

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]¹ (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>

¹ 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 Report² 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

² 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 785m² 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*"³.
- 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**):

³ 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 ⁴

~~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*” ⁵. “[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*”⁶. “*The NPPF^[7] 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’.*”⁸
- (b) The relevant “*overarching principles*”⁹ to the Proposal are:

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

⁴ https://drive.google.com/file/d/1NMAZKc0AcA8ibplwB_2raMVjtVojH6r0/view

⁵ Local Plan - Paragraph 3.1: Our Vision for Peterborough

⁶ Local Plan - Paragraph 4.1: Our Objectives

⁷ National Planning Policy Framework

⁸ Local Plan - Paragraph 4.2: Our Objectives

⁹ 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.**”¹⁰. 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**”¹¹.
- (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...**”¹².
- (f) “**All dwellings should meet Building Regulations Part M4(2)**”¹³ (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**”¹⁴.
- (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**¹⁵]”¹⁶.

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]¹⁷ 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.”

¹⁰ Local Plan – paragraph 6.11.3

¹¹ Local Plan – paragraph 6.12.1

¹² Local Plan – paragraph 5.28

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

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

¹⁵ 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 - defines on page 70 “previously developed land” as excluding urban, residential gardens definition

¹⁶ Local Plan – paragraph 6.8.8

¹⁷ 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]¹⁸ 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)¹⁵:

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

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**.²⁸

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.

¹⁸ EWCA Civ 141

¹⁹ Local Plan – page 48

²⁰ Local Plan – page 49

²¹ Local Plan – pages 43-44

²² Local Plan – page 30

²³ Local Plan – pages 80-81

²⁴ Local Plan – pages 82-83

²⁵ Local Plan – page 11

²⁶ Local Plan – pages 12-13

²⁷ Local Plan – pages 15-16

²⁸ 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"> • <i>the local patterns of development, including street plots and blocks, spaces between buildings and boundary treatments"</i> 	<ul style="list-style-type: none"> (a) The Proposal disregards the area's plot sizes that provide large, spacious 3 to 4 bedrooms houses, with garages and large gardens. (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>". (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. (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).

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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 & 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 Schedule 4.</p>
<ul style="list-style-type: none"> • 	<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 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.</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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		<p>(g) The size of the Proposal’s Front Windows (defined in section 3.3(f)) are out of keeping with those of the houses in the street and so will appear small and mean by comparison.</p> <p>(h) See Schedule 4.</p>
•	“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”	<p>(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.</p> <p>(b) The Proposal’s lack of garage and tandem, off-road parking will exacerbate the intrusion of parked vehicles onto the street scene.</p> <p>(c) See Schedule 4.</p>

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 ²⁹:

“[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

²⁹ 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*”³⁰ and that the materials for walls will be “*Brick similar to adjacent*” for the roof, “*concrete tiles similar to adjacent*” and for windows, “upvc”.³¹

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

³⁰ The Proposal’s Design & Access Statement

³¹ 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.”³²

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 – 1st part

2.1	<p><i>“Amenity of existing occupiers</i></p> <p><i>“New development should not result in an unacceptable impact on the amenity of existing occupiers of any nearby properties. These impacts may include:</i></p> <p><i>“a. loss of privacy for the occupiers of any nearby property; or</i></p> <p><i>“b. loss of ... amenity space; or ...</i></p> <p><i>“d. loss of light to and/or overshadowing of any nearby property; or</i></p> <p><i>“e. overbearing impact on any nearby property; ...”</i></p>
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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.
<i>Effects on No. 15</i>				
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 ² and 402m ² . 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 section 2.1) that is currently enjoyed from within No.15 via its Picture Window and its East Dormer Window (defined in section 2.3) and externally from within the various parts of No 15’s private gardens.		X	X	X

³² Local Plan - paragraph 6.12.1

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	<i>Unacceptable impacts</i>			
	a.	b.	d.	e.
<i>Effects on No. 13</i>				
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
<i>Effects on No. 23</i>				
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
<i>Effects on No.s 18, 20 and 22</i>				
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 paragraph 3.3(f)) will instead look out at the neighbours.	X	X	X	X

3 Policy LP17: Amenity Provision – 2nd 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>Deficiency/defect in the Proposal</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 section 3.3(f)) 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 st floor, eastward looking windows.	X		X		
The Proposal fails to address key policy requirements and laws (eg see Schedule 4) 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 Schedule 4 showing non-compliance with policy and laws must necessarily mean that the Proposal fails.		X			
For the reasons identified in Schedule 4 , 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 Schedule 4 paragraph 3)		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 times³³);
- (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*

³³ 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 driveway³⁴.

