

Response to Planning Application 14/00731/FUL

In my role as Neighbourhood Watch (NHW) Coordinator for Regency Way, Peterborough, I have been asked by a number of local residents (I can provide all their names and addresses should this be a requirement) to pull together their various objections on the recent Planning Application 14/00731/FUL and to submit these comments on the residents' collective behalf before the deadline date of 16 June 2014. The comments below unanimously represent the views of those who have approached me about this application. Other residents may be commenting separately of course, as is their prerogative.

Perhaps I should stress from the outset that I have also been approached on at least three separate occasions over the last few years for advice and help by various members of the Syed family who live at No1 Regency Way and who are now the applicants for Planning Application 14/00731/FUL. I have always sought to give the Syed family my best advice on any such occasions just as I would do for any other local residents.

Mrs. M.P.Barrett

Key Objections to Planning Application 14/00731/FUL

A majority of residents of Regency Way, and some immediate neighbours on The Drive and Thorpe Road, OBJECT to the planning application on the following grounds:

Combined comments as follows:

1. Ownership: The land referred to in this application (part of the former lane) is not owned by the applicant and they have no legal title to it. This would appear to be a serious flaw in the application. PCC may therefore need to seek legal advice on this point in relation to the actual validity of the pending application.

Irrespective of this, following extensive research of the archives held at the Church of England Record Centre (CERC) in Bermondsey, London, it has come to light that the last known owners of the former lane were **The Ecclesiastical Commissioners for England** (now known as the Church Commissioners) who definitely owned the land in 1879 - please see the attached document dated 22 April 1879 and plan (3 pages in total, original filed under CERC reference F58859) which confirms this fact. The full extent of the former lane, also known as Occupation Road, is clearly shown as being within ECE ownership on that same plan.

Further exhaustive research of the Church Commissioners archives did not reveal any subsequent sales whatsoever of the land on which the former lane stands. Given the above, it is our considered opinion that the Church Commissioners remain the legal owners of the former track, therefore we ask that, at the very least, PCC takes appropriate steps to serve notice on the Church Commissioners alerting them to the implications of Planning Application 14/00731/FUL.

Additionally, No1 erected a new fence/gate last June to include not only the former track adjacent to their property but also part of the land already registered under CB17652 ie 19 The Drive. The former lane is 20 feet wide throughout its full length (as shown on legal documents for other titles and earlier editions of the Ordnance Survey map) yet the new fence/gate facing Regency Way itself is much wider than 20 feet and **clearly eats significantly into the registered extent of CB17652**. A site visit may be required to fully appreciate this comment. We therefore ask that, at the very least, PCC takes appropriate steps to serve notice on the registered proprietors of CB17562 alerting them to the implications of Planning Application 14/00731/FUL.

2. Right of Way: Land Registry records show that the owner of No 63 Thorpe Road has a legal right of way over the whole length of the former lane. However, the land now the subject of planning application 14/00731/FUL has already been fenced off thus preventing the right of way from being exercised. The owner of No 63 Thorpe Road (Mr David Johnson) wrote to No1 Regency Way on 9 January 2014 pointing out this fact and is still awaiting a reply. A copy of Mr Johnson's letter can be provided for record purposes if required. Mr. Johnson's valid intervention adds to the flawed nature of the application. Again, PCC may need to seek legal advice on this point in relation to the validity of the pending application.

3. Stated Reason for application: Application 14/00731/FUL purports to be for "*Change of use of track to garden*".

PCC Planning Control should note that local residents have been in lengthy correspondence with PCC Planning Compliance over the last three years about the occupants of No1 trading in cars at a business level from their residential property. This trading has been done from their residential address by making use of land alongside their rear garden to park vehicles and to give test-drives using trade plates officially licensed to another car-trader in another part of Peterborough. Information on this topic has been gathered already by PCC - please contact PCC Planning Compliance for more information. A simple web search also reveals that at least three other businesses - (i) Motor Claims Consultants Ltd (ii) Switch Car Hire and Recovery Services Ltd and (iii) Desimag Ltd - are being carried out at No1 already. By extending the garden area via the possible approval of this pending application there is a strong probability that yet more space would be given over to expanding professional car trading activities from No1's residential premises. There is understandably great suspicion amongst local residents as to the motives behind 14/00731/FUL.

NOTE: THIS IS THE MAIN REASON WHY LOCAL RESIDENTS ARE NOW ACTING TOGETHER TO OBJECT TO Planning application 14/00731/FUL. WE DO NOT WANT TO FACILITATE A RETURN TO THE CAR TRADING ACTIVITIES WE HAVE ENDURED FROM No1 IN THE RECENT PAST.

WHAT ENFORCEABLE CONDITIONS CAN PCC IMPOSE TO PREVENT THIS CAR-TRADING ACTIVITY FROM RECURRING AS A RESULT OF THE POSSIBLE APPROVAL OF CHANGE OF USE OF THIS LAND?

