



(1) View from No 23's rear garden looking to the Proposal's site (the East Garden)



**ANNEXURE 2**

Title Plan for the freehold of 15 Apsley Way registered under title CB32747 – the red edging shows the existing extent of No 15 and the part coloured yellow is the site to be taken for the Proposal (referred to on page 5)



This is a copy of the title plan on 18 DEC 2019 at 14:41:22. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

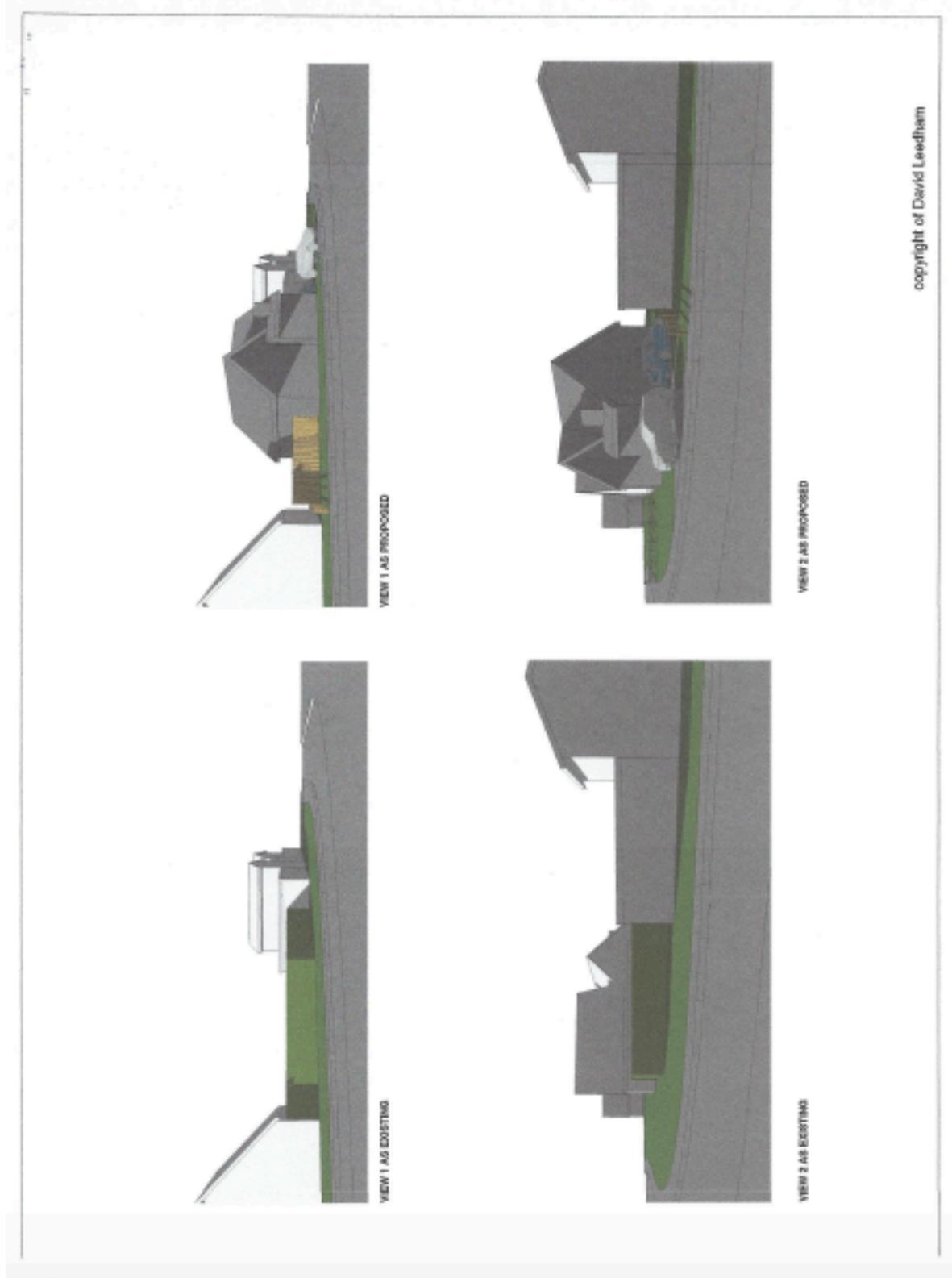
This copy is not an 'Official Copy' of the title plan. An official copy of the title plan is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