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 area³⁵; the Proposal appears to satisfy that.

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

³⁵ 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) ¹³⁶, 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

³⁶

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 LP8³⁷. 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.*

³⁷ 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 ³⁸.

³⁸ 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 LP1³⁹ 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.”*⁴⁰

Policy LP2⁴¹ 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 response⁴² – 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.⁴³ Policy LP3⁴⁴ 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> ⁴⁵	<i>9%</i>

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

³⁹ Policy LP1: Sustainable Development and the Creation of the UK's Environment Capital

⁴⁰ Underlining added for the purposes of this document.

⁴¹ Policy LP2: The Settlement Hierarchy and the Countryside

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

⁴³ Local Plan – paragraph 5.28

⁴⁴ Policy LP3: Spatial Strategy for the Location of Residential Development

⁴⁵ “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)⁴⁶;

“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]*⁴⁷ (**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:

⁴⁶ 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)”*.

⁴⁷ 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 stated⁴⁸ 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."*⁴⁹

*"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) ..."*⁵⁰

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.

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

⁴⁹ NPPF - paragraph 70

⁵⁰ NPPF - paragraph 122 under the heading "Achieving appropriate densities"

6 Committee Report

6.1 Officers have sought legal advice

The Committee Report states that⁵¹;

“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 that⁵¹;

“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.

⁵¹ See page 11 of the Committee Report, the 3rd 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.

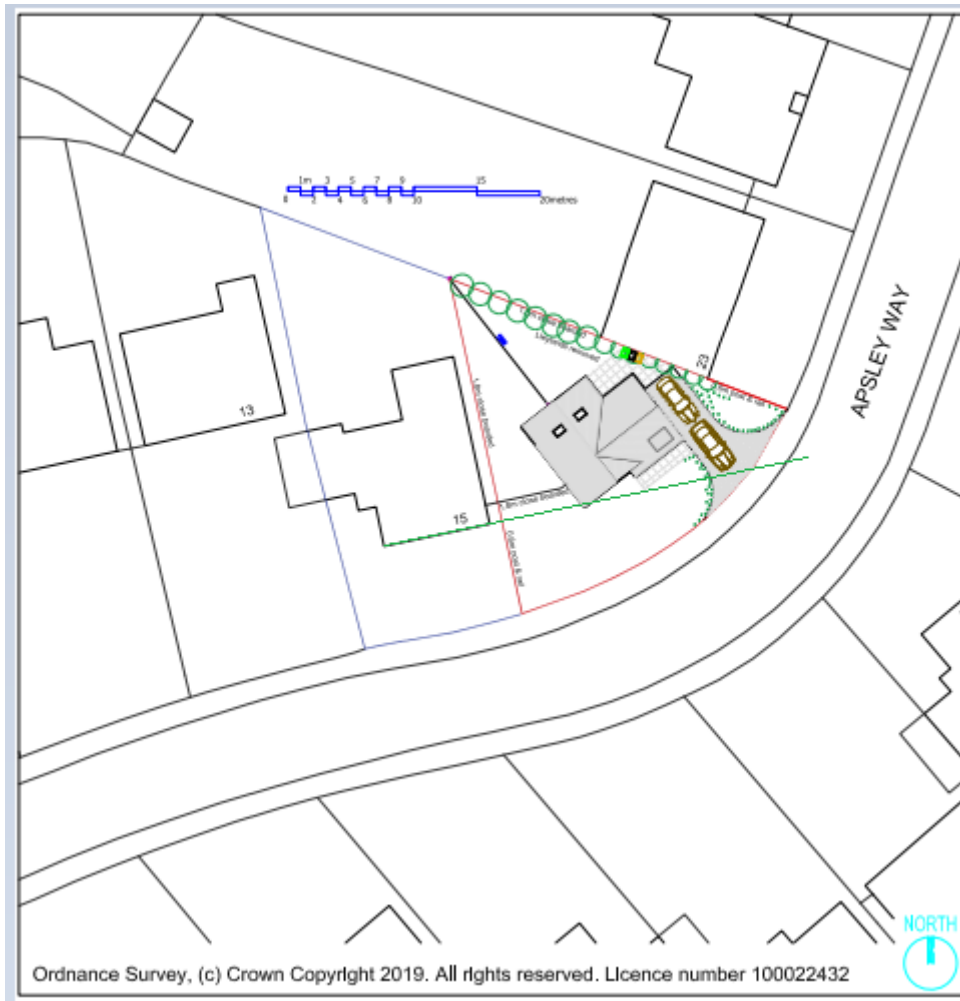
Not only does this means the Tree officer's request cannot be met it is but it is yet another indication of two underlying flaws:

- (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.

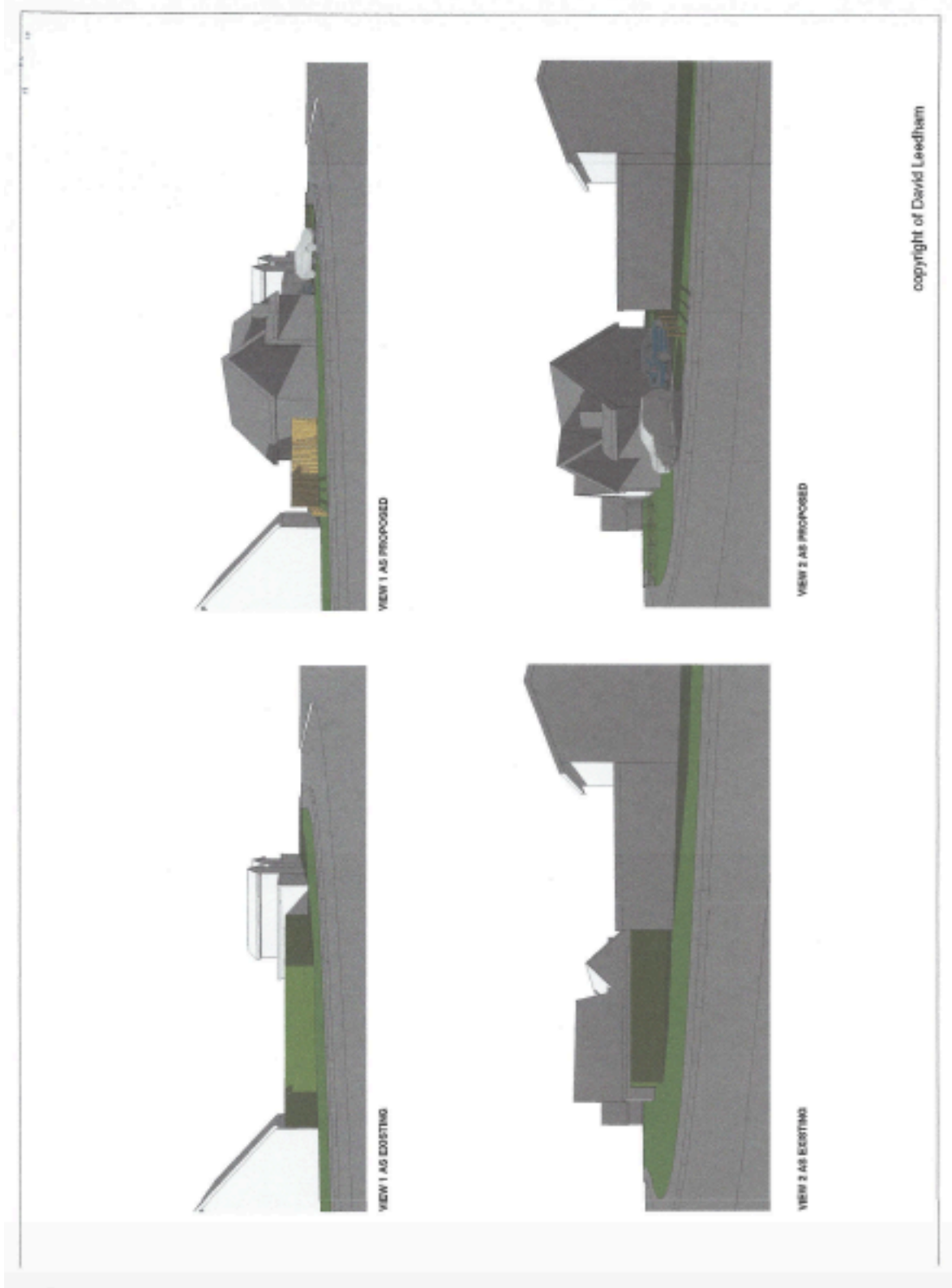
This copy is not an 'Official Copy' of the title plan. An official copy of the title plan is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want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