4. Comments on the Application form itself:

Section 5 – the “Details” box has not been completed despite the fact that the applicant has stated that pre-application advice has been provided by PCC.

Section 6 – the fifth and last box in this section appears to have been answered incorrectly – a right of way is clearly affected. There is definitely an issue about extinguishment of a known right of way over the land sought to be used by the applicant.

Section 9 – The details on the plan provided are very unclear. What do they mean? The plan should show the precise dimension of the width of the former lane ie 20 feet and explain why that differs from the dimension of the newly erected fence/gate so substantially.

Section 10 – The applicant has written “See cover letter” but that letter refers only to the land at the front of the house – it does not state anything about parking or not parking on the land which is the subject of this application ie on the former track adjacent to No1. What is their intention?

Section 14 – The first box has not been completed.

Section 16 – there are currently a number of old vehicles parked alongside and at the rear of No1. These vehicles almost certainly contain some fuel and various oils. There are also batteries left in the open – as shown on PCC Highway photos. This is an important health and safety issue.

Section 23 – see previous point.

Section 26 – The applicant has signed a Declaration here. We draw your attention to the misleading details in the Supporting Document once again (see next paragraph)

5. The “facts outline” Supporting Document : The supporting document supplied by the applicant is misleading and inaccurate in a number of respects. This purports to be a key document in support of the application but it is flawed in many places. Residents simply do not recognise the alarming and bleak picture that is being portrayed by the applicant (almost certainly in a misguided attempt to artificially strengthen the case made in their application).

The following points refer:

- (i) In a couple of places the applicant states that she has **“looked after the land for the past 6 years”**. I’m afraid this is not so. The owners of No1 moved into their house in 2006 but never maintained or cultivated this piece of land until the weekend of 22 - 24 June 2013 when a new wooden fence/gate was erected. A few years ago, old used cars were occasionally parked on the land (part of the former lane). Following complaints, I understand No1 were subsequently advised by the Police/PCC to remove those vehicles on the basis that the land was not owned by them and the old cars were an eyesore. Many residents can unequivocally confirm that the new fencing and gates were actually erected by No1 over the weekend

of 22 - 24 June 2013 so as to include the land in 14/00731/FUL within the physical fenced extent of No1. This was the first indication to anyone locally that No1 were seeking to maintain or cultivate that land.

- (ii) The applicant states that she has "**cut the lawn and cleared the land**". But there is no lawn. The land is just muddy and full of debris (as evidenced by the photos from PCC's own on-site visit).
- (iii) **Reference to Previous burglaries** – Official eCOPS statistics show that there were no burglaries within Regency Way during 2013 (nor 2012 for that matter). However, over the years there have been some recorded instances of Anti-Social Behaviour (one recorded incident in 2012 and another recorded incident in 2013) at the children's play area at the eastern end of Regency Way but this is quite a distance from No1 and should have no bearing whatsoever on 14/00731/FUL. PCC may need to consult the eCOPS statistics to confirm any other such figures.
- (iv) "**Cars being damaged/broken into**" and "**Car theft and criminal damage**" - soon after the current occupants of No1 moved into their property one of their cars was broken into and a radio stolen but that happened as long ago as 2007. This was referred to NHW at the time. There have been no reported instances of vehicles having been stolen or broken into since that date as per eCOPS statistics.
- (v) "**Racism**" - NB: We find the remark made about "racism" to be extremely offensive. In Regency Way there are more than 7 different nationalities represented by residents. This is the first reference we have ever heard about "racism" – where is the supporting evidence? Our past and current concerns to PCC have been purely about illegal activities being carried out by residents of No1. All residents should be subject to the same laws irrespective of their ethnic origins and these laws should be equally and fairly enforced as necessary. Our main complaint has been, and still, is that PCC seems reluctant to take enforcement action against No1.
- (vi) "**Youths hanging out**" and "**thieves and intruders**" – we can only speculate that these are likely to be references by the applicant to some anti-social behaviour being carried out at the eastern end of Regency Way at odd times over the years. However those incidents took place well away from No1 and were never serious enough to ever make the Police arrest or formally caution anyone – again, eCOPS statistics will confirm.
- (vii) "**Pests - rats, mice, and foxes**" – Local residents will confirm that pests such as rats and mice are not seen elsewhere in the street. Foxes have been seen from time to time but they are not really regarded as a nuisance by other residents.

- (viii) **“tipping/broken glass and rubbish”**: Instances of fly-tipping on the former lane have indeed been reported in the past to PCC. Our local councillor told us that, on one occasion, No1 were asked to remove a large number of tyres which they had dumped on the former lane themselves. Although residents have more information about this, it’s probably best for PCC Planning to contact PCC Neighbourhood Services or Councillor Arculus for a completely independent and unbiased report about this.
- (ix) **“no assistance was provided by anyone having requested this on many occasions”** :- Feedback suggests that no other local residents were ever approached about this. Maybe PCC were contacted by No1? If so, more details about this would be useful.