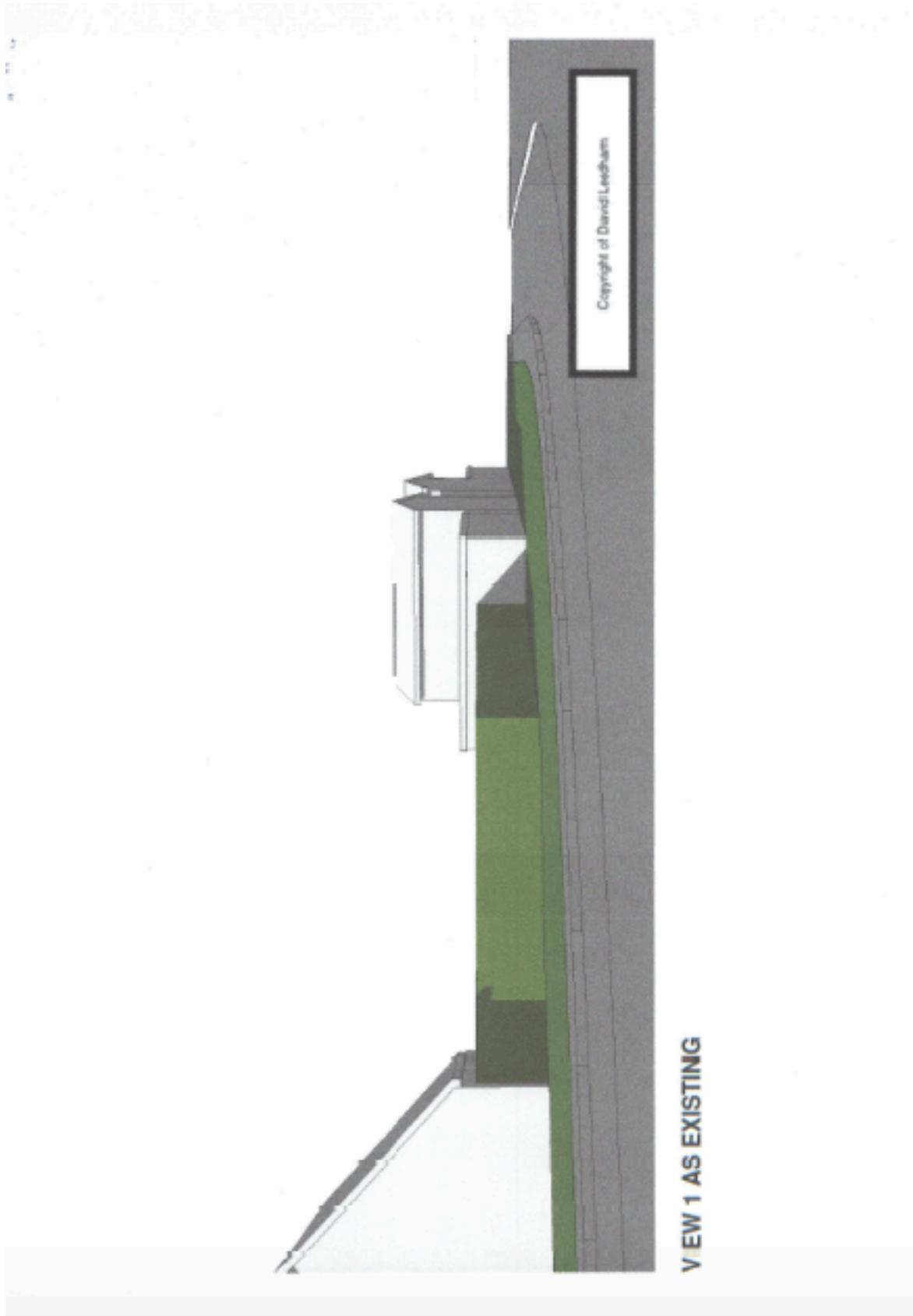
HM Land Registry endeavours to maintain high quality and scale accuracy of title plan images. The quality and accuracy of any print will depend on your printer, your computer and its print settings. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