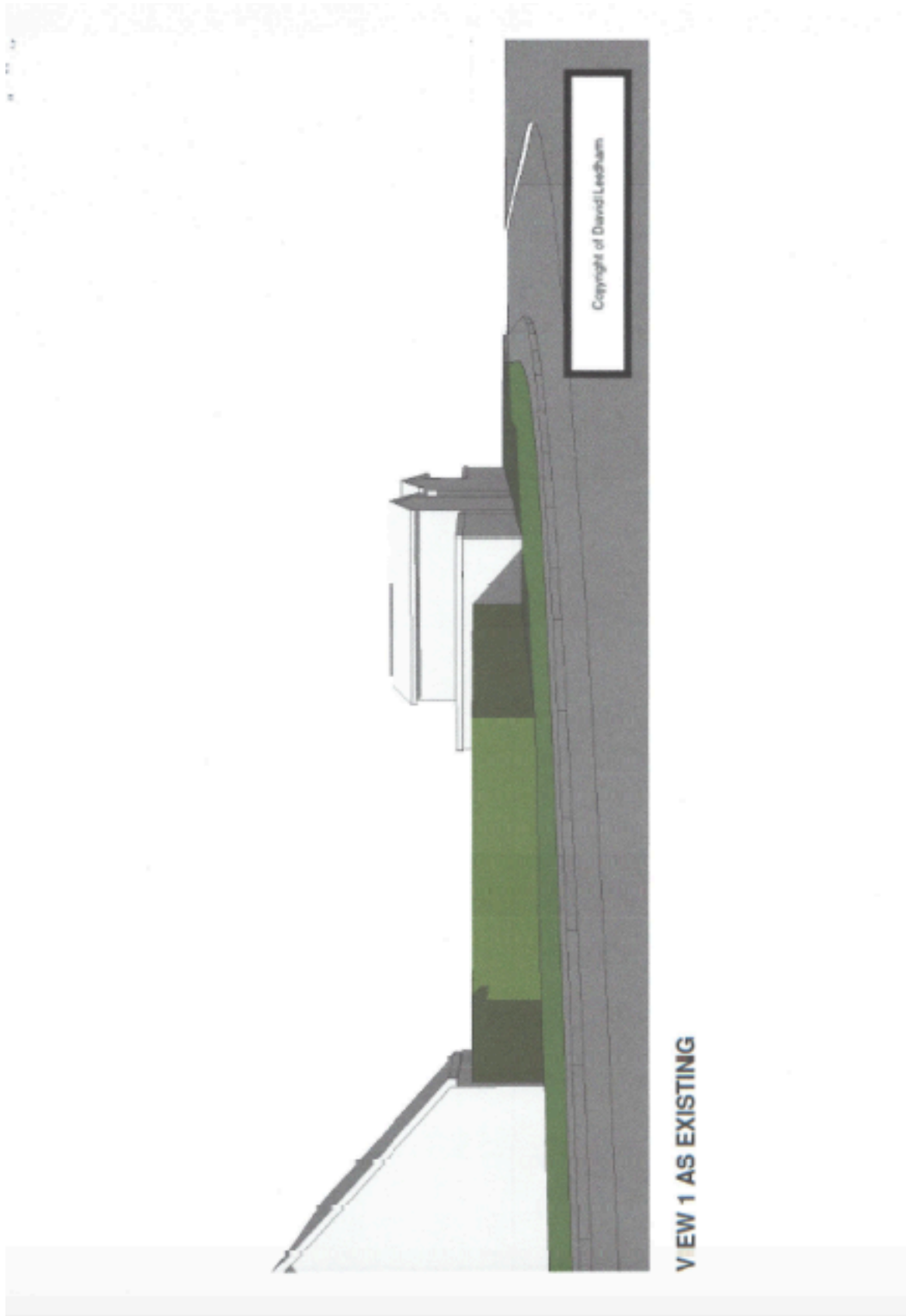
HM Land Registry endeavours to maintain high quality and scale accuracy of title plan images. The quality and accuracy of any print will depend on your printer, your computer and its print settings. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to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