With reference to the rear garden, **“This is all now cleared up and well maintained”**. This remark is completely at odds with the findings of PCC’s own on-site inspection. Please see their photos (submitted with 13/01723/FUL). The land at the side and rear of the house is littered with rubbish and is uncultivated.

- (x) **“The front of the land is fenced and gated”**: Gates have been erected on land that No1 does not own and hides the fact that as many as 6 or 7 cars have been parked on the former lane alongside the rear of their property. This has been additional to any cars parked on their front lawn and on the road itself. Obviously some of these vehicles are used by the family at No1 but potential purchasers of other vehicles parked on their premises were regularly seen inspecting the cars during 2013 when PCC were asked to investigate suspected car trading activities at the premises. Residents are deeply suspicious that No1 is now seeking to extend their own garden ground through the guise of 14/00731/FUL with the ultimate aim of storing yet more vehicles in the former lane alongside the rear garden for further car trading purposes.

Once again,

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- (xi) **“Poor lighting”** – The street lighting in Regency Way is excellent. Older lights were completely replaced during 2013.
- (xii) **“Dog Fouling”** – The only incident of dog fouling ever reported to NHW occurred in the children’s play area at the Eastern end of Regency Way some years ago. This was reported to PCC who took swift and effective

action to rectify the situation. Any dog fouling problems at or near No1 have never been brought to the attention of other residents or NHW.

6. Other points to consider

- (i) **Parking** - Like most houses in the street, No1 has a double garage with two adjacent drive areas which one would normally expect to be sufficient to park all family-owned cars but that appears not to be so in this instance. Despite being noticeably quiet over the last few weeks, No1 regularly parks cars on their front lawn and back garden, and in the former lane alongside their rear garden as well as yet more vehicles on the road – residents have evidence of this should it be required. How many families have up to 11 “family cars” exclusively in their family ownership?

Neighbourhood Watch records show that there have been two separate collisions involving vehicles owned by and parked outside No1 in recent years. There are a number of cars in situ already on the former lane and these would have to be manoeuvred (somehow) on a daily basis to allow all their other vehicles to be parked, re-parked, and/or driven away. Have the basic logistics of this been taken into account by the applicant? Does the PCC Planning Approval body take this into account too or is that the responsibility of yet another part of PCC? Whatever the response to those questions is, PCC would surely be ill-advised if they were to approve the Planning Application without demanding reassurances about ceasing the parking of cars at the rear of the property and imposing clearly *enforceable* conditions as part of their decision.

Residents are very aware of the parking permit regulations and know that several vehicles could legally be parked on the street. Where valid permits are displayed this is not a problem but the fact is permits are frequently not displayed on the cars parked outside No1.

- (ii) **Valeting** – Over the last two years, cars have been regularly washed and valeted at No1 at all times of the day and night – this activity has been carried out on a scale much greater than one would expect from normal domestic use and only serves to confirm that vehicles are being prepared for selling on at a business scale. The associated noise and general nuisance has caused great discomfort and distress especially to near neighbours over a long period of time.
- (iii) **PCC Highways Control Team** – PCC’s own Highways team has made on-site inspections of the land at No1 and have made strong recommendations as to the health and safety aspects of parking cars at the rear and side of that property. Residents cannot understand why those recommendations have still not been enforced and, as a result, have taken their complaint about this to Stewart Jackson, our local MP.

- (iv) **Footpath access** - Regency Way is a narrow road; there is a footpath on one side only – the side on which No1 is located – and this footpath has been frequently blocked by parked cars outside No1 forcing pedestrians, including many children, onto the road itself. This is an accident waiting to happen.

- (v) **Property Values** - Properties adjacent to No1 have failed to sell when placed on the market over the last few years – feedback tells us that potential purchasers have been put off by the continuing chaos and disruption seen regularly at No1. Their behaviour in cluttering their garden and the street with cars obviously has an impact on all nearby properties. It actually devalues all properties including No1 itself although they seem to be oblivious to that fact.

Summary,

A number of residents would be willing to meet with Planning Control officers to formally discuss this matter if it were deemed appropriate. Additionally, individual residents have confirmed they would be willing to testify to any of the facts given in this submission to PCC.

As you will have gathered by now, local residents are extremely concerned, suspicious and angry that the long-established, quiet, residential, nature of the street is being lost due to the gradual escalation, by No1, of (i) their long history of unauthorised car-trading activities and (ii) the frequent movement of abnormally large numbers of vehicles at non-commercial premises. Residents would be negligent at best if they allowed this application to proceed in its current form uncontested.

I would be grateful if the Planning Application Team could respond to the many relevant points raised within this submission so that local residents can be reassured that the PCC decision-making process is seen to be fair and above board to one and all parties.

In case of future challenges, I will retain all relevant correspondence on this matter in my Neighbourhood Watch file as a record of the petitions made by residents and the responses officially received by them from PCC.

Mrs Mary Barrett Neighbourhood Watch Co-Ordinator (Regency Way)

(on behalf of a majority of Regency Way Residents)



26 May 2014

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