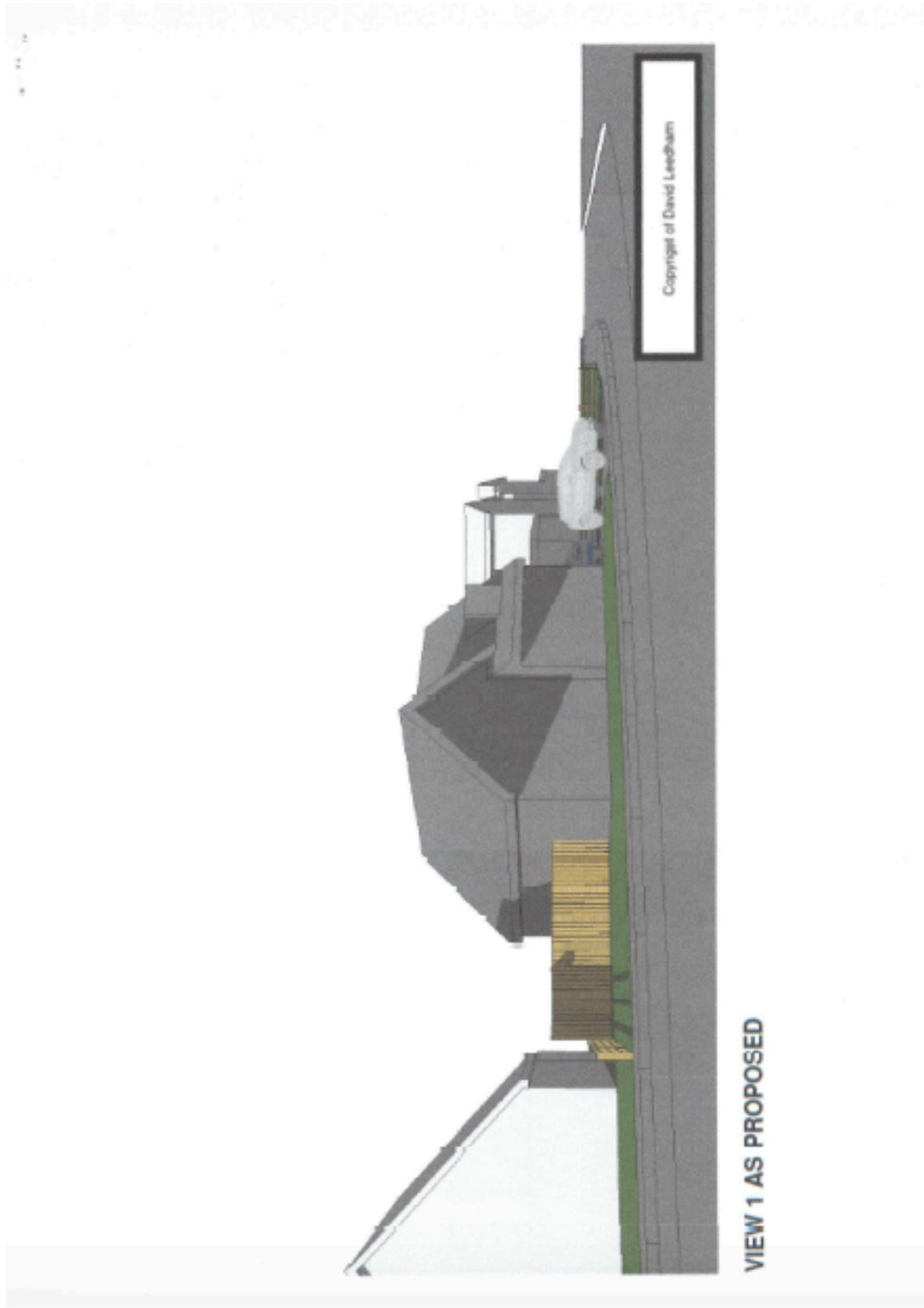
This title is dealt with by HM Land Registry, Peterborough Office.