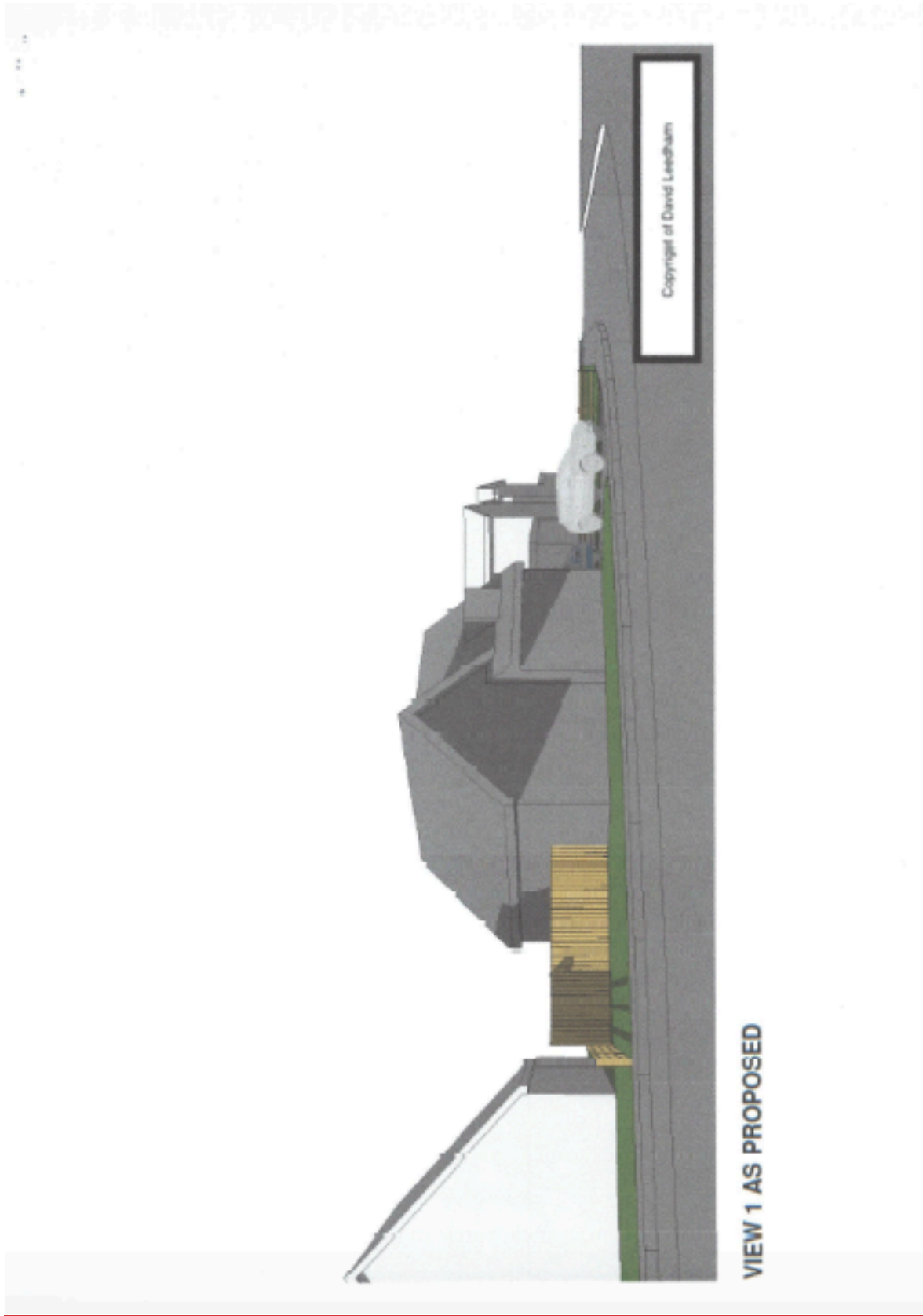
This title is dealt with by HM Land Registry, Peterborough Office.