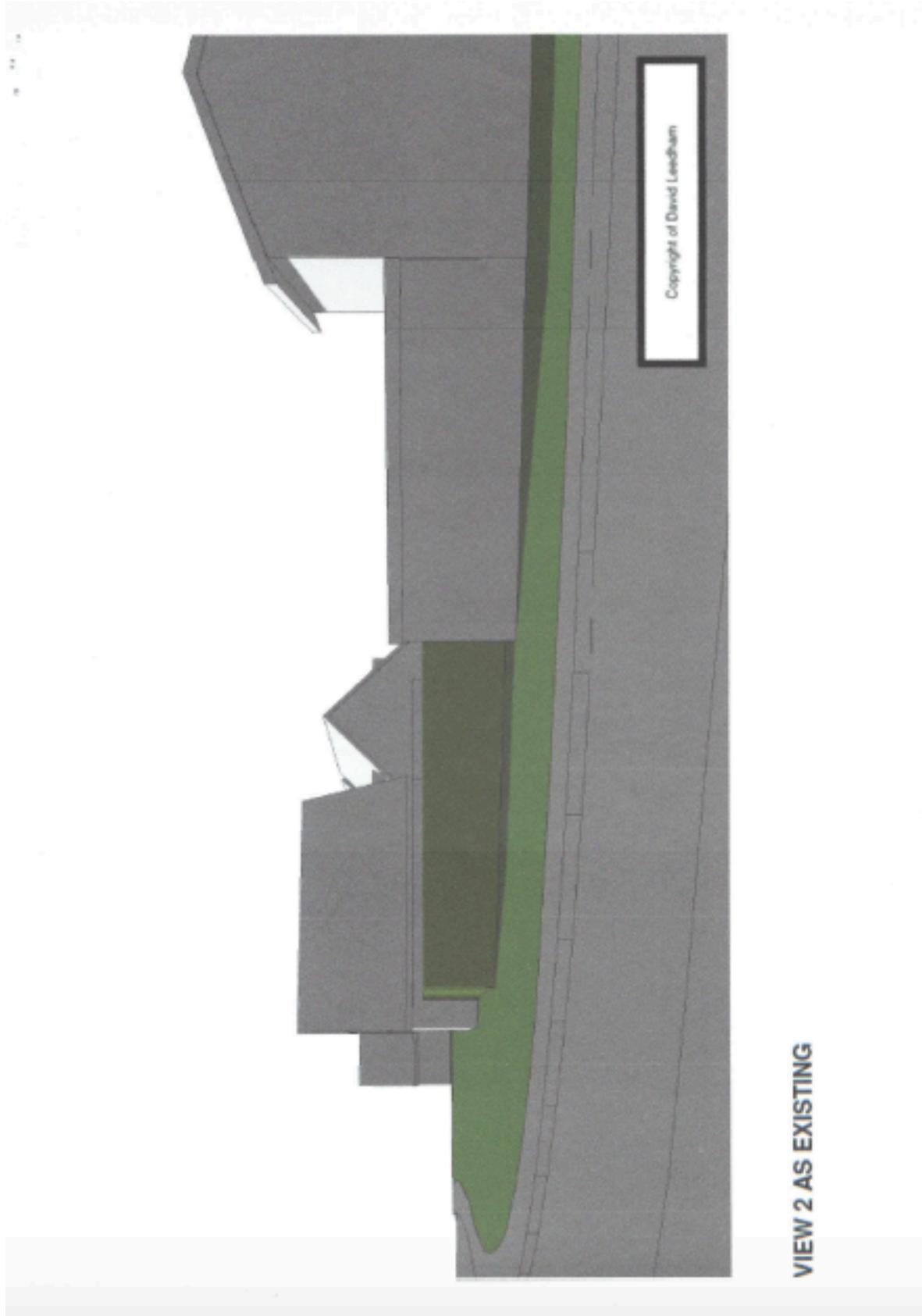
**ANNEXURE 3**

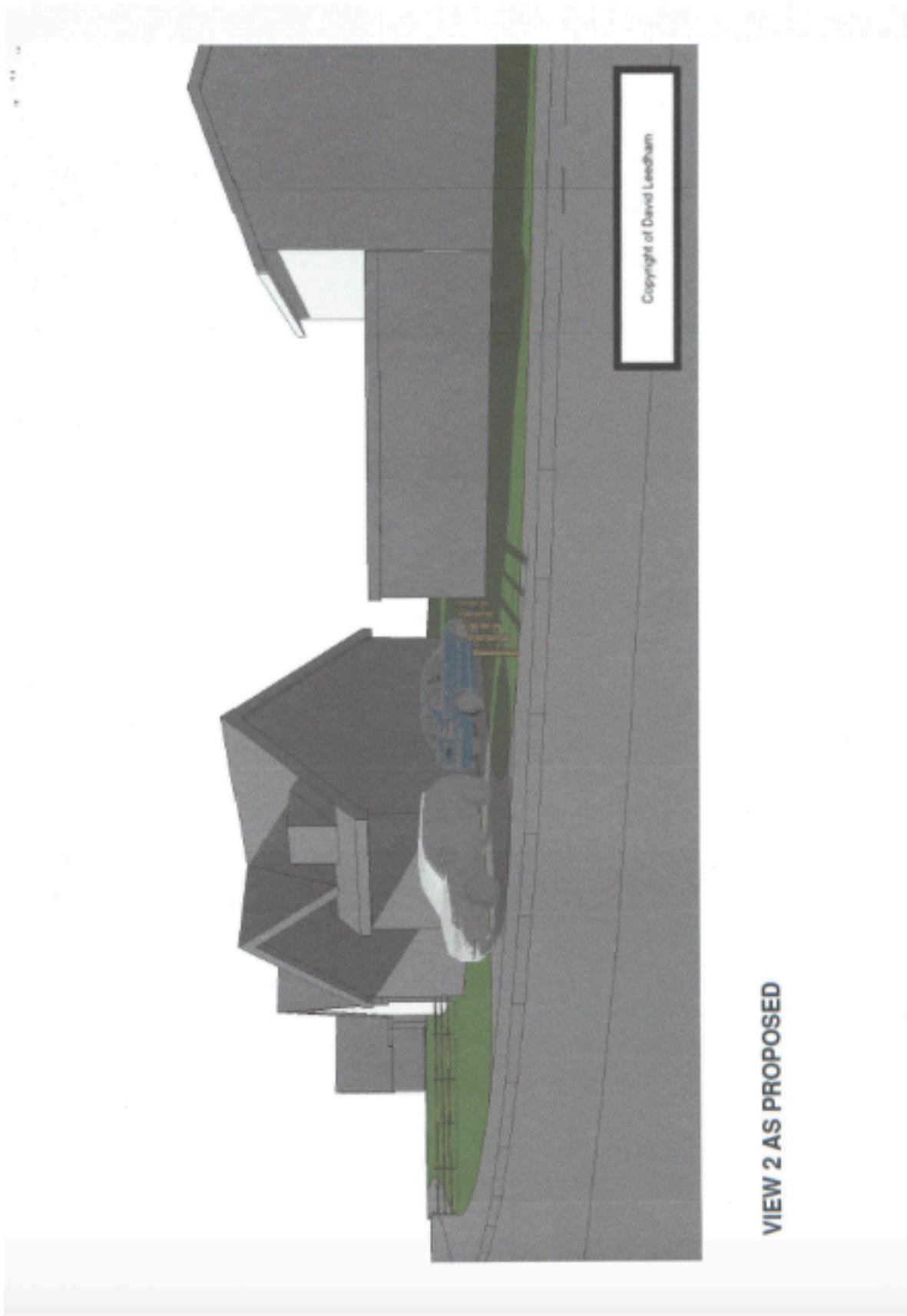
Architect's mock-up procured by the Objectors of the proposed development (referred to on page 8)





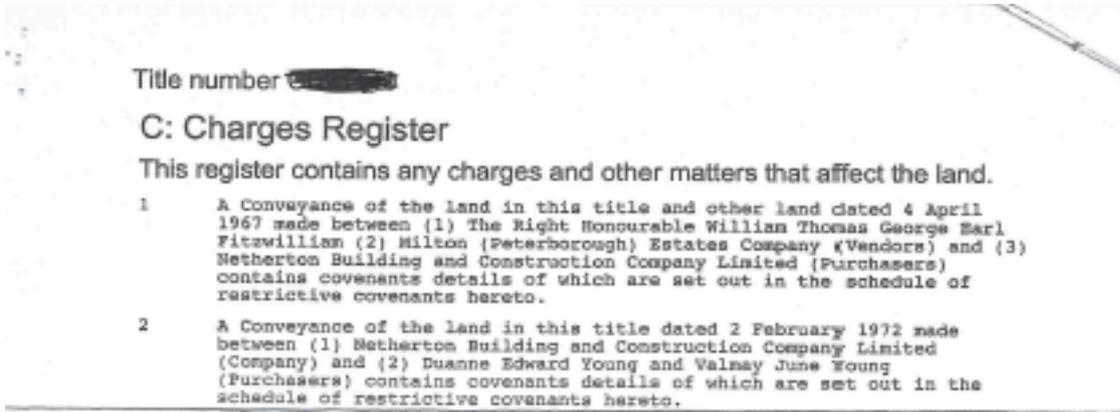






**ANNEXURE 4**

Official Copy Entries of the freehold of No 15 (title number CB32747) set out the restrictive covenants and the extract of a transfer of another resident's house sets out the covenants that will mirror those referred to in entry C2 of No 15's Official Copy Entries (referred to on page 16)



**Schedule of restrictive covenants**

- 1 The following are details of the covenants contained in the Conveyance dated 4 April 1967 referred to in the Charges Register:-
- For the benefit and protection of the Vendors adjoining or neighbouring property (hereinafter called the protected property) or any part thereof and so as to bind the property thereby conveyed into whosoever hands the same might come the Purchasers thereby covenanted with the Vendors not to do or suffer to be done upon the property thereby conveyed any act or thing which might be or become a nuisance or annoyance or injury to any of the protected property or to the tenants thereof.
- 2 The following are details of the covenants contained in the Conveyance dated 2 February 1972 referred to in the Charges Register:-
- "The Purchasers to the intent and so as to bind (so far as practicable) the lands and premises hereby assured into whosoever hands the same may come and to benefit and protect the residue of the Company's Longthorpe Estate and each and every part thereof hereby jointly and severally covenant with the Company to observe and perform the

Title number CB2

Schedule of restrictive covenants continued

covenants conditions and stipulations set out in the Third Schedule hereto.

THE THIRD SCHEDULE before referred to

Covenants by Purchaser

a. That no trade or business shall be carried on upon the property conveyed or any part thereof and that no building thereon shall be used for any purpose other than that of a private dwellinghouse

b. That no building or structure temporary or permanent (other than a properly constructed garden shed nor exceeding fifty square feet floor area and not over seven feet in height) shall be erected upon the property conveyed or any part thereof unless the plans elevations and positions thereof shall be first submitted to and approved by the Company whose Architect's fee of two guineas in respect thereof shall be paid by the Purchaser (whether or not the plans be approved) when the plans are submitted

c. Not to do or suffer to be done on the property hereby conveyed any act or thing which may be or become a nuisance annoyance or injury to the Company or its successors in title or any tenants of the Company or its successors in title or to the owners or occupiers of any adjoining or neighbouring (sic) property or any part thereof or any person entitled to the benefit of the similar covenant given by the Company in the Company's Conveyance or which may tend to depreciate or lessen the value of the said Estate of the Company or any part thereof as residential (sic) property

d. To maintain good and sufficient fences on the sides of the property hereby conveyed marked 'T' within the boundary on the said plan

e. To keep in good repair clear and when necessary renew such portion of any combined drainage system for foul or storm drains as may at any time be within the curtilage of the property hereby conveyed and to contribute a fair proportion of the cost of keeping in good repair cleaning or renewing such portion of any combined drainage system for foul or storm drains serving the property hereby conveyed as may be outside the curtilage of the property hereby conveyed

f. To join when requested by the Company so to with the Company and other persons concerned in applying to the Local Authority for the adoption as a highway repairable by the public at large of any road to which the property conveyed has a frontage

g. Not to contravene or commit any breach of or fail to observe any of the conditions of any consent to development of the property conveyed issued to the Company by the Planning Authority

h. By way of indemnity only to observe and perform the said restrictions so far as the same relate to or affect the property hereby conveyed and remain to be performed and observed and to indemnify the Company from and against all costs charges damage and liability in respect thereof (so far as aforesaid)