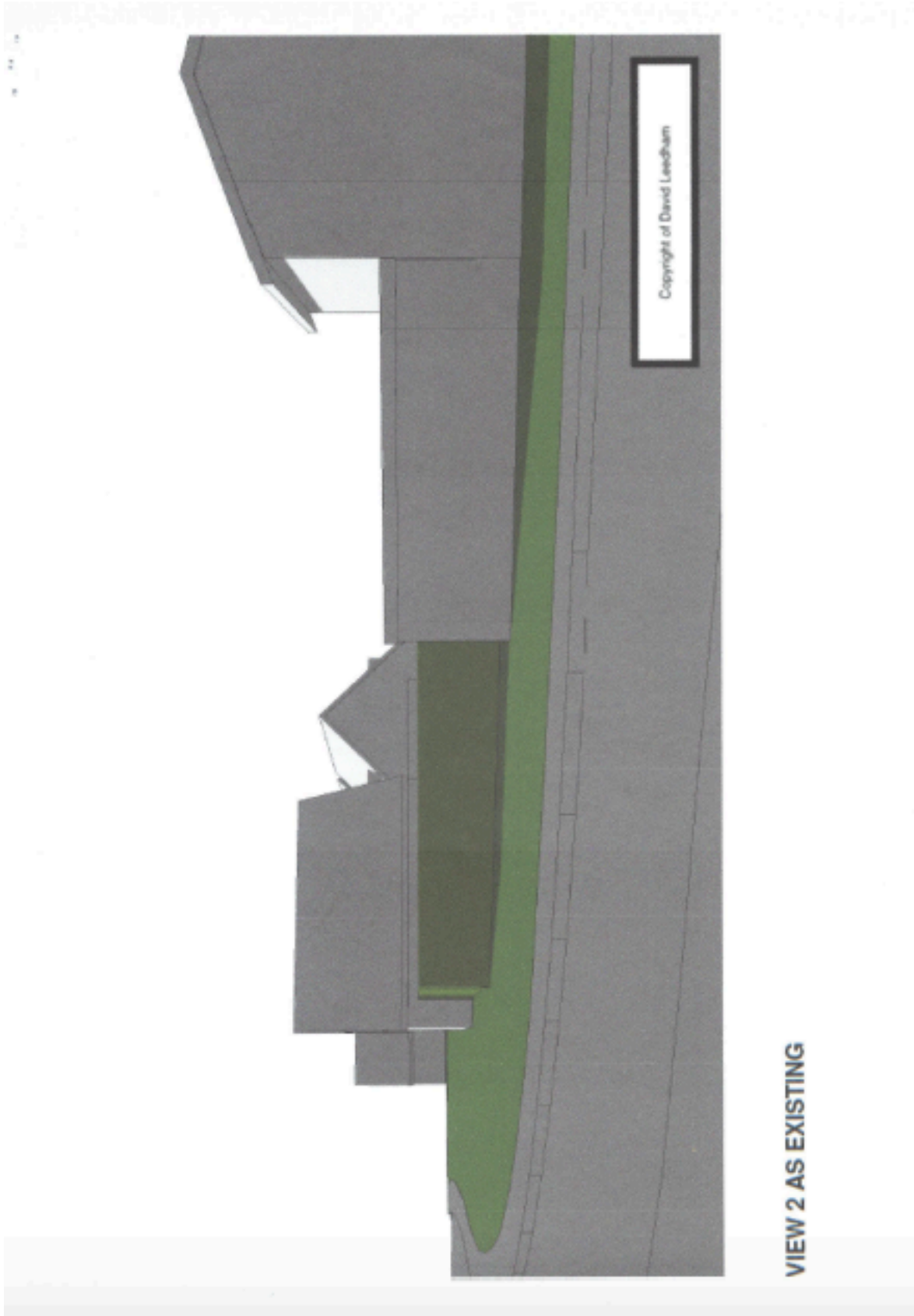
ANNEXURE 3

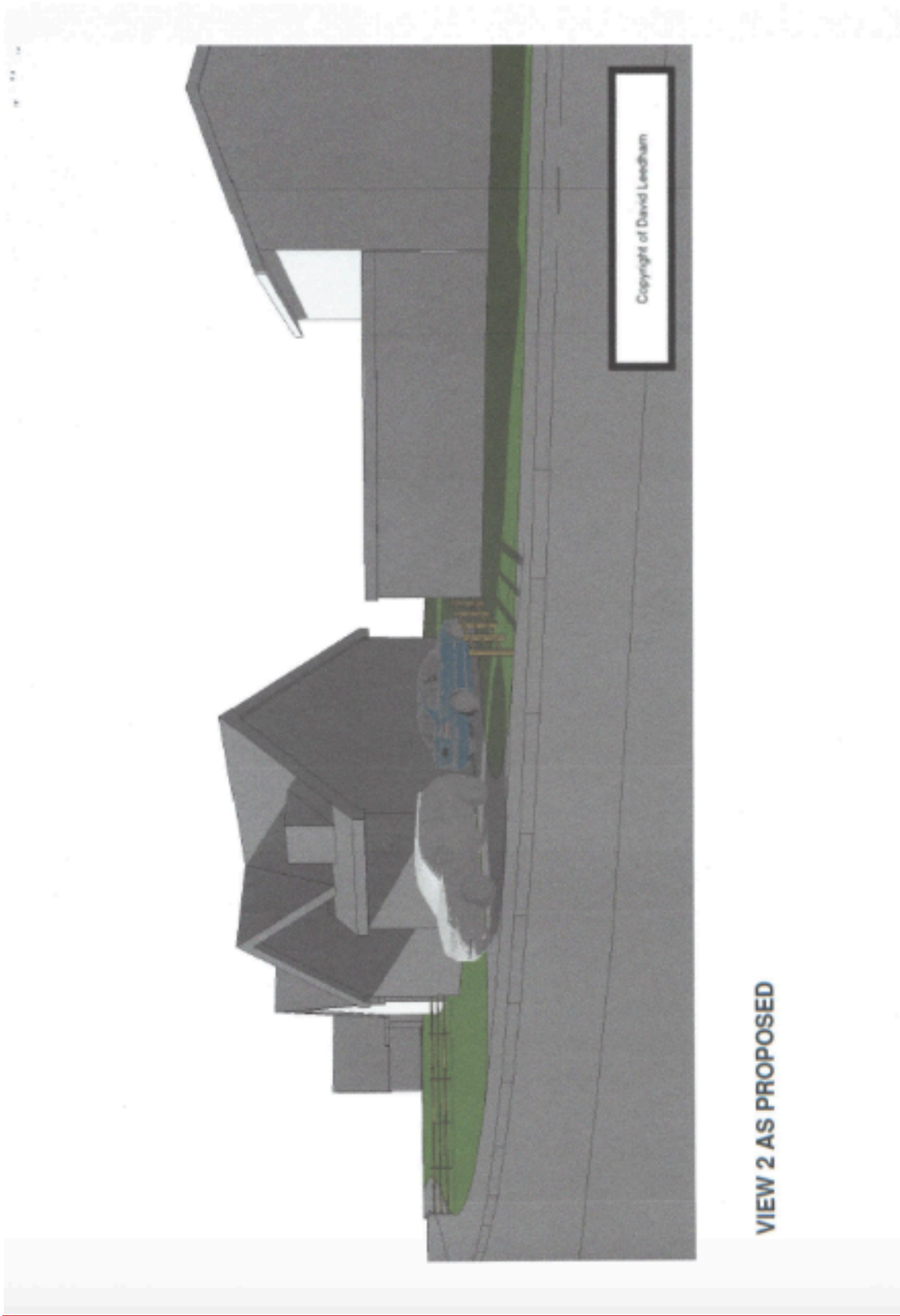
Architect's mock-up procured by the Objectors of the proposed development (referred to on page 8)