i. NOT TO REMOVE CHANGE OR INTERFERE with any wiring installations fittings or fittings placed in or or fixed to the said property by British Relay Wireless Limited or Her Majesty's Postmaster General prior to the date of execution hereof and to pay to British Relay Wireless Limited Her Majesty's Postmaster General or their respective servants or agents to maintain the said wiring installation fittings or fittings with the right upon reasonable notice to enter the said property for such purposes the party so entering making good any damage so caused

j. In regard to such part of the property conveyed as hatched green on the said plan (if any) to keep the same tidy and in good order and except where a path or drive is shown on the said plan property down and not (without the previous written consent of the Company) to place or erect or cause to suffer to be placed or erected on such part of the said property any wall fence building or other thing whatsoever but to

Title number CB[REDACTED]

Schedule of restrictive covenants continued

leave that part of the said property at all times unbuilt upon and open to the road to which it abuts and not to destroy or break up the turf on the same except that the Purchaser may (so long as such bed shall be maintained in good order) make up and maintain a flower bed on such part of any of the said land hatched green as is within four feet of the main front wall of the house and extending in length over the full frontage of the house (except where crossed by the pathway giving access to the house) and so that in calculating such distance of four feet the projection of a bay porch or footpath in front of the main wall shall be ignored

k. Not to interfere with remove damage or obstruct any of the drains pipes (including inspection covers) and services on the property conveyed and through which rights are excepted and reserved from this Conveyance and to allow the Company or any statutory Authority or persons authorised by either of them to enter on the property for the purposes of repairing relaying and maintaining the same subject to any damage occasioned by such entry being made good by the party entering

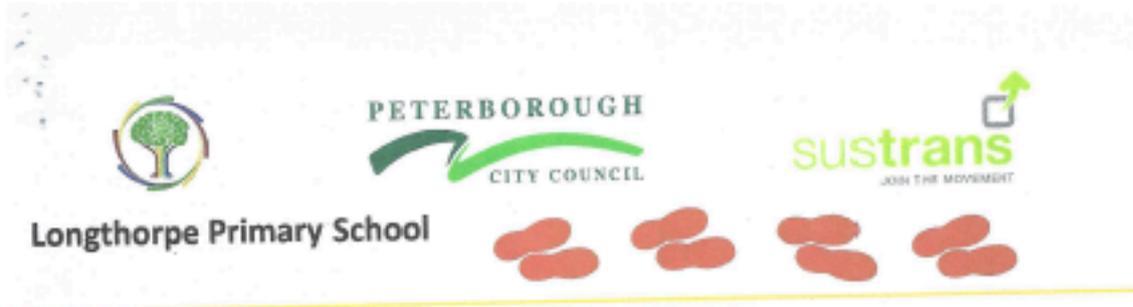
l. Not to interfere with remove or damage any tree now existing on the property conveyed or which may be planted by the Company within that part of the property hatched green on the said plan and to maintain (so far as practicable) the same in accordance with normal husbandry practice The Purchaser shall give necessary access over the property hereby conveyed to the Company and all persons authorised by it to replace any such tree which may at any time fail.'

NOTE: The 'T' marks referred to in paragraph d of the Schedule affect the north western and north eastern boundaries of the land in this title  
The land hatched green is tinted yellow on the filed plan.

End of register

**ANNEXURE 5**

Copy letter dated 03/03/2020 from the Council, the School and sustrans  
(referred to in footnote 33 on page 23)



Notice of Road closure  
Longthorpe Primary Schools Streets  
Week commencing March 16  
Information enclosed

Bradwell Road  
Peterborough  
Cambridgeshire  
PE3 9PZ

Dear Sir or Madam,

Date 03/02/2020

I am writing to you on behalf of Longthorpe Primary School to tell you about the upcoming school street closure.

As you know, drop-off and pick-up times at Longthorpe Primary School can be very busy for teachers, pupils, parents and residents with lots of congested traffic creating a stressful and potentially unsafe environment.

School Streets is a scheme where the streets outside a school are closed to traffic at school opening and closing times. We are looking to do a street closure for one week from the 16<sup>th</sup> to the 20<sup>th</sup> March 2020. All the roads from the Harewood Gardens junction down to the school will be closed in the mornings from 8.00am to 9.00am, and in the afternoons Monday to Thursday 2.30pm to 3.45pm and Fridays 1:45pm to 3.00 pm to all school run traffic.

The closure is likely to lead to some extra traffic and congestion on other roads near the school. We are putting in place a number of measures such as a walking bus, suggested Park and Stride sites and encouragement to walk or cycle to mitigate the increased traffic. However we anticipate that there may well be some increased traffic on your road during the street closure. We would like to

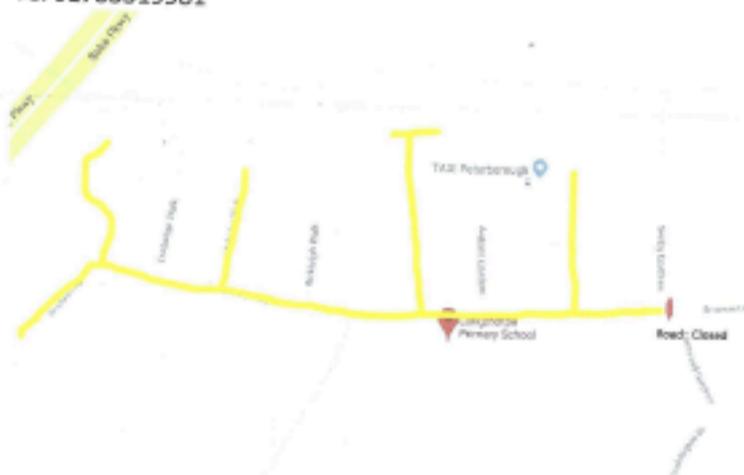
thank you in advance for your patience and apologize for any inconvenience caused.

We are running a consultation drop in event at the school on Tuesday the 11<sup>th</sup> February 2020. This will be in two sessions from 8:45am to 9:45 am and 14.30 to 18:00.

These sessions are designed for you to ask questions and find out more information about how the school street closure will work.

I look forward to seeing you at the school.

Alternatively if you would like more information you can contact the school office or Eric Schneider Sustrans Bike-It + officer on [eric.schneider@sustrans.org.uk](mailto:eric.schneider@sustrans.org.uk) Tel 01733319981



Best wishes,

*Eric Schneider*

Eric Schneider

Sustrans Bike It + Officer Peterborough

## ANNEXURE 6

Wording of email from Mr Leedham dated 17 March 2020 to Jack Gandy  
(referred to on page 29)

Hello Jack,

-  
**1 Sustainable Development**

-  
As the planning application is now in the hands of the planning committee, please can you disclose (or direct everyone to) the parameters and/or guidance incumbent on the planning committee as regards interpreting and considering the planning application in the context of "Sustainable Development" within Peterborough's Adopted Local Plan (PALP) (see 'strategic priorities', 'overarching objections' and Policy LP1 (Sustainable Development...)). The PALP states (in the glossary) that 'Sustainable Development - usually referred to as "development which meets the needs of the present without compromising the ability of future generations to meet their own needs" (Brundtland, 1987).' Such a broad concept requires any person/committee applying any part of the PALP that uses the phrase, to have answered rudimentary questions such as: what are the needs of 'the present'; who are 'the present' (both in time and extent of area); which future generations are to be considered; and what are the relevant needs of such future generations?

-  
I am asking for sight of the applicable parameters and/or guidance (in good time before the planning committee meets) in the context of transparency as to how a public body is being directed in making a decision. If there are no such parameters and/or guidance then for the same reasons of transparency it will be incumbent upon the planning committee to expressly define and record how it is interpreting "Sustainable Development" for the purposes of considering the planning application.

-  
**2 Planning Department report**

-  
Finally, please can you advise when the planning departments report/guidance to the planning committee will be available to the public? Members of the public should have a reasonable period in which to consider the report/guidance ahead of the planning committee meeting, particularly as there is only limited time, in front of the planning committee, in which to verbally address any issue raised. Such reasonable period needs to take account of the fact that people work and objecting to planning applications is not their usual activity.

-  
I look forward to hearing from you.

-  
Regards

David