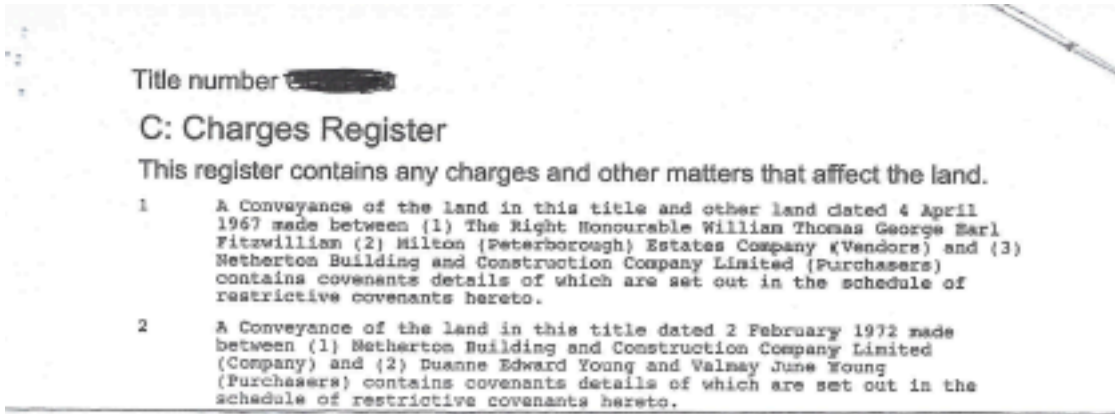






ANNEXURE 4

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 OR ALTER any wiring installation 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 permit 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 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 16th to the 20th 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

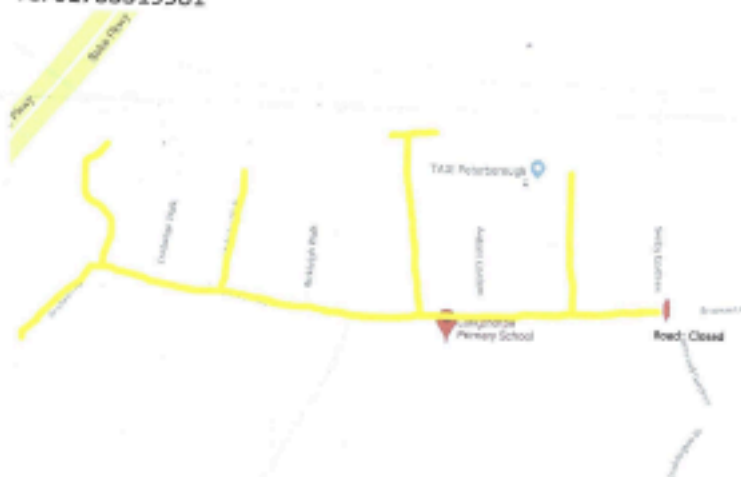
thank you in advance for your patience and apologize for any inconvenience caused.

We are running a consultation drop in event at the school on Tuesday the 11th 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